

## **Do honest appraisal ratings lead to grievances, EEO complaints?**

By Herb Levine, *SmartAnswers* Correspondent

Some federal supervisors rate all their employees "outstanding" because they believe them to be, and others are just going with the flow.

But many supervisors fear that if they are honest in their appraisals, they will only buy trouble in the form of grievances and EEO complaints.

If that is your worry, you have some grounds for concern. But there is still good reason to use the annual rating as an honest tool to manage employee performance.

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## **When will employees appeal?**

According to Robbie Kunreuther, director of Government Personnel Services, a training firm in Seattle, the majority of employees don't protest less than outstanding ratings, except when they have reason to fear economic impact.

Unacceptable ratings lead to performance-based removal and marginal ratings lead to denial of within-grade increases. When these actions are taken, decision letters inform employees of their MSPB appeal rights. If you give one of these appraisals, Kunreuther said, "expect to be on the witness stand eventually."

Fully successful or even "exceeds fully successful" ratings are apt to be appealed, Kunreuther said, when a reduction in force is likely, since appraisals can add to or subtract from the points gained by seniority and could make the difference between RIF and retention.

But employees rarely grieve ratings simply because they miss out on incentive awards, Kunreuther said. "Most employees don't really want to embarrass their supervisors," he said, whom they know have no evidence to back up their ratings.

Most unions and the employees they represent "don't really want to work in a bean counter environment," Kunreuther explained. They therefore don't usually push appraisal grievances because they don't want to force

supervisors to adopt metrics in their performance standards.

### **Avoid inflation, rate often**

William Bransford, partner with the Washington-based law firm Shaw, Bransford, Veilleux & Roth, said appeals will cause you the most problems when you have been giving all employees inflated appraisals. Then you may indeed find it harder to explain why you have singled out one employee, and the employee may find it harder to accept and therefore be likelier to appeal.

And if you ever have to defend an action by explaining that the employee may have been given a rating of outstanding, but was in fact a poor performer, Bransford said, you will have little credibility.

The best way to avoid grievances and EEO complaints, Kunreuther said, is to use quarterly reviews, because the employee has heard from the supervisor three times before the final rating and is therefore not surprised.

### **Back up your ratings**

No matter what the system, Kunreuther said, "keeping a little black book is not only legal, it's essential." This is a supervisory diary, perhaps the result of 15 minutes work at the end of every workday that records the positive and negative things that happened.

In particular, Bransford said, you must have documentation for negative general statements such as "failure to communicate" or "poor interpersonal relationships." Such statements without specific documentation will make for problems if ratings are appealed, he said.

Upper management "wants to support first- or second-level supervisors," Bransford said, but if your senior managers feel you don't have documented reasons for ratings, they may not support you. His advice? Brief upper managers in advance if you plan to give a rating that may lead to an appeal.

But you don't want to go too far, Bransford warned. Upper managers should not actually make rating decisions. Above all, he said, never sign a rating you don't agree with. "It will come back to haunt you."

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