

Publications

Staying on Top of Employee Performance as an Effective Way to Mitigate Risk

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Ashley Manfull, an associate in the Vorys Akron office and a member of the labor and employment group, authored an article for *Crain's Cleveland Business* regarding employee performance improvement plans and year-end reviews. The article was titled "Staying on Top of Employee Performance as an Effective Way to Mitigate Risk."

The article states:

"Some employers choose to prepare a formal performance improvement plan, commonly known as a PIP, where the employee is expected to meet certain objectives within a designated period, such as 90 days. Employers should be cautious about imposing requirements upon the employer as part of the PIP process.

For example, a typical PIP may indicate that the employee's supervisor will hold weekly meetings with the employee or will meet with the employee every 30 days to review the employee's progress in meeting the required objectives. If the employer does not keep its end of the bargain, and the end result is termination, it certainly may lead to feelings of resentment and suspicion that the performance issues were not the true reason for the termination decision. Therefore, employers must carefully follow the terms of their PIP and document any periodic meetings or reviews that occur during the PIP process.

At the end of the day, employees want to know that they have been treated fairly. Likewise, judges and juries want to see that employees have been treated fairly. An employer's consistent, documented record of promptly addressing performance issues and giving employees an opportunity to correct those issues prior to termination will go a long way toward reducing the risk of litigation."

To read the entire article, visit the *Crain's Cleveland Business* [website](#). (Subscription may be required).