PERFORMANCE EVALUATION AND THE LAW

Elements of a performance appraisal system that can survive court tests can be determined from existing law and judicial opinions, collected over time. For performance evaluations to work in improving employee performance, they should be designed to only list behaviors related to success on the job. They should also provide a basis for giving specific and measurable feedback relative to the actual ways an employee behaves.

- Performance appraisal criteria based on job analysis
- Absence of disparate impact and evidence of validity
- Formal evaluation criteria that limit managerial discretion
- Formal rating instrument linked to job duties and responsibilities
- Personal knowledge of and contact with appraisal appraised individuals
- Training of supervisors in conducting appraisals
- Review process that prevents one manager, acting alone, from controlling an employee’s career
- Formal counseling mechanism to help poor performers improve