**SHRM Employment Law**

Module 8: Performance Management





Time:  2 minutes

Running time: 2 minutes

**Objective**: Introduce the topic of Performance Management.

**Description**:  Introduction to the topic and why it is important.

**Instructional Method**: Lecture/ice breaker

**Script:**

As with any aspect of employment, performance management is subject to Equal Opportunity laws and regulations and must be non-discriminatory in its application. All employees must receive performance evaluations that reflect their actual job performance and are not influenced by protected characteristics. For example, an employer must use the same performance evaluation standards for all persons who fill a particular position, regardless of their age, race, gender, religion, etc. The only time a separate performance standard may be considered legally is if the performance standard is altered as an accommodation for a disability.

**Facilitator Notes:**

Add your name or any other information to this slide in the subtitle.

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Time:  2 minutes

Running time: 4 minutes

**Objective**: Introduce the learning objectives.

**Description**: Show the objectives.  Answer any questions.

**Instructional Method**: Lecture

**Script**:

Here are the student objectives for this module:

* Define the key terms related to Performance Management.
* Determine the appropriate laws to apply to given employment situations.
* Examine the legal importance of performance management.
* Evaluate progressive discipline policies.
* Discuss various types of terminations.

**Facilitator Notes:**

Use the objectives topics to create evaluation for the review.

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Time:  13 minutes

Running time: 17 minutes

**Objective**: Define key terms for Compensation.

**Description**: Identify and define key terms for Compensation.

**Instructional Method**: Game

**Script**:

Let’s play a game to define some key terms used in the compensation and benefits profession.

**Exercise**:  Key terms Game

**Note**: The winning group will have the most key terms listed correctly

10 Minutes

1. Put students into groups of 3 – 6
2. Have each group number a list from 1 – 11.
3. Read the definition of the term (note what number you read)
4. Have 1 student write the name (or number) of the term on their list.

3 minutes

1. Give students the answers.
2. The team with the most is the winner.

**Facilitator Notes:**

**Key Terms**

1. **Constructive Discharge**- An employee is forced to terminate their employment due to a hostile and unbearable work environment. This is considered involuntary termination.
2. **Counseling**- Part of a progressive disciplinary program, counseling is the initial stage where a supervisor has a documented or undocumented conversation with an employee concerning a performance issue, offering corrective instruction and a timeline for correction to occur.
3. **Due Process**- Before a disciplinary decision, a thorough and unbiased investigation must be conducted due to the established policies and procedures and in a manner that protects the rights of the employee.
4. **Employment at will**- This means that an employee may quit, or an employer may terminate an employee at any time for any reason.
5. **Just Cause**- A “broad standard that might be used to determine the appropriateness of an employer’s decision to end an employment relationship in a number of different contexts. Just cause is a common standard used in collective bargaining agreements. An examination of whether an employee’s misconduct rises to this level usually examines (1) whether the employee had notice of the rule that prohibited the conduct, (2) whether the rule was reasonable, (3) whether the employer conducted an investigation before the termination, (4) whether the rule was uniformly enforced, and (5) whether the penalty was appropriate based on the nature of the misconduct” (Rassas, 2020, p. 579).
6. **Performance Appraisal**- The process of supporting employee growth and development through a systematic review of established performance standards and timely and consistent feedback. This definition is sufficiently broad to cover multiple aspects of performance appraisal and establishes a basis for understanding the various purposes of evaluating employees.
7. **Performance Management**- “Directs and motivates employees, workgroups, and business units to accomplish organizational goals by linking past performance with future needs, setting specific goals for future behavior and performance, providing feedback, and identifying and removing performance obstacles” (Phillips, 2022, p. 256).
8. **Probationary period**- When an employee is hired on a conditional basis for an initial period of time during which they can be terminated for any reason.
9. **Progressive discipline**- An escalating disciplinary system used by organizations to take corrective action to performance issues. Typically, a progressive discipline system includes employee counseling, a verbal warning, a written warning, suspension, and termination, but employers are free to have more or fewer steps in the process.
10. **Suspension**- The final step prior to termination in a progressive disciplinary program that includes unpaid time off from work as a form of employee discipline.
11. **Termination**- The end of an employment relationship either by voluntary or involuntary termination.
12. **Verbal warning**- A documented or undocumented step in a progressive disciplinary program to discuss problematic employee behaviors.
13. **Whistleblower Protection**- Legal protection from retaliation for employees who report illegal activity.
14. **Written warning**- A documented step in a progressive disciplinary program to address a problematic employee behavior that has already been addressed by counseling and/or a verbal warning, without result.

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Time:  3 minutes

Running time: 20 minutes

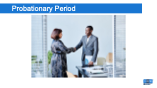
**Objective**: Define the key terms related to Performance Management.

**Description**: Define Performance Management.

**Instructional Method**: Lecture

**Script**:

Performance Management “Directs and motivates employees, workgroups, and business units to accomplish organizational goals by linking past performance with future needs, setting specific goals for future behavior and performance, providing feedback, and identifying and removing performance obstacles” (Phillips, 2022, p. 256). Basically, performance management is how the employer interacts with employees in order to accomplish the job duties effectively. Every part of managing employees is governed by EEO laws, the Civil Rights Act, and every other employment law. The activities surrounding performance management must be applied equitably to all employees, and all employees must have access to opportunities for advancement.



Time:  5 minutes

Running time: 25 minutes

**Objective**: Define the key terms related to Performance Management.

**Description**: Define Probationary period.

**Instructional Method**: Game

**Script**:

Probationary period is when an employee is hired on a conditional basis for an initial period of time during which they can be terminated for any reason. Not all employers use a probationary period, but it is very common with government organizations. Employers must educate applicants and new hires about the probationary period so they clearly understand that during the probation period, they can be terminated for any non-discriminatory reason. A probationary period is a good way to determine if the newly-hired employee is going to be a good fit with the organization and the team and are able to successfully perform the essential functions of the job.

**Facilitator Notes:**   
There are no laws that require a probationary period for private employers, so there aren’t regulations for how long the trial period should be. However, the probationary period, if used, should be the same for all employees in that position or in the entire organization. A best practice is to have probationary employees receive a weekly or bi-weekly counseling session with their supervisor to guidance, feedback, and take minor corrective actions if needed. Problematic behaviors should be documented and addressed immediately during the trial employment period, and if those behaviors are sufficiently severe the employee should be terminated per the policy.

Employees should also receive an official performance review at the end of the probationary period and the employment should be extended or rescinded at that time. Sometimes, an employee may be a good fit, have a good attitude, and a hard worker, but at the end of their probationary period they still lack some skill or knowledge the employer requires. An employer does have an option to extend the probationary period to allow the employee more time to gain the necessary skills. This should be clearly communicated to the employee and documented, and a performance improvement plan should ideally accompany the communication, so the employee knows exactly where their performance is lacking.

Diagram

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Time:  15 minutes

Running time: 40 minutes

**Objective**: Examine the legal importance of performance management.

**Description**: Examine and discuss the legal importance of performance management.

**Instructional Method**: Lecture – Exercise

**Script**:

Effective ***performance management*** means ensuring that **disparate impact** or **disparate treatment** doesn’t occur in any aspect of employment. How do we prevent this from happening in these areas?

**Exercise**: Managing Performance

1. Break students into 5 groups (or 10 and double up if there are many students) for each aspect on the slide. (10 minutes)
2. Have each group discuss how to ensure that **disparate impact** or **disparate treatment** doesn’t occur in any aspect of employment for their subject.
3. Have a spokes person for each group summarize the discussion to share with the class. (5 minutes)

**Facilitator Notes:**

*Scheduling*

Shift assignments may not be based on protected characteristics. For example, an employer may not assign only women to work night shifts and men to work more desirable day shifts. Employers have the right to determine when shifts begin and end but must assign work times equitably.

Depending on the type of work environment, employers may use several methods to ensure scheduling choices are applied fairly. For those employers who offer shift work, they can use a bona fide seniority system to allow those employees with the most tenure to have the first scheduling choices. Employers can also incentivize performance by awarding desirable shift choices to top performers. Finally, a rotation system is very common in shift work whereby employees rotate through different shift assignments.

Each of these options have pros and cons and some employers use a combination of methods and they are free to come up with any system they choose, so long as that decision is not based on a protected characteristic of an employee.

*Work Assignments*

The same concepts apply to work assignments. In many organizations, employees are assigned to projects, customers, work teams, and departments for a variety of business reasons. It is important to ensure that work assignments are not based on protected characteristics, either. Work assignments should be based on skill, experience, or some other attribute that makes them professionally qualified to perform that task.

For example, an employer should not assign only white salespersons to white-owned businesses and vice-versa. Women should not be assigned to be the official note-taker in team meetings because they are the only woman on the team.

*Overtime*

Employers offer overtime for a variety of reasons. Sometimes, there is a shortage of employees that causes a need for an employer to offer overtime. Other times, a production deadline my produce the need for overtime. Regardless of why the overtime opportunity exists, employers must offer or require the additional hours fairly. Like shift work, it can rotate, be based on seniority, or be used as a performance incentive. Any fair system that doesn’t discriminate against protected persons is acceptable under the law.

*Training and Development*

Training and development opportunities are equally subject to equal opportunity considerations. The decisions about which employees to send to training are an area of risk for employers. It’s important to make training decisions based on objective standards based on performance, and not on subjective standards that are prone to errors and discrimination.

*Promotions*

Promotion decisions should be based on an employee’s job performance, knowledge, skills, or experience, and not on their age, race, sex, religion, national origin, color, pregnancy, or disability. For example, an organization cannot promote only male employees, or refuse to promote Hispanic employees, under any circumstances. Equal Opportunity laws apply to promotional decisions so employers should use unbiased decision-making processes and assessment tools to determine which employees have earned promotional opportunities.

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Time:  5 minutes

Running time: 45 minutes

**Objective**: Evaluate progressive discipline policies.

**Description**: Evaluate progressive discipline policies.

**Instructional Method**: Lecture -  Debate - Discussion

**Script**:

Remember effective ***performance management*** means ensuring that disparate impact or disparate treatment doesn’t occur in any aspect of employment. This also is important when it comes to discipline.

**Discussion/Debate**

1. Break the class into 4 groups for the steps in the Progressive Discipline policy.
2. Have each group evaluate their step and when they think it will work.
3. Discuss as a large group.

**Facilitator Notes:**

*Progressive Discipline*

Unfortunately, employees sometimes engage in negative behavior that require discipline. A ***progressive discipline policy*** is an excellent way to avoid wrongful termination claims through the documentation of poor performance or bad behaviors. Like anything else in an employment environment, disciplinary processes should be consistently applied to all employees to avoid claims of discrimination. Additionally, employees have the right to ***due process,*** meaning that the employer should follow all laws and stated policies and procedures to investigate any wrongdoing on the part of the employee prior to initiating discipline.

Progressive discipline processes vary and are at the discretion of the employer, but most follow a typical pattern.

1. ***Counseling***- The initial stage where a supervisor has a documented or undocumented conversation with an employee concerning a performance issue, offering corrective instruction and a timeline for correction to occur.
2. ***Verbal Warning***- A documented or undocumented step in a progressive disciplinary program to discuss problematic employee behaviors.
3. ***Written Warning***- A documented step in a progressive disciplinary program to address a problematic employee behavior that has already been addressed by counseling and/or a verbal warning, without result. This step typically includes a performance improvement plan.
4. ***Suspension***-The final step prior to termination in a progressive disciplinary program that includes unpaid time off from work as a form of employee discipline.

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Time:  10 minutes

Running time: 55 minutes

**Objective**: Discuss Performance appraisa*ls* or evaluations.

**Description**: Have students list reasons to evaluate.

**Instructional Method**: Lecture - Discussion - Create List

**Script**:

Performance appraisals or evaluations are part of a process of regularly reviewing an employee’s job performance against a set of performance standards. Performance appraisals are used to make development decisions, identify skill gaps, provide a path to promotion, establish legal precedent, motivate employees, and tie-in to the compensation program. They are also legally risky for employers.

**Ask**: Why evaluate employees? Think like a president of an organization or an HR director.

**Facilitator Notes:**   
**Employee Development/Training**

In terms of employee training and development, the performance appraisal process can be the most valuable tool in your HR toolbox- if used correctly. If used and/or administered incorrectly, it is not only a useless waste of time, but potentially legally damaging in terms of the possibility of discrimination and being out of compliance with the various local, state, and federal laws.

**Identify skills gaps**

Establishing a regular evaluation process based on previously identified performance standards will identify skills gaps in your employees. These skills gaps are addressed through training. Employees will understand that they can only move to the next compensation level once their skills gap is closed**.**  
  
**Provide a path for promotion**

Promotions are typically awarded to employees who are high performing. Organizations can document the decisions leading up to promotion by establishing a performance appraisal process. Documenting promotion decisions based on a non-discriminatory factor, like work performance, is important.

**Establish legal precedent**

Concerning non-discrimination; it is important to ensure that employment decisions are based on non-discriminatory factors- every time. Whether an employee is being promoted, given a raise, evaluated for training, disciplined, or even terminated, it cannot be due to their race, color, religion, sex, national origin, age over 40, disability status, military status, pregnancy status, and so much more. However, a fair and equitable performance appraisal system establishes a clear and legal precedent for employment-related decisions.

**Employee Motivation**

The need to motivate employees is more of a reality today than perhaps ever before. With many employees still working remotely since COVID-19, paired with the reality of changed needs in terms of educating children, taking care of sick loved ones, and coping with the impact of post-pandemic inflation, politics, etc., finding ways to connect with and motivate your employees is challenging in a whole new way. The trick to employee motivation is finding out what motivates them. It might be money, but don’t count on money to be the only answer to motivate employees and inspire them to do their best work. Employee performance evaluations are used to incentivize employees and offer them opportunities for collaboration between management and themselves to achieve both employee career goals and strategic organizational goals.

**Tie-in to Compensation Plan**

When designing an evaluation plan, you should consider how it will impact the compensation plan. Will employees receive any kind of promotion or pay increase due to a good evaluation? What constitutes a good evaluation? What if they only receive an average evaluation? Will achieving a new skill, degree, or training program automatically result in more money or a promotion?

By establishing clear performance standards, consistently evaluating employee performance against that standard, and basing employment decisions on those evaluations, your organization will be less likely to experience claims of discrimination. To be clear, the policies must be clearly communicated on a regular basis, and transparency is the rule of the day.

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Time:  5 minutes

Running time: 60 minutes

**Objective**: Define the key terms related to Performance Management.

**Description**: Identify and define Rater errors.

**Instructional Method**: Game

**Script**:

There are Legal Issues in Performance Evaluations. Performance evaluations are particularly risky for employers because one employee is evaluating the work performance of another employee and all kinds of personal biases, both conscious and unconscious, can get in the way of providing a fair appraisal.

Everyone has biases, but we are not always aware they exist. For example, you might prefer brunettes over blonds in romantic relationships and don’t realize that you never actually hire blond applicants. This may seem like a silly example, but if that preference is bias against people whose national origin means they are likely to have blond hair and you have an unconscious bias against blonds, you might actually have a legal issue if that bias results in discriminatory behaviors such as lower ratings on performance evaluations.

**Facilitator Notes:**   
**Rater Errors**

Supervisors and others who evaluate employees are frequently not formally trained to do so and so are subject to a number of rater errors.

1. **Halo effect**- Rating an employee higher than they deserve because the rater believes the employee can do no wrong.
2. **Central tendency**- Rating all employees as “average” rather than actually evaluating their true job performance.
3. **Leniency/strictness**- When a rater is exceptionally strict or lenient with one employee and not others.
4. **Recency effect**- When a rater allows a recent event (either positive or negative) to influence a performance evaluation for the entire evaluation period, rather than reflective of the whole period.
5. **Similar-to-me effect**- Rating an employee higher on a performance evaluation because they have something in common with the rater.
6. **Contract effect**- Evaluating the performance of one employee against that of another instead of against an established performance standard.
7. **First impression error**- Rating an employee higher or lower than they deserve because the rater cannot get past their first impression of the employee.

**Unclear Performance Standards**

When performance standards are unclear, it is impossible for employees to successfully meet those standards and equally impossible for employers to evaluate the job performance. This means that the performance evaluations will be based on the subjective opinions of supervisors and thereby prone to bias and discrimination. Clearing stating the performance standards to the employee when they are hired and throughout their tenure as an employee helps to ensure all parties are evaluating the job performance and not the employee’s protected characteristics.

Two people talking

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Time:  5 minutes

Running time: 65 minutes

**Objective**: Discuss various types of terminations.

**Description**: List and discuss various types of terminations.

**Instructional Method**: Lecture – Discussion/List

**Script**:

Sometimes, it becomes necessary to terminate employees when corrective actions of unacceptable work behaviors have failed. Other times, employees terminate the employment relationship for a variety of reasons. Remember, in an ***employment-at-will*** environment, an employer or employee can terminate the employment relationship at any time. However, in order to avoid unemployment claims it is important to identify the various types of employee termination and understand the risks associated with each.

**Ask**: What are ways that employees can be terminated or fired?

**Facilitator Notes:**   
**Constructive Discharge**

Constructive discharge happens when an employee is forced to quit their job due to the hostile work environment the employer has created or allowed to exist through inaction. In some cases, when an employee quits due to unreasonable work conditions, the employee may have the same rights as any employee who has been terminated and may be eligible to receive unemployment benefits.

**Discriminatory Termination**

Discriminatory termination is termination based on an employee’s protected characteristics, such as race, gender, national origin, pregnancy status, age, etc. This is wrongful termination, and employers may face charges of discrimination.

**End of a Contract or Temporary Employment**

A termination naturally occurs at the end of a work contract or temporary employment agreement unless both parties agree to extend the employment relationship under new terms.

**Firing**

Employees can be terminated from employment without warning or reason if they violate company policies, break the law, have substandard work performance, or have frequent absences. Most employers use a progressive disciplinary program to correct inappropriate work behaviors but are not required by law to do so.

**Involuntary Termination**

When an employee is laid off or fired from their job, an involuntary termination has occurred. This means that the employee did not want to leave their employer, but due to circumstances, they had no choice.

**Layoff**

When businesses experience a financial downturn, they sometimes must lay off employees temporarily or permanently. The laid-off employees typically qualify for unemployment while they seek new employment. In addition, if a business is purchased by another company or undergoes a restructuring, there might also be a need to lay off employees. Sometimes, when business volume increases again, the company will re-hire the laid-off employees.

**Voluntary Termination**

Sometimes, an employee leaves employment due to resignation or retirement. For example, an employee might leave their job to follow a spouse to a new city for work, due to a change in military assignment, or to take care of aging parents. These employees are leaving their employment willingly and are typically still on good terms with the employer, and wouldn’t be leaving if it were not for the extenuating circumstances.

**Termination for Cause**

When an employee is terminated for violating company policies, harassment, discriminatory activities, insubordination, workplace violence, and more, it is known as termination for ***just cause***. Employees who are terminated for cause typically do not qualify for unemployment benefits.

**Termination by Mutual Agreement**

This type of termination occurs when an employer and employee reach a mutual agreement to terminate the employment relationship. Examples include retirement and the end of a contract and employees may or may not qualify for unemployment benefits or receive a severance package.

**Termination with Prejudice**

Termination with prejudice occurs when an employee is terminated for cause and is not eligible for rehire due to the circumstances surrounding their employment. These employees likely will not qualify for unemployment benefits.

**Wrongful Termination**

Wrongful termination occurs when an employer terminates an employee for illegal reasons such as discrimination, or an employer violates its own policies or procedures to terminate an employee. Employees who are wrongfully terminated may be eligible for unemployment benefits or civil action against the employer.

Shape

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Time:  5 minutes

Running time: 70 minutes

**Objective**: Determine the appropriate laws to apply to whistleblowers.

**Description**: Discover the laws that relate to whistleblowers.

**Instructional Method**: Lecture

**Script**:

Employment retaliation occurs when an employer takes adverse action against an employee for participating in a protected activity such as reporting illegal activities or unsafe workplaces. Employees may act as a ***whistleblower*** and report to appropriate authorities any actions on the part of employers that violates the law.

**Facilitator Notes:**   
According to the [U.S. Department of Labor website](https://www.dol.gov/general/topics/whistleblower), **five** agencies enforce whistleblower and anti-retaliation laws:

[Occupational Safety and Health Administration (OSHA)](https://www.dol.gov/general/topics/whistleblower)

With the Occupational Safety and Health Act of 1970, Congress created the Occupational Safety and Health Administration (OSHA) to ensure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education and assistance.

[Mine Safety and Health Administration (MSHA)](https://www.dol.gov/general/topics/whistleblower)

The U.S. Department of Labor's Mine Safety and Health Administration (MSHA) helps to reduce deaths, injuries, and illnesses in the nation's mines with a variety of activities and programs. The Agency develops and enforces safety and health rules for all U.S. mines, and provides technical, educational and other types of assistance to mine operators.

[Office of Federal Contract Compliance Programs (OFCCP)](https://www.dol.gov/general/topics/whistleblower)

The Office of Federal Contract Compliance Programs (OFCCP), protects workers, promotes diversity and enforces the law. OFCCP holds those who do business with the federal government (contractors and subcontractors) responsible for complying with the legal requirement to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations.

[Wage and Hour Division (WHD)](https://www.dol.gov/general/topics/whistleblower)

The Wage and Hour Division (WHD) mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the nation's workforce. The agency enforces federal minimum wage, overtime pay, recordkeeping, and child labor requirements of the Fair Labor Standards Act. WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, the Family and Medical Leave Act, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration related statutes.

[Veterans’ Employment and Training Service (VETS)](https://www.dol.gov/general/topics/whistleblower)

The Veterans’ Employment and Training Service prepares America's veterans, service members and their spouses, for meaningful careers, provide them with employment resources and expertise, protect their employment rights and promote their employment opportunities.

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Time: 10 minutes

Running time: 80 minutes

**Objective**: Determine the appropriate laws to apply to given employment situations.

**Description**: Students will review the material by answering the questions on the slide.

**Instructional Method**: Pair and share discussions, exercises, homework

**Script:** Let’s discuss different performance management discipline processes.

**Exercise**:

1. Pair students
2. Have students discuss and answer the questions on the slide.
3. Have students share their answers.

**Discussion Prompts**

1. Are progressive disciplinary programs effective? How does your organization deal with workplace discipline? Is it effective? Why or why not?
2. What types of employment terminations do you have experience with? This can be you personally, or people you have worked with in the past. How did the employer handle the termination?

**Case Law in the Spotlight**

* [Gillis v. Georgia Dept. of Corr., 400 F.3d 883, 888 (11th Cir. 2005)](https://www.casemine.com/judgement/us/59147590add7b049343b2965)
* [Vaughn v. Edel, 918 F.2d 517 (5th Cir. 1990)](https://www.casemine.com/judgement/us/5914892cadd7b049344fe4ce)
* [Woodman v. Haemonetics Corp., 51 F.3d 1087 (1st Cir. 1995)](https://www.casemine.com/judgement/us/5914bd80add7b049347a2b52/amp).

**State Employment Law Focus**

* View the list of [at-will employment states](https://www.paycor.com/resource-center/articles/employment-at-will-laws-by-state/) from Paycor.com. What is your state’s status? What does that mean for you as an employer? As an employee? What if your employer is located in an at-will state, but you live and work remotely in a state that is not at-will?

**HR Skills Exercise**

* Last week, your CEO called you in for a meeting. The custodial worker hired 6 months ago to maintain the 2-story office building (not the manufacturing facility) has been a problem almost since the day his 90-day probation period ended. English is not his first language and there are some communication barriers, but the employee was exemplary until his 90 days were up. The building sparkled and everyone was pleased with his effort and work ethic. However, a few weeks after the probation period ended and he received a .50/hour raise (per the policy), the employee began to provide substandard work. The building is now looking dirty; trash cans overflow, floors are grimy, restrooms are especially disgusting. Customers and employees alike are complaining.
* The CEO has asked you to help her discipline the employee with a documented discussion about his performance but isn’t sure what should be included in the discussion.
* Develop a Performance Improvement Plan draft and complete it for the employee discipline issue that you will present to the employer. Feel free to look for formats online!

**Relevant Laws**

* Age Discrimination in Employment Act of 1967
* Americans with Disabilities Act of 1990
* Equal Pay Act of 1963
* Pregnancy Discrimination Act of 1978
* Title VII of the Civil Rights Act of 1964
* Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)

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Time:  10 minutes

Running time: 90 minutes

**Objective**: Review main points in this module.

**Description**:  Be sure that students have a fun way to remember the material.

**Instructional Method**: Game – Review

**Script**:

Let’s see how much we remember about this module.

**Facilitator Notes:**

Review Exercise:  Create a fun game to review the material.  Remember to use the objectives to measure learning:

* Define the key terms related to Performance Management.
* Determine the appropriate laws to apply to given employment situations.
* Examine the legal importance of performance management.
* Evaluate progressive discipline policies.
* Discuss various types of terminations.

* Have each student submit a question on a piece of paper, crumple it up and toss it in a bucket (clean wastebasket), Instructor will then read them and give points to each team with the correct answer.
* Any game show – Family Feud, Jeopardy, $10,000 pyramid, Password, Tic Tac Toe
* Extra credit quizzes

There are many ways to review material virtually or in person.  Students can use their phones or computers to navigate to various online review websites.

A few are:

* Kahoot
* Quizlet