VENABLE

Performance Management: Getting the Best Out of Your Nonprofit's Workforce

Tuesday, December 5, 2017, 12:30 p.m. – 2:00 p.m. ET

Venable LLP, Washington, DC

Moderator

Ronald M. Jacobs, Esq.
Partner and Chair, Political Law Practice,
Venable LLP

Speakers

Megan Mann, Esq.
Counsel, Labor and Employment Practice,
Venable LLP

Marsha Moulton
Former Executive Vice President of Human Resources, ACDI/VOCA

Presentation

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Upcoming Venable Nonprofit Events

Register Now

- **January 18, 2018:** The Top Privacy and Data Security Trends and Issues for Nonprofits in 2018
- **February 15, 2018:** Nonprofit Mergers, Alliances, and Joint Ventures: Options, Best Practices, and Practical Tips
- **March 15, 2018:** Sexual Harassment: What Should Your Nonprofit Be Doing to Keep Itself out of the Headlines and out of Legal Hot Water? *(details and registration available soon)*

Discussion Topics

- What is "Performance Management" anyway?
  - History
  - Goals
- How to start thinking about your organization's PM system
- Tools for your organization and the individuals in it
  - Tools to help your organization find a better way
  - Daily tools and tips for HR and managers
- How a solid PM system can help all employees, including millennials—the largest group of employees to ever enter the workforce!
- Identify risk and how to mitigate it

What Is Performance Management?

- Performance management is a functional HR strategy designed to enable employees to perform at a high level, so that they may achieve organizational objectives.

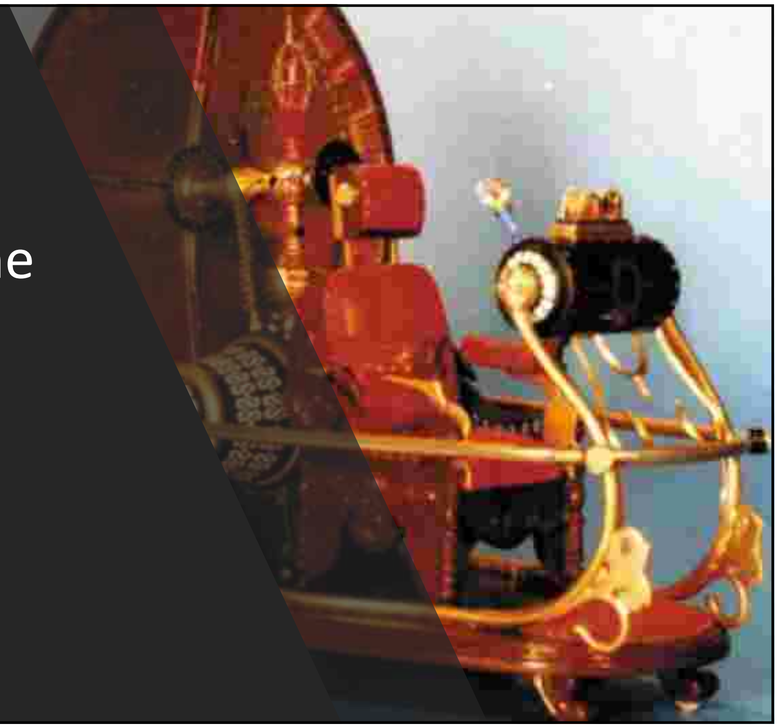
- Activities include the defining of roles; onboarding; goal setting; communication, coaching, and feedback; employee development; and rewards.

What Is the Purpose of a Performance Management System?

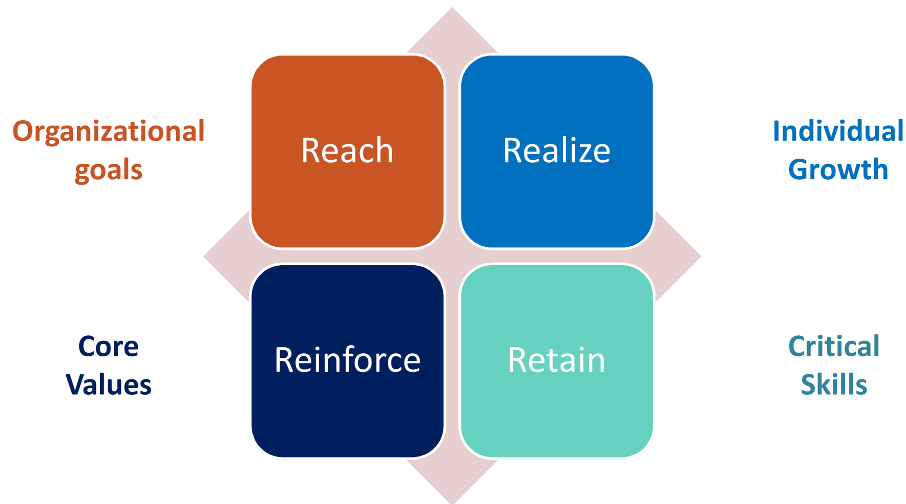
To achieve the mission of the organization.

Let’s Go Back to the

1980s



Performance Management Objectives



Myth Busters!

- PM is HR's responsibility.
- PM is a once-a-year process.
- PM is for managers only—that's why the word "management" is in the title!

Myth Busters!

- There is a one-size-fits-all approach to PM.
- An effective PM system eliminates risk.
- Ratings are always objective and always justify decisions.

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Critical Skill: Managing Multiple Responsibilities

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Let's Rate the Performance!

Does not meet expectations

Meets expectations

Exceeds expectations

Annual Performance Review: What Went Wrong?

- Inconsistency
- Overvalued or undervalued
- Look backward
- Corrective focus
- De-motivating "goals"
- Halos and horns
- The friend-first reviewer

How to Develop an Effective Process

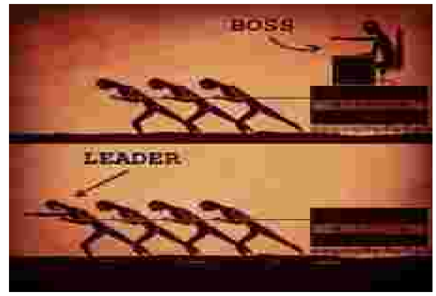
- Obtain leadership buy-in with the larger objectives
- Create a consultative committee
- Use focus groups
- Be transparent, but be thoughtful
- Launch new system with training

Components of an Effective Process

- Focus on an interactive process
- Create forward-looking reviews
- Structure around dialog, not ratings
- Provide developmental goals
- Link goals to organizational objectives
- Reinforce core values

Focus on an Interactive Process

- Self-assess and be mindful
- Take stock
- Encourage two-way communication
  - Open-door policy
  - Inquiry over advocacy
- Make space for feedback on both sides
- Think of leadership laterally



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Create Forward-looking Reviews

NOW

Pat demonstrated an ability to ___
by doing ____
which resulted in ____.

NEXT

Pat can improve her ability to ____
by doing _____
which can result in _____.

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Structure around Dialog, Not Ratings

- Provide feedback on where the employee is currently and show the path to development.
- Use concrete examples and visualization techniques.

Provide Development Goals

- Create discipline goals.
- Use measurements to track progress.

Provide Development Goals

DISCIPLINE GOAL

To improve my ability to
attract and keep quality talent

MEASURE

Established
onboarding program

Link Individual Goals to Organization Objectives

Now and Next
Performance
Review Goals

Department
Plans

Reinforce Core Values

- Define behavior standards for your organization.
- Measure employees on those standards in your review system.

Communication is not just a factor, it's

EVERYTHING!

Communication (Informal and Formal)

- **When?**
  - Real-time, Responsive, Reactive – AND;
  - Scheduled
    - o "Check-ins," appraisals, feedback
    - o Set intervals, but don't make promises you can't keep
      - – TRUST IS KEY
  - But always assess the situation

- **About What?**
  - Remember our holistic, goal- and development-oriented approach to PM!
  - The good (don't be stingy with praise/credit), the bad, the ugly
  - Be honest
  - Development-oriented

Communication (con't)

- **How?**
  - Can this be done in person?
  - With what words, tone?
  - Be clear, specific, use examples where possible
  - What is the most important and essential part of communication?

- **Why?**
  - Remember the goal – to get the best out of our workforce!
  - Avoid surprises (for everyone)
  - Get us all thinking, be more self-aware, team-aware, organization-mission-aware
  - Build trust
  - Build confidence

Is the Left Hand Talking to the Right?

- **Coordination**
  - In addition to PM strategies among the team, are we coordinating across the organization?
    - Inconsistencies give rise to liabilities
- **Documentation**
  - Is it consistent?
  - Handbooks, PM documentation

Performance Management

1. Performance Areas
2. Forward-Looking Reviews
3. Discipline Goals
4. Global Communications
5. Upward Review Process
6. Open Forum

Setting the Tone from Day One

- Investing in onboarding = productive, engaged employees
  - Educate about your mission
  - Explain your culture
  - Reinforce your values
  - Link employees to resources
  - Define training for your organization

Onboarding

Connect
(increase links)

1. Guidebook
2. Strategic Sessions
3. Ambassador
4. Overview
5. Check-in
6. Goal Worksheet

Confirm
(decrease doubts)

Skill Development

1. Apprenti-sizing
2. Job Aids
3. Workflow
4. Learning Access
5. Speed Coaching
6. Flexible Formats

It's Not Me, It's You: Confronting Performance Issues

- Understanding the players and tools at issue (and the respective roles of each)
- Diagnosing the problem
- Determining the desired outcome
- Picking the right tool

Toolbox for Handling Performance Issues

- Informal counseling
  - Decide when and what to document
- Coaching; Training
- Modification
- Warning
  - Verbal or written
  - Can be documented, even if verbal (follow-up email; note to file; note to self)
- Progressive discipline
  - Using tools like warnings and suspensions in a progressive fashion

More PM Tools in the Toolbox

- Performance Improvement Plan (PIP)
  - Useful in situations with clear, identifiable, realistic goals
  - Establish a timeline for achieving the goals
    - Magic words: "immediate and sustained"
  - Document the PIP
    - o Include disclaimers
      - No guarantee of employment
      - Consequences
- Documenting actions
  - *You don't write because you want to say something, you write because you have something to say.*

What about Millennials?

Who are they?

- Born between early 1980s and 1990s
- Largest living generation (81 million)
- Most diverse racially/ethnically
- Most highly educated (and in student loan debt)
- Represent over one in three employees

What about Millennials?

What has shaped them?

- September 11, 2001
- Housing bust and great recession
- Climate change risks
- Technology advances

What about Millennials?

How we view them:

Short attention span

Narcissistic

Self Absorbed

Lazy

Socially awkward

Entitled

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What about Millennials?

But also…

Multitaskers

Entrepreneurial

Collaborative

Focused

Idealistic

Authentic

Committed

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What about Millennials?

What can you do?

- Tap into desire to improve the world
- Embrace their use of technology
- Provide opportunities for learning outside their specialty
- Let them work on multiple projects

What about Millennials?

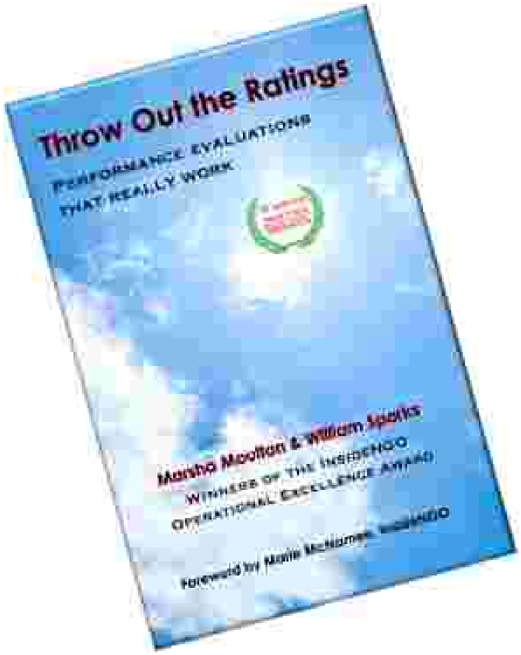
What can you do?

- Provide flexibility and balance
- Be transparent and consistent
- Ask their opinion
- Reinforce and recognize often
- Map out the future with them

Mitigating Risk

- Open communication
- Transparency
- Consistency and fair treatment
- Checking blind spots

Most Importantly, Remember That Calmer Heads Shall Prevail …



Available at Amazon.com

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Questions?

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To view Venable's Government Grants Resource Library, see www.grantslibrary.com.

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VENABLE

Speaker Biographies

VENABLE LLP

our people

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Ronald Jacobs serves as co-chair of Venable's Political Law Group. He advises clients on all aspects of state and federal political law, including campaign finance, lobbying disclosure, gift and ethics rules, pay-to-play laws, and tax implications of political activities. Mr. Jacobs assists clients with crises response to government investigations and enforcement actions, Congressional investigations, class-action law suits, and other high-profile problems that involve potentially damaging legal and public-relations matters. Along with Lawrence Norton, he co-edits the firm's Political Law Briefing blog.

Mr. Jacobs understands the often-contradictory rules imposed by the different laws that apply to political activities. He offers practical advice that considers not only the legal requirements, but also the reputational risk, of political activity to a broad range of clients, including large and small companies, trade associations, charities, campaigns, Super PACs, ideological groups, individuals, and political vendors. He has developed political compliance programs for Fortune 500 companies and other clients that lobby and make political contributions nationwide.

In addition to counseling clients on political law matters, Mr. Jacobs has extensive experience in the administrative rulemaking process and in litigating challenges to agency decisions in federal court. He has represented clients in administrative matters before the Federal Election Commission, the Merit Systems Protection Board, the Federal Trade Commission, the United States Congress, and in federal court.

SIGNIFICANT MATTERS

Some of Mr. Jacobs’s significant matters have included:

- Serving as general counsel to a successful 2014 candidate for the United States Senate.
- Representing a Super PAC that supported a candidate in the 2012 presidential primary, creating one of the first Super PACs active in a Los Angeles mayor's race and one of the first Super PACs active in a local Maryland election, as well as representing Super PACs active in Congressional elections.
- Creating a 501(c)(4) that engaged in issue advocacy and candidate activities connection with the 2012 presidential general election.
- Obtaining approval from Senate Ethics Committee for major nationally-televised charitable event held during the Holiday Season in Washington.
- Developing pay-to-play compliance policy and procedures for a large hedge fund that actively solicits state contributions and for a hospitality company that serves state and local governments.
- Successfully defending a large, nationally-known trade association during a Congressional investigation into allegations of fraudulent grassroots lobbying activity.

AREAS OF PRACTICE

Legislative and Government Affairs

Political Law

Tax-Exempt Organizations

Foreign Corrupt Practices Act and Anti-Corruption

Congressional Investigations

Appellate Litigation

Regulatory

Advertising and Marketing Litigation

INDUSTRIES

Nonprofit Organizations

Consumer Products and Services

Life Sciences

Consumer Financial Services

BLOG

Political Law Briefing

GOVERNMENT EXPERIENCE

Field Representative, United States House of Representatives, Office of Representative Steve Chabot (R-OH)

BAR ADMISSIONS

District of Columbia

Virginia

COURT ADMISSIONS

U.S. Supreme Court

U.S. Court of Appeals for the D.C. Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the District of Columbia

U.S. Court of Appeals for the Seventh Circuit

U.S. District Court for the Eastern District of Virginia

U.S. Court of International Trade

EDUCATION

J.D., *high honors*, George Washington University Law School, 2001

Order of the Coif

Articles Editor, *The George Washington Law Review*

Imogene Williford Constitutional Law Award

B.A., *cum laude*, The George Washington University, 1997

Omicron Delta Kappa

MEMBERSHIPS

American Bar Association

Federalist Society, Free Speech and Election Law practice group

- Assisting a large social welfare organization with multiple Congressional investigations and several class action lawsuits.
- Serving as outside *pro bono* counsel to Warrior Canine Connection, a charity that assists soldiers suffering from traumatic brain injury and post-traumatic stress disorder to train service dogs for physically wounded soldiers.

HONORS

Recognized in *Chambers USA*, Government: Political Law, National, 2011 - 2017

Recognized in *Legal 500*, Not-For-Profit, 2014 - 2015

Included in "Rising Stars" edition of *Washington DC Super Lawyers*, 2013 - 2015

Recognized in *National Law Journal* as one of the Rising Stars 40 under 40, 2015

ACTIVITIES

Mr. Jacobs is a frequent speaker and author on campaign finance and lobbying regulation issues. He serves on the board of the Human Rights Foundation, a nonprofit organization dedicated to preserving democracy and protecting human rights in the Americas and as pro bono counsel to the Warrior Canine Connection, a charity that helps soldiers suffering from traumatic brain injury and psychological issues train service dogs for physically wounded soldiers. Mr. Jacobs is also a top 5 faculty member of Lawline, a leading provider of online and live continuing education courses for attorneys across the United States.

PUBLICATIONS

Mr. Jacobs has authored or co-authored a number or political law and nonprofit issues and serves as co-editor of the firm's Political Law Briefing blog.

- October 2017, New beneficial ownership rules, recent SEC fraud charges, and more in this issue of *Fund Forum*
- October 19, 2017, SEC Addresses CABs in the Pay-to-Play Rules
- September 2017, Mythbusting the Top 10 Fallacies of 501(c)(3) Lobbying, *New York Nonprofits e-Newsletter*
- March 2, 2017, Pay-to-Play Law Update: Political Activity Can Put Government Contracts at Risk, *Political Law Briefing Blog*
- February 7, 2017, The Federal Election Commission Announces New Contribution Limits for 2017-2018 Cycle, *Political Law Briefing Blog*
- January 31, 2017, Trump Ethics Order Loosens Hiring Rules, but Tightens Post-Employment Restrictions, *Political Law Briefing Blog*
- January 2017, What Is Lobbying Under the LDA?
- October 14, 2016, Maryland Pay-to-Play Report Deadline Approaching as New Rules Take Effect, *Political Law Briefing Blog*
- September 2016, Representing Foreign Entities
- 2016, Contributor, *Guide to Private Equity Regulatory Compliance*, Thompson Information Services
- July 2016, Forming a Corporate Political Action Committee
- August 4, 2016, When the Convention Parties Are Over: How Public Charities Can Be Involved in the 2016 Elections and Talk about the Issues, Nonprofit and Political Law Alert
- July 19, 2016, The FEC Levels Fines on Nonprofits over Donor Disclosure, *Political Law Briefing Blog*
- July 18, 2016, New Mandatory IRS Notification Process for 501(c)(4) Nonprofit Organizations Finally Announced, Nonprofit Alert
- July 15, 2016, New Mandatory IRS Notification Process for 501(c)(4) Organizations Finally Announced, Political Law Briefing

SPEAKING ENGAGEMENTS

Mr. Jacobs has participated in a number of panel discussions and seminars on the impact of various communication and privacy regulations on trade and professional associations and other businesses. He has addressed GWSAE, ASAE, The Direct Marketing Association, and the Mortgage Bankers Association.

- December 5, 2017, "Performance Management: Getting the Best Out of Your Nonprofit's Workforce," a Venable-hosted webinar
- October 27, 2017, "Government Affairs Compliance in a Busy Political Time" seminar hosted by Virginia Continuing Legal Education
- January 20, 2017, "Now That They are in Office: Compliance for Lobbying and Political Activity After Inauguration Day," a Lawline Webcast
- December 13, 2016, "Foreign Agents Registration Act (FARA) Guide for Embassy Staff and Government Relations Professionals," a Lobbyists.info Webinar
- August 25, 2016, "Campaign Finance Overview for the 2016 Elections" presented by Lawline
- August 24, 2016, "PAC Compliance in 2016" for Lobbyists.info
- June 16, 2016, "Election-Year Activity: How Your 501(c)(4) or (c)(6) Can Be Legally Active in the Political World" for Nonprofit WebAdvisors
- June 8, 2016, "Election-Year Political Activity: A Primer for Financial Services Providers," a Venable-hosted webinar
- June 2, 2016, "Election 2016: What Lawyers Need To Know About the Political Activities of Nonprofit Organizations," an American Law Institute CLE Webinar
- May 19, 2016, Election-Year Activity: How Your Nonprofit Can Be Legally Active in the Political World
- January 2016, "Ramping Up for the 2016 Elections: What You Need to Know About Political Law" at the Virginia Continuing Legal Education Online Seminar
- November 5, 2015, "Election-Year Advocacy for Nonprofits: Getting Your Legal Playbook Ready" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- July 16, 2015, "Leading in the Face of Crises - Back out of the Rabbit Hole: Aftershocks and Moving On" at CESSE 2015 Annual Meeting: Leadership in a Connected World
- July 15, 2015, "Down the Rabbit Hole and Back - Leading in the Face of Crises: Presentation of Real Life Case Studies" at CESSE 2015 Annual Meeting: Leadership in a Connected World
- May 19, 2015, "Non Profit Section Meeting - Accounting for and Reporting Nonprofit Lobbying Activity" for the Greater Washington Society of CPAs
- April 14, 2015, Legal Quick Hit: "Interacting with State and Local Governments: What Your Nonprofit Needs to Know about Lobbing and Gift Rules"
- March 26, 2015, Ramping up for the 2016 Cycle: Make Compliance a Priority for Lobbying and Political Activity
- February 25, 2015, "Judicial Fundraising" for the George Washington Political Law Society
- October 20, 2014, "Campaign Finance and Political Activities (Webcast for Live Credit)" for Lawline
- October 20, 2014, "Political Law Compliance Overview (Webcast for Live Credit)" for Lawline
- August 21, 2014, "Creating a Compliance Plan" for Lawline
- August 21, 2014, "Selling to State and Local Governments" for Lawline
- August 21, 2014, "Advanced Political Activities: Independent Expenditures and Super PACs" for Lawline
- July 15, 2014, "Campaign Finance and Political Activities" for Lawline
- July 15, 2014, "State and Federal Lobbying Activities" for Lawline
- July 15, 2014, "Political Law Compliance Overview" for Lawline

VENABLE LLP

our people

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Megan Mann is counsel in Venable's Labor and Employment and Education practices, where she works collaboratively with her clients, actively joining their teams to ensure she is intimately familiar with each organization's operations, mission, and environment. This cooperative approach allows her to engage in practical problem-solving and provide useful legal guidance.

Employment Counseling
Drawing upon her employment litigation and labor relations experience, Megan offers practical ways to address routine and complex management issues. She regularly works with clients to ensure compliance with relevant laws, including but not limited to the Americans with Disabilities Act, the Family and Medical Leave Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Fair Labor Standards Act, as well as various state and local laws. She also helps clients improve the quality and efficacy of various employment-related practices, policies, and documents. This type of counseling includes:

- Rendering advice related to workplace practices, including employee classification, wage and hour practices, and disability accommodations.
- Advising clients on federal, state, and local leave laws, and providing guidance on how to practically and legally manage leaves of absence and employees returning to work.
- Drafting new or updating existing employment documents, such as personnel handbooks, offer and termination letters, severance agreements, and performance management (including discipline) documents.
- Rendering advice related to the hiring and termination processes, including group layoffs, to ensure compliance with applicable laws and to appropriately protect clients' interests.
- Advice and counseling related to harassment in the workplace, which includes onsite harassment training, drafting of sound anti-harassment policies and investigation guidelines, and counseling following reported harassment.

Education Law
Because Megan advises a wide array of schools, including independent pre-K through 12th grade, and institutions of higher education, she understands the unique challenges that educators face. She helps schools respond to current legal issues and proactively identify problems before they arise. This type of counseling includes:

- Drafting, reviewing, and revising documents utilized by schools, including but not limited to teacher employment contracts, enrollment agreements, and travel documents.
- Counseling schools in the development of policies related to students, parents, and employees.

AREAS OF PRACTICE

Labor and Employment

Hospitality - Labor and Employment Law

Financial Services Wage Compliance

INDUSTRIES

Education

Nonprofit Organizations

CLIENT FOCUS

Independent School Law

Independent Schools

BAR ADMISSIONS

New York

District of Columbia

COURT ADMISSIONS

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

EDUCATION

J.D., Brooklyn Law School, 2008

- Brooklyn Law School Richardson Merit Scholar
- Judge Doris A. Thompson And Judge Edward Thompson Award For Excellence In Trial Advocacy
- Moot Court Honor Society, Trial and Appellate Divisions Competitor and Executive Board Vice-President
- Moot Court Honor Society Award

B.A., University of Virginia, 2002

MEMBERSHIPS

National Business Officers Association

National Association of Independent Schools

- Counseling schools on student safety, welfare, and discipline; student and faculty handbooks; and a variety of day-to-day challenges.

HONORS

1st Place, American Association for Justice Regional Mock Trial

2nd Place, Georgetown White Collar Crime National Mock Trial

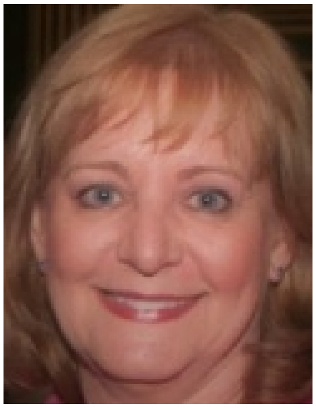
PUBLICATIONS

- December 2015, New Year/New Requirement for Employers: DC's Employer Transit Benefit Ordinance to Take Effect January 1, 2016, Labor & Employment News Alert
- June 18, 2014, Performance Management and Discipline in Nonprofits: Common Pitfalls, Unique Challenges, Effective Solutions
- April 2014, Federal Grant & Contract News for Nonprofits - April 2014
- April 2014, Equal Pay: Revisiting Federal Contractor Compensation Practices and Policies, Government Contracts Update
- April 14, 2014, Prohibited Discrimination in Hiring: Disparate Treatment and Disparate Impact – Considerations for Nonprofits
- February 27, 2014, The Impact of IRS Recognition of All Legal Same-Sex Marriages on Nonprofit Organizations' Employee Benefit Plans
- January 14, 2014, Employment Law Litigation Trends: How Your Nonprofit Can Avoid Common Family-Oriented Lawsuits
- December 5, 2013, Work & Family: What Nonprofit Employers Should Know about Family-Oriented Employment Laws
- November 12, 2013, Employee Benefits for Same-Sex Couples: What Your Nonprofit Needs to Know
- September 10, 2013, Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know
- June 25, 2013, Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know
- September 20, 2012, Payroll Pitfalls: How Nonprofit Employers Can Avoid Big Problems
- June 2010, Turns Out, There's No Such Thing As "Free Labor" Either: Why Most Employers Should be Paying Interns or Modifying/Abandoning Their Unpaid Internship Programs, Labor & Employment News Alert
- December 19, 2008, Navigating the Wage and Hour Law Maze of Unpaid Internships at Nonprofit Organizations
- December 2008, The New York WARN Act Covers More Employers Than Its Federal Counterpart, Labor & Employment News Alert

SPEAKING ENGAGEMENTS

- April 28, 2017, "Employee Leave and the Interplay Between the FMLA and the ADA," The Florida Bar and the CLE Committee and the Labor and Employment Law Section's Advanced Labor & Employment Topics 2017
- March 2, 2017, "So Long, Farewell: The Legal Challenges of Employee Departures" at the National Association of Independent Schools Annual Conference
- March 1, 2017, "The ABC's of the Enrollment Agreement" at the National Business Officers Association 2017 Annual Meeting
- March 1, 2017, "Getting the Best Out of Your Workforce" at the National Business Officers Association 2017 Annual Meeting
- February 26, 2016, "It's a Trans New World: Legal Issues and Creating a Safe Space For Transgender School Members" at the 2016 National Association of Independent Schools (NAIS) Annual Conference

- February 24, 2016, "Goldmine: No Foolin' Around: Addressing Sexual Misconduct Between Students" at the 2016 National Business Officers Association (NBOA) Annual Meeting
- February 23, 2016, "So Long, Farewell: The Legal Challenges of Employee and Student Departures" at the 2016 National Business Officers Association (NBOA) Annual Meeting
- February 22, 2016, "Trans New World: Creating Safe Environments for Transgender Community Members" at the 2016 National Business Officers Association (NBOA) Annual Meeting
- June 24, 2015, Best Practices Roundtable Series: Hiring and Firing: Oh No, What Went Wrong?!
- June 18, 2014, Performance Management and Discipline in Nonprofits: Common Pitfalls, Unique Challenges, Effective Solutions
- February 27, 2014, "The Impact of IRS Recognition of All Legal Same-Sex Marriages on Nonprofit Organizations' Employee Benefit Plans" for Non-Profit Cooperation Circle
- January 14, 2014, Legal Quick Hit: "Employment Law Litigation Trends: How Your Nonprofit Can Avoid Common Family-Oriented Lawsuits" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- December 5, 2013, Work & Family: What Nonprofit Employers Should Know about Family-Oriented Employment Laws
- November 12, 2013, Legal Quick Hit: "Employee Benefits for Same-Sex Couples: What Your Nonprofit Needs to Know" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- September 10, 2013, Legal Quick Hit: "Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know" for the Association of Corporate Counsel's Nonprofit Organizations Committee
- June 25, 2013, Employee Leaves of Absence and Other Accommodations under the Law: What Every Nonprofit Needs to Know
- September 20, 2012, "Payroll Pitfalls: How Nonprofit Employers Can Avoid Big Problems" for the Better Business Bureau of Metropolitan New York
- April 17, 2012, Venable Breakfast Briefing: Updates for Restaurant Industry Employers
- September 9, 2009, Panel Speaker for Brooklyn Law School's orientation class on September 9
- June 17, 2009, "A Guide to Preventative Human Resources and Labor Relations Audits," hosted by Venable LLP
- February 10, 2009, Employment Issues In The Economic Downturn: Avoiding Liability in Lean Times



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Former Executive Vice President of Human Resources
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Marsha Moulton has over 25 years of experience leading human resources in both profit and not-for-profit environments including ICFI, Caliber Associates, and American Institutes for Research (AIR), with a primary focus in government contracting environments. She most recently served as the Executive Vice President of Human Resources and Administration at ACDI/VOCA for eleven years. Within her roles, she contributed in a variety of areas including developing internal structures that encourage employee empowerment and development, creating a global culture that reflects the organization's values, and designing performance management structures that ensure the attainment of organizational objectives. Ms. Moulton has presented frequently at conferences including SHRM and InsideNGO.

In 2017, she co-authored *Throw Out the Ratings: Performance Evaluations that Really Work* (Promptitude Publishing) and is currently working on her second book. Her awards include 2012 finalist in Innovation from HRLA, 2012 recipient of the Dr. J.P. London Award for Promoting Ethical Behavior from HRLA, and recipient of the 2013 InsideNGO Excellence in Leadership award in Human Resources. She earned her Masters of Science degree in Applied Behavioral Sciences from Johns Hopkins University and holds both SPHR and SHRM – SCP certifications.

Additional Information

Performance Management:
Getting the Best out of your Nonprofit's Workforce

GUIDE SHEETS

Marsha Moulton, EVP Human Resources, retired

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Onboarding

Performance Management

Skill Development

Venable LLP Nonprofit Luncheon
December 5, 2017

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Expanding Opportunities Worldwide

Strategic Sessions

Purpose: To connect new employee with existing employees to discuss resources, tasks, and issues

Steps

1. Identify employees (hosts) to participate in strategic sessions:
    a. Employees who can provide information and resources
    b. Employees who will be working with the new employee
    c. Employee who perform similar work as the new employee

2. With each host, identify three to four topics or questions to be answered in the session.

3. Write a schedule and list the questions on the schedule.

4. Provide a copy of the final schedule to all hosts and the new employee's supervisor.

5. Review the schedule with the new employee upon arrival.

Tips

- When appropriate, have a group of new employees participate in a single strategic session so that the existing employee is not overwhelmed with meetings.

- If your company uses an electronic calendar system (e.g. Outlook), be sure to load all appointments onto the calendar of the host and the new employee.

- Be sure to include all HR orientation and documentation sessions on the schedule.

- Include any company-wide meetings or activities on the schedule.

- If the schedule only has 2 meetings, then start with that! Expand it as you hire new employees.

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User Guide

Purpose: To provide tacit information to help an employee through the first two weeks

Steps

1. Brainstorm a list of topics of importance to someone in their first two weeks:

    a. Map of area: lunch, shopping, parks, relaxation, public transportation
    b. Office map
    c. Phone extensions
    d. Organization chart
    e. VIPs (executive management, board members, etc.)
    f. An elevator speech that explains what your company does
    g. Annual report
    h. Department descriptions
    i. Phone Instructions
    j. Emergency information
    k. Evacuation plan
    l. Common acronyms
    m. …and the bathroom passcode, if you have one!

2. Compile all the information into a binder. (You can get fancy with tabs, if you'd like!)

3. Present the binder on the first day. Briefly point out all the documents with the employee.

Tips

- Include the Strategic Sessions (see previous handout) schedule.
- If your book has only two items, start with that! Build it up as you hire new employees.
- Update it regularly.

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Ambassadors

Purpose: A guide to help new employees find resources and learn customs

Steps

1. Identify appropriate and helpful employees to volunteer as ambassadors. (Be sure to discuss this with their supervisors.)
2. Discuss with ambassadors their role and the expectations. Define the boundaries (*i.e.* when ambassadors should refer the employee to another source).
3. When a new employee has been identified (but prior to starting), identify an ambassador. Review the choice of ambassador with the supervisor of the new employee.
4. On the first day, inform the new employee of the name and purpose of his/her ambassador.
5. Encourage the ambassador to check-in periodically with the new employee and to introduce him/her to others within the organization.
6. At the end of the introductory period, the ambassador congratulates the new employee and recognizes the end of the ambassadorship.

Tips

- Ambassadors are most helpful for junior level staff, but consider a peer-to-peer relationship for all staff levels.

- Hold a quarterly or semi-annual meeting with all ambassadors to meet and share their experiences. Document emerging norms and standards to become a guide for future ambassadors.

- Give recognition to ambassadors. Recognize them at a company event and give them a certificate or whatever action is appropriate within your organization.

- If funding allows, provide reimbursement for the ambassador and new employee to go out to lunch. It provides time to spend talking casually, and it is a small perk for the ambassador.

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Overview

Purpose: To introduce new employees to the culture and executive leadership of the company

Steps

1. Outline a two to four hour agenda.
    a. Provide a history of the organization
    b. Reinforce the vision, mission and values
    c. Define ethical behavior
    d. Explain how to be successful at your organization
    e. Review critical work functions
    f. Share impact stories from your organization's work

2. Review agenda with senior managers; incorporate their ideas. Include leadership in the presentations.

3. Schedule and conduct meeting.

Tips

- If the budget allows, consider including an informal lunch. A lot of relationship building can occur during more relaxed conversation.

- Consider incorporating games, role play, or simulations to make it an interactive event.

- The size of your company will determine how frequently you should schedule an overview. We recommend at least six people or twice annually – whichever comes first.

- Include the overview in the Strategic Sessions schedule. If you haven't set the date yet, at least include a description of the meeting.

- Create online modules that can be sent to employees overseas.

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Check-in

Purpose: To identify both positive influences and negative issues during an employee's first month or two of employment

Steps

1. Determine questions to be asked at check-in meeting. Consider:
    a. In general, how are you adapting to your new job?
    b. What do you know now that you wish you had known when you started?
    c. What about the organization or your job is different than you thought it would be?
    d. Are there any issues that you are concerned about?

2. Inform managers that you will be conducting a check-in with all new employees.

3. At orientation, inform new employees that you will be conducting a check-in.

4. Around the mid-point of the introductory period (45-60 days), contact the employee to schedule the check-in.

5. Follow-up as needed with the employee to resolve outstanding issues.

6. Document (without attribution to employee) both positive influence and negative issues. Compile these with other check-ins to identify trends.

Tips

- Conduct the meeting in an informal, private setting.

- Aim for a free-flowing conversation with open-ended questions. Avoid an overly structured Q&A session.

- Even though a date won't be set, include the description of the check-in on the Strategic Sessions calendar. (See Strategic Sessions Guide Sheet)

- Consider reporting to management both the positive and negative trends that are revealed through these check-in meetings.

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Goal Worksheet

Purpose: To provide clarity and define mutual expectations of initial goals

Steps

1. Create a one-page format for documenting goals. Use your performance evaluation form as a guide, so that you maintain consistency.

2. On the page, include a definition of an effective goal. We recommend a discipline goal:
   a. "I will improve my ability to…"
   b. Include measures that will demonstrate increased ability within the timeframe for the first annual review.

3. The goal worksheet can be provided during onboarding or at 60 days. The completed worksheet should be submitted to the manager for discussion by the end of the employee's introductory period.

4. At the end of the introductory period meeting, the manager and employee discuss the goal worksheet. The manager identifies an appropriate goal(s) for the period between now and the next review.

5. Either on the introductory review form (if you have one) or on a new goal worksheet, the manager and employee agree to the goals and a progress review date.

Tips

- Goals are desired accomplishments. Tasks are the steps to get there. Be sure that the manager has identified goals, not just tasks.
- Limit the number of goals to two (three at the absolute maximum!).
- The manager needs to identify goals that are developmental and meet the objectives of the department and organization. If they do not reflect the goals identified by the employee, the manager should explain the reasoning during discussion.
- Schedule progress review dates at one-third intervals between now and the review.

Performance Areas

Purpose: To define desired behaviors within performance areas that are normed across the organization

Steps

1. Define the areas of performance you want to measure that are appropriate across the organization. Examples include: Job Performance, Knowledge and Skills, Organizational Values, Teamwork, New Business Development, Supervisory Skills.

2. Define desired behaviors by level, starting with core behaviors (all employees) and raising the competencies as the levels rise. Examples include: Junior Staff, Mid-level, Senior Management, and Executive Leadership.

3. Use these behaviors in conjunction with the job description as a guide for evaluating performance.

Tips

- Be sure to include a performance area that exemplifies your organization’s values, so that they are reinforced.

- Behavior expectations should roll up to the goals of the organization.

- Measuring supervisory skills is a great way to demonstrate that the skill set is important to the organization.

- Behavior levels should track with your hierarchical structure.

Forward-looking Reviews

Purpose: To create an evaluation that becomes a developmental tool

Steps

1. Within each performance area that you define, create two sections: Demonstrated Capabilities and Capabilities for Development.

2. Under Demonstrated Capabilities, address both the observed behaviors that you want to reinforce, as well as any behaviors that were below the expectations for the position. Focus on areas where the employee can be successful.

3. Under Capabilities for Development, define the behaviors that are the logical next step in this employee’s development. If the employee excels at something, expand on it so that the employee can further develop in that area. If the employee has difficulty in an area that will hold him/her back, provide guidance as to how the employee can improve on the behavior.

Tips

- Focus on developing what an employee does well. It is easier to further develop a skill than to change someone’s behavior.

- Look for opportunities to further someone’s individual development in a way that is parallel to the needs of the organization. Link capabilities for development to the overall goals of the organization.

- Remember that no new feedback should be written in a review. Feedback needs to occur on an ongoing basis and not held until the review is written.

Global Communications

Purpose: To provide an opportunity to share information and celebrate successes

Steps

1. Schedule a meeting at a time when most can participate. Announce dates for meetings well in advance. Try to maintain consistency in scheduling.

2. In conjunction with leadership, prepare an agenda.

3. Set up a review process to ensure presentations are high quality and an appropriate length.

4. Test all equipment before the meeting begins. Have a contingency plan.

Tips

- Balance providing information and having fun (introducing new hires or promotions) with helping employees connect to the larger mission (discussing progress on strategic plans).

- Provide opportunities for more junior staff to present.

- Use tools such as GoToMeeting, Blackboard Collaborate, and Skype for Business, so that employees can participate globally.

- Depending on the size of the organization, meetings can occur as often as monthly or as infrequently as semi-annually.

- More frequent but shorter meetings are preferable to infrequent but longer meetings.

- Also, consider global special interest meetings, for example M & E specialists, HR specialists, or Accounting managers.

Upward Review Process

Purpose: To provide an opportunity for employees to provide feedback on their supervisors

Steps

1. Determine the desired behaviors by which you want to measure your managers.

2. Create a form that allows supervisees to provide feedback on the identified desired behaviors for managers.

3. Include an area for comments.

4. Create a firewall between the employee and supervisor so that the comments are provided in the aggregate to the person writing the manager's review, not directly to the supervisor.

Tips

- Avoid ratings such as "meets expectations" or "excellent." Use a scale that is meaningful, for example: Always does this, usually does this, does this about ½ half the time, sometimes does this, never does this.

- Aggregate the data for training purposes. For example, if the feedback shows that most managers do not talk with employees about their development goals, that information can be useful when identifying future training initiatives.

- Make it safe for employees to identify themselves. In other words, do not forward the raw data to the supervisor. This way you can ensure that the person giving feedback has had a real supervisory relationship and is not rating based on what they have heard without any sustained direct contact.

- Track the data over time to see if there is overall improvement.

Open Forum

Purpose: To provide a formal opportunity for employees to have a voice and take responsibility for the success of their organization

Steps

1. Inform senior management that you are setting up a meeting for non-supervisory staff that provides an opportunity for them to ask questions, give suggestions, and express their issues in an open environment.

2. Announce the open forum to the whole organization (or single location), indicating that non-supervisors will receive an invitation. Advise that the comments, questions, and answers will be posted (anonymously).

3. Assign a "scribe" to enter the questions or comments on a laptop that is projected or a flip chart, so that everyone in the room can read what is being written down.

4. Inform senior management of the topics and issues that were discussed.

5. Seek clarification on any question or comment that requires follow-up.

6. Post all items with the responses and any further follow-up.

Tips

- At the beginning of the meeting, set some norms for the meeting that all agree to follow. For example, one person talks at a time, no interrupting, maintain respect, etc. Reinforce individual initiative to improve things.

- Be sure to follow up on any items that require further inquiry.

- Don't make it personal. Do not allow anyone to talk about a personal issue that should be handled privately. Refer them to HR for follow up.

- Food will always ensure a greater turnout!

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Apprenti-sizing

Purpose: To provide a way to break down performance areas into discrete skills for performance improvement

Steps

1. Identify the desired performance area through discussions with employee and supervisor.

2. Document the steps and skill areas using information obtained from the supervisor and topical experts.

3. Identify an opportunity for the employee to repeatedly complete a discrete step or activity for a period in live settings.

4. Schedule a performance feedback discussion between supervisor and employee either after each activity or periodically.

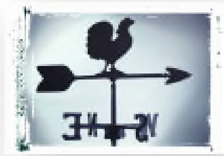
5. Acknowledge when a skill area has been performed successfully and consistently and move to the next area.

Tips

- Consider facilitating the performance feedback discussions. Your role will be to convert vague feedback ("you are doing better") into specific advice ("The information is all on the spreadsheet now, but the subtotals still have errors.").

- Collect documentation that can be formed into a reference guide or training program.

- When multiple employees are learning a similar skill, have them co-present their experiences.



Job Aids

Purpose: To provide support tools that allow employees to focus on key tasks

Steps

1. When a performance gap is identified among employees in a similar position, describe the existing performance and the desired performance.

2. Seek out positive deviance: identify examples when the activity is done correctly, and the existing factors that made this happen.

3. If there are a lot of steps in the job task, consider a checklist.

4. If key information is continuously changing, consider a reference sheet that can be updated.

5. If there is ambiguity in the desired outcome, document successful situations.

Tips

- Provide positive reinforcement when an activity is done correctly; don't just point out the errors.

- Identify a metric that can be used to measure group or company progress on this activity. Review this metric and progress periodically at appropriate meetings.

- Reference: *Job Aids and Performance Support,* by Allison Rossett & Lisa Schafer (Pfeiffer, 2007).

- Reference: *The Checklist Manifesto,* by Atul Gawande (Metropolitan Books, 2009).

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Workflow

Purpose: To improve performance by simplifying the workflow of the task

Steps

1. Map out the current process. Do this by conducting the actual process (and not solely relying on what people say the process 'is' or 'should be').

2. Write estimated times of completion for each step of the process.

3. Identify locations on the map where errors or performance gaps occur.

4. Identify improvements to the work flow with the following roles in mind (RACI).

   Responsible: the person who is ultimately responsible for the task
   Make sure this is clear – avoid a tragedy of the commons

   Approver: the person who approves the task
   Try to limit the number of approvers (1 is ideal!)
   Move excessive approvers into an informed or consultant role

   Consulted: those who are consulted about the task
   Consultants give advice, but not approval – explain this to them

   Informed: those who are informed about the task
   Try to automate this or use emails to inform

Tips

- Often, mapping the workflow process is an activity that clears up confusion and resolves discrepancies. Making the completed map available to employees can improve performance.

- Reference: *Process Mapping Road Trip,* by William Sparks (Promptitude Publishing, 2016).

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Learning Access

Purpose: To provide consistent use and reporting of funds used for skill development

Steps

1. Discuss with senior management the benefits of centralizing the skill & training fund.

    a. Consistent application.
    b. Routine and accurate reporting.
    c. Follow-up and tracking of skill training use.

2. Create a simple skill fund request form and obtain signatures from the supervisor and employee. Questions to consider:

    a. What is the skill to be developed?
    b. What departmental or organizational goal will be achieved?
    c. How will the employee use the new skill?
    d. By when will the employee be expected to use this goal?
    e. How will we measure success?

3. Provide routine reporting: be transparent about funding.

4. Have a discussion with the employee and/or the supervisor.
    a. Identify the performance gap.
    b. Consider other alternatives (job aid, workflow, etc.).

5. Follow-up with employee immediately after training activity to review expectations and to get feedback on the activity.

6. Follow-up with employee and supervisor over the agreed timeframe indicated in request form.

Tips

- Skill development and training is not the same as morale activities. Activities related to morale should be funded as a separate line item.

- For large organizations, you may need to disaggregate the central fund into a select number of regions or sub-groups.

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Speed Coaching

Purpose: To provide targeted and specific tutoring to an employee from multiple sources

Steps

1. Identify the performance area the employee (learner) is seeking to develop.

2. Confirm with the supervisor that this is a desired development area that will achieve department or company objectives.

3. Break the performance area down into specific skills.

4. Identify an experienced employee (coach) for each of the skills.

5. Meet with each of the coaches to define the targeted skill being developed.

6. Schedule an initial meeting between each coach and the learner. The coach will share the knowledge and process necessary to accomplish the desired skill.

7. The learner documents the conversation. A copy is given to you and the coach. The coach provides any comments or corrections.

8. The learner completes the task in a live setting. (The learner may be a duplicate performer on the task, but be sure it is a live setting.)

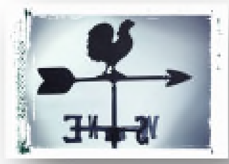
9. The learner shares the event and outcome with the coach. The coach gives feedback.

10. Repeat steps 8 and 9 only one more time, if needed at all.

Tips

- The initial coach meeting should be no more than 90 minutes. If it is longer than that, then perhaps the skill needs to be broken down further.

- Collect the meeting documentation for compilation into a reference guide.



Flexible Formats

Purpose: Provide necessary training in an appropriate and efficient format

Steps

1. Determine the learning objectives and what type of knowledge you want to impart.

2. Match the format to the type of learning. Example formats are below:
   a. Grab n Go: 35-45 minute session in which you are providing instructions, for example, how to navigate through a new software system.
   b. Brown Bag: Voluntary one hour sessions that are informational, for example, a new method used in a project that may have applications for other projects or highlighting a success story for a project or initiative.
   c. Self-guided: Online tutorial or documentation that employees can access whenever it is convenient or timely for them, and when there is a need to access it regularly. Useful when employees are at different skill levels and can set their own pace, for example, how to fill out a travel expense report.
   d. Workshop: A session lasting from two hours to several days. Use this format when you have a group at the relatively same level of skill with information that is complex. Use appropriate adult learning strategies that allow for participation and practice on the part of the employees.

Tips

- Provide quality assurance on each format. Voluntary attendance or use will be greater if a high level of quality is maintained.
- Use Brown Bags to provide more junior staff the opportunity to practice presenting in front of a group.
- Allow employees to access self-guided trainings at any time. Allow flexibility to return to certain sections as needed.
- Sometimes the expert is not the best trainer. Use the expert as a content expert, but use a skilled trainer to deliver the workshop.
- Employees often consider learning as only occurring in a formal training session. Inform employees and leadership of all these types of learning as a retention strategy.