

1 25 NCAC 01O.0210 is proposed for adoption as follows:
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3 **25 NCAC 01O.0210 ADDRESSING POOR PERFORMANCE**

4 If at any time during the performance cycle an employee is not meeting expectations, the manager or supervisor shall:

- 5 (1) Conduct a documented coaching session to
6 a. discuss ways to improve the employee’s performance or behavior;
7 b. see input from the employee about whether the performance issue can be corrected
8 through a process change or if the employee needs to receive additional training on
9 current procedures or processes;
10 c. outline the steps to be taken to improve performance, including the specific timeframe for
11 improvement;
12 d. identify the consequences, including progressive corrective action, of failure to improve;
13 and
14 e. define a follow up date.
15 If performance improves to the “Meets Expectation” level during the defined timeframe and
16 performance is maintained, no further action is necessary.

- 17 (2) If employee performance or behavior does not improve to the “Meets Expectation” level during
18 the designated timeframe discussed during the formal coaching session, the manager or supervisor
19 shall consult his or her Human Resources representative, prepare a Performance Improvement
20 Plan (PIP), and conduct and document a formal counseling session to review the PIP with the
21 employee. The PIP documentation shall serve as the first written warning, and shall:
22 a. be in writing and state that it is a warning;
23 b. state the specific performance or behavior problem that is the reason for the warning;
24 c. state the specific steps to be taken to improve performance, including the specific
25 timeframe for improvement;
26 d. state the consequences, including progressive disciplinary action, of failure to make the
27 required improvements or corrections;
28 e. define a follow-up date(s).
29 f. tell the employee of any appeal rights provided by State law, and
30 g. discuss the Employee Assistance Program (EAP) when appropriate.

- 31 (3) If performance improves to the “Meets Expectation” level during the designated timeframe and is
32 maintained, no further action is necessary.

- 33 (4) If performance does not improve to the “Meets Expectation” level during the designated timeframe
34 outlined in the PIP and discussed during the formal counseling session, or if the performance or
35 behavior fails to be maintained at the “Meets Expectations” level, the manager or supervisor shall
36 begin the formal corrective disciplinary action process as outlined in 25 NCAC 01J.0613 and contact
37 his or her Human Resources representative.

- 1 (5) If an employee receives a performance-based disciplinary action during the performance cycle,
2 corrects, and maintains performance at the “Meets Expectations” level, then the employee shall be
3 considered to have met expectations for the performance expectation(s) associated with the
4 disciplinary action.
- 5 (6) If an employee receives a performance-based disciplinary action during the performance cycle,
6 corrects, and maintains performance at the “Meets Expectations” level, the employee shall be
7 considered to have met expectations for the goal or organizational value associated with the
8 disciplinary action.
- 9 (7) If the employee receives both a “Meets Expectations” for the goal or organizational value cited in
10 the warning or other disciplinary action and a “Meets Expectations” in the overall performance
11 evaluation rating, the performance-based disciplinary action becomes inactive.
- 12 (8) If the written warning is based on the employee’s failure to complete tasks listed in the job
13 description or is based on the employee’s failure to respond to a direct order from the manager or
14 supervisor, but these warnings are not linked to the goals or organizational values of the performance
15 plan, then the written warning shall remain active, according to the OSHR disciplinary policy.
- 16 (9) At the conclusion of the performance cycle, if the employee has not successfully satisfied the terms
17 of the PIP, or has an active performance-based disciplinary action, the employee shall be considered
18 not to have met expectations during the current cycle for the performance expectation(s) associated
19 with the disciplinary action.

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21 History Note: Authority G.S. 126-4;