

## **PERFORMANCE MANAGEMENT**

### **Objective**

The objective of the following procedures is to provide a framework within which individual work performance problems can be resolved in a positive, constructive and consistent manner.

The procedures place emphasis on the role of counselling and establishment of expected standards rather than the imposition of disciplinary penalties. The aim of the procedure is to put in place strategies to rectify areas where performance or conduct does not meet the required standard.

The employee should be advised of their right for representation or may request the presence of a Union representative or other support person to attend with them at any stage in the procedures set out in this clause.

### **Scope**

All employees of Gilgandra Shire Council.

### **Policy**

#### **Responsibilities of Managers or their delegated representatives**

Managers or their delegated representatives are responsible for:

- Setting and communicating standards of work performance and behaviour
- Monitoring and managing work performance and behaviour
- Identifying variations to acceptable work performance and/or behaviour
- Documenting all facets and discussions about the issue(s) of concern
- Discussing the issue(s) of concern with the employee(s)
- Implementing the Performance procedure

#### **Responsibility of Employees**

Employees are responsible for:

- Performing work to required standards
- Behaving in a manner in accordance with the Code of Conduct
- Carrying out lawful instructions given by a Manager or their delegated representative



## Stage 1 – Investigation & Counselling Session

### Investigation

Where an employee's work performance or conduct is considered to be unsatisfactory, an interview will be conducted with the employee by the employee's supervisor and/or other appropriate officer.

The purpose of the investigative interview is to make the employee aware of:-

- the perceived deficiencies;
- offer an opportunity to provide an explanation;
- and to provide a positive framework within which deficiencies can be addressed.

During the interview, employees will be given full opportunity to explain their side of the issue. *In the event of the employee's explanation being accepted no further action will be taken.*

### Counselling Session

If a 'first warning' is considered to be justified the employee's supervisor and/or appropriate officer will counsel the employee on:

- Perceived deficiencies
- The standard expected
- The nature of the improvement required
- The appropriate steps to be taken to achieve the standards expected; and
- The time within which reasonable improvement can be expected.

A Performance Plan may be established by the supervisor and/or appropriate officer. The Performance Plan should identify the areas of the employee's performance and/or conduct requiring improvement.

A written record will be kept of the interview and placed on the employee's confidential file. The employee will be required to sight and sign such written record and will be entitled to add any notations regarding comments thereon.

The recording of a first warning, referred to above, will be deemed to be a Stage I Disciplinary Action.

A review period should be set to allow the employee the opportunity to rectify their performance and/or conduct.

## Stage 2 – Written Warning

Where there is a further instance of unsatisfactory performance or conduct, the employee will again be interviewed and counselled by the employee's supervisor and/or appropriate officer.

Counselling should reinforce:

- Perceived deficiencies
- The standard expected
- The nature of the improvement required
- The appropriate steps to be taken to achieve the standards expected; and
- The time within which reasonable improvement can be expected.

The supervisor and/or appropriate officer should emphasise the severity of the problem, advise that disciplinary action as per Stage III of these procedures will be applied if corrective action is not taken and nominate a review period during which the situation will be monitored.

A Performance Plan may be established by the supervisor and/or appropriate officer. The Performance Plan should identify the areas of the employees performance and/or conduct requiring improvement.

Such review period will normally be of six (6) months' duration but may be of greater or lesser period depending on the nature of the unsatisfactory performance. A written record will be kept of the above counselling and the employee will be given a formal written warning signed by the General Manager.

The employee will be advised during interview of their entitlement to sight and sign the written record of interview and add any notation regarding the contents of such record.

The formal written warning referred to above will be deemed to be a Stage II Disciplinary Action

### **Stage 3 – Final Warning**

If the employee's unsatisfactory performance or conduct is still apparent at the conclusion of the monitoring period, a further interview will be held. If no satisfactory explanation is provided by the employee, appropriate disciplinary action will be taken. Appropriate disciplinary action may take the form of demotion for a period of time, or suspension without pay for a specified period.

The employee will be given a letter signed by the General Manager confirming the disciplinary action taken and advising that the action is a "final warning", i.e., should the unsatisfactory work performance or conduct be continued and/or repeated, action will be taken with a view to terminating the employee's service

A Performance Plan may be established by the supervisor and/or appropriate officer. The Performance Plan should identify the areas of the employee's performance and/or conduct requiring improvement. The disciplinary action and the "final warning" referred to above will be deemed to be a Stage III Disciplinary Action.

## Stage 4 - Termination

If the employee's performance or conduct does not improve after the "final warning", a further interview will be held to allow the employee to show cause why action should not be taken in the form of termination of employment. If no satisfactory explanation is received such action will be taken. Termination will be deemed to be a Stage IV Disciplinary Action.

### Summary Dismissal

In some circumstances the serious and or willful misconduct or actions of an employee may warrant instant or summary dismissal. Accordingly, foregoing procedures will not affect the rights of the Council to dismiss an employee.

Where employees are to be subject to disciplinary action they are entitled to a full and proper investigation of the facts by management and the opportunity to state their side of the matter with the assistance of a fellow employee or Union representative if so desired.

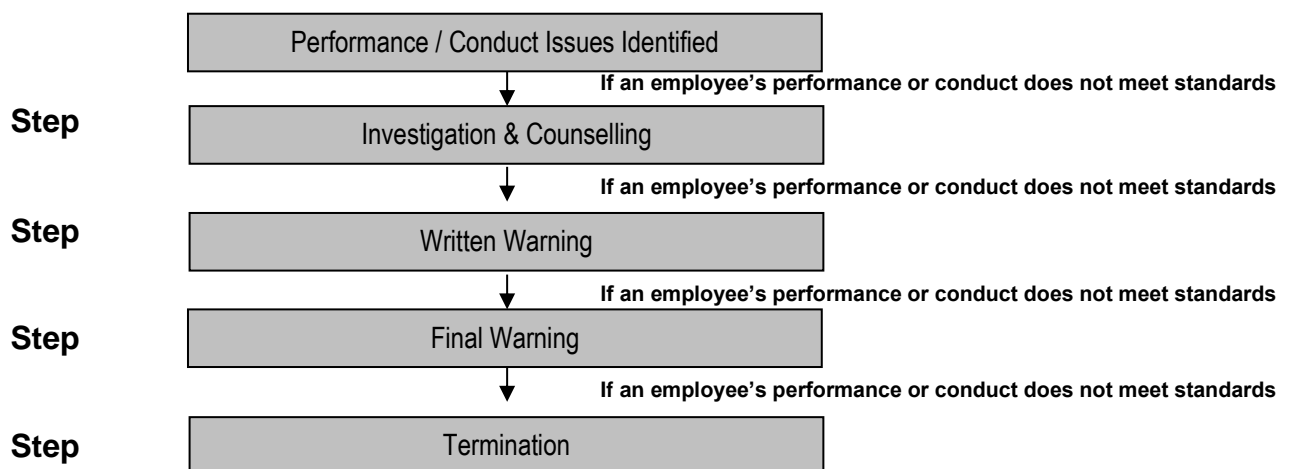
These procedures will not affect either party's rights to institute the disputes procedure of the award or to notify the Industrial Registrar as to the existence of an industrial dispute.

Employees will have access to their confidential file under supervision and may take notes and/or copies of the contents of such file.

The supervisor and/or appropriate officer will remind the employee of the ability to access Council's Employee Assistance Program where appropriate throughout the Performance Management procedure. The above process does not apply to apprentices or trainees.

The following is a flow chart confirming the Managing for Performance Procedure:

### COUNSELLING, DISCIPLINE & TERMINATION EXAMPLE OF STEPS TO PRACTICAL APPLICATION



*NOTE – Depending on the issue (performance or conduct), this process may commence at any step.*

*Relevant Legislation*

Anti Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)

Local Government (State) Award 2023 (NSW)

Anti Discrimination Act 1977 (NSW)

Local Government Act 1993 (NSW)

Industrial Relations Act 1996 (NSW)

*Associated Documents*

Nil

<b>Responsible Officer:</b>	Executive Leader Transformational Change		
<b>Date Adopted:</b>	15/3/07, 18/2/15 20/3/18, 16/2/21 21/02/23, 20/02/24	<b>Resolution No:</b>	107/07, 15/15 48/18, 15/21 11/23, 6/24
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