

GENERAL GUIDELINES: COLLABORATIVE ACHIEVEMENT PLANS (CAPs) & UNSATISFACTORY PERFORMANCE NOTICES (UPNs)

When completing a CAP or UPN, it is important to remember that assessments of performance must be employee-specific, and protected leaves or other protected activity (e.g., EEO complaints) must not influence evaluators. Although your HR director may submit any performance management documents to Legal Affairs for review, below are some important guidelines concerning the documentation of unsatisfactory performance (in the case of UPNs) or potentially unsatisfactory performance (in the case of an unsuccessfully completed CAP):

- **Be objective**: Keep the language as objective as possible, and look for measurable and verifiable reasons for the unsatisfactory rating. Remember, you are measuring the employee's level of performance, and not their personality. The reason for the unsatisfactory rating should be business-related or due to performance issues, not due to personal, subjective or emotional opinions about the employee.
- **Be specific**: The review should focus on behavior and results and not on traits. Avoid generalities such as "Employee is unprofessional" or "Employee is a poor performer." Instead, focus on the facts (e.g., "Over the last six month, employee has failed to meet the expected number of home visits: [include number]."). Focus on specific criteria like the number of incomplete projects or missed deliverables, or the number of patient complaints.
- **Be focused**: After you've written the CAP or UPN, review it to ensure that all relevant points have been included, but make sure it stays short and factual. Unnecessary details should be avoided.
- **Be thoughtful**: If the employee is being recommended for dismissal for poor performance, then you should carefully consider the reasons. Generally speaking, if the employee's performance has simply been poor, then in most cases a corrective action plan may be more appropriate before the employee can be dismissed due to unsatisfactory performance. Accordingly, be clear as to the reason why the employee's performance is unsatisfactory.

See Pages 2 and 3 for the CAP and UPN templates. Note: These will look different in PeopleSoft.

Collaborative Achievement Plan (CAP) Template

To: (Employee's Name)
From: (Supervisor's Name)
Subject: Collaborative Achievement Plan (CAP)
Period: (Supervisor indicates the beginning and end dates to create a period of 30, 45, 60, 90, or another number of days, depending on the situation)

The purpose of this memorandum is to outline a Collaborative Achievement Plan (CAP) for the key area(s) where performance is less than satisfactory; to draw specific attention to the area(s) in which improvement is needed; and to ensure that you understand the expectations of your position. This plan will take effect immediately.

Described below is/are the main area(s) in which improvement is essential in order to succeed in your role as (Director of Sample Unit).

(Improvement Area 1)

Add a description of the behavior that needs improvement, describe why it needs improvement, and clearly explain what is expected of the employee in order to achieve success in this area.

(Improvement Area 2)

Add a description of the behavior that needs improvement, describe why it needs improvement, and clearly explain what is expected of the employee in order to achieve success in this area.

(Improvement Area 3) – More can be added, if needed.

Add a description of the behavior that needs improvement, describe why it needs improvement, and clearly explain what is expected of the employee in order to achieve success in this area.

Other Actions to Improve Performance (provided by employee):

Challenges/Barriers to implement plan (provided by employee):

Conclusion

Unless otherwise justified, you, the employee, will have the duration indicated above to demonstrate improved performance in the aforementioned area(s). I, your supervisor, will meet with you periodically to discuss your progress and address any area(s) of concern. If you find that you need help in meeting any of the provisions of this plan, it is your responsibility to seek assistance from me (and other supervisors/managers, as appropriate). If you fail to meet the required improvements in the area(s) identified above, a separation of service could be considered. Additionally, failure to sustain previously achieved improvements could also result in separation from your current position.

Acceptance

I acknowledge these performance improvements and I agree to participate in this Collaborative Achievement Plan (CAP). **Employee and supervisor must e-sign the CAP.**

Type Employee's Name

Date: _____

Type Supervisor's Name

Date: _____

Unsatisfactory Performance Notice (UPN) Template

UNSATISFACTORY PERFORMANCE NOTICE (UPN):

UNSATISFACTORY PERFORMANCE DEFINITION: Performance is below expectations in essential area(s) of responsibility; reasonable progress has not been made; and it has been determined that deficiencies cannot be corrected and/or that continued employment is not in the best interest of the health care system.

NYC Health + Hospitals' Group 11 employees do not have tenure and serve at the pleasure of the health care system. Accordingly, if **at any time** during a Group 11 employee's employment with the health care system, a Supervisor determines that a Group 11 employee's performance is Unsatisfactory (i.e., below expectations in the essential area[s] of their position and/or that their continued employment is no longer in the best interest of the health care system), the employee may be subject to adverse employment action.

Before creating/completing an Unsatisfactory Performance Notice (UPN), the Supervisor must confirm with their immediate supervisor (i.e., Secondary Reviewer), the head of their department, and their facility HR Director (who may consult with Legal Affairs, if necessary) as to whether or not the employee's performance should be designated as Unsatisfactory. Unsatisfactory performance can result in immediate adverse employment action, up to and including termination, without the completion of a formal performance evaluation and/or CAP. Factors to be considered before creating/completing a UPN include, but are not limited to the following:

- Length of time the employee has been employed or has been in the position
- Seriousness or egregiousness of the unsatisfactory performance
- Impact the Unsatisfactory performance has on the essential business needs of the health care system

A member of the facility HR team should cancel the employee's current evaluation before a UPN is created for the employee. **It is very important that appropriate levels of confidentiality are maintained throughout this process.** Once finalized (if the employee is separating) or cancelled (if the employee is not separating), the UPN becomes part of the employee's official personnel record, and is subject to audit.

Employee:	<i>Employee whose performance is Unsatisfactory</i>
Period:	<i>Supervisor's best estimate of the Unsatisfactory Performance's beginning and end dates</i>
Supervisor:	<i>Supervisor who completes the UPN</i>
Secondary Reviewer:	<i>The Supervisor's superior that reviews/approves the completed UPN</i>

UNSATISFACTORY PERFORMANCE AREA(S):

Please describe below the essential area(s) in which the employee's performance did not meet established standards. Please provide specific examples, and explain why the employee's continued employment is not in the best interest of the health care system. If necessary, you may add additional areas, as well as supporting documentation, such as non-confidential emails or work samples.

Unsatisfactory Performance Area 1 Title:	<i>Description, Examples...</i>
Unsatisfactory Performance Area 2 Title:	<i>Description, Examples...</i>
Unsatisfactory Performance Area 3 Title:	<i>Description, Examples...</i>

Supervisor's eSignature:	
Secondary Reviewer's eSignature:	

UPN COMPLETION AND FINALIZATION

A UPN is completed once it is approved by the Secondary Reviewer. Upon completion, the Supervisor must send a PDF version of the UPN to their Facility HR Director, who will forward the PDF to their facility's CEO and Blanche Greenfield (Legal Affairs). The Facility HR Director (in consultation with Legal Affairs, their facility's CEO, the Supervisor, Secondary Reviewer, and the head of their department) is responsible for implementing the employee's separation or other adverse employment action(s). Facility HR must only finalize the UPN after the employee separates AND their PeopleSoft access has been removed but before midnight after the separation occurs. If the employee is not separating (e.g., they are returning to an underlying Group 12 title), then the UPN should be cancelled instead of finalized. Even though completed UPNs should not be visible to employees, this is the safest way to ensure the confidentiality of the UPN.