

How to Respond When an Employee Rejects Their Performance Review

By Sharlyn Lauby
September 13, 2022

Performance reviews are used for a variety of purposes—merit increases, promotions, transfers and more. For those reasons, it makes sense that every employee wants to receive a satisfactory review. So what happens if an employee receives a *poor* performance review and doesn't agree with it?

As a practical rule, an employee's performance appraisal should never come as a shock to them. When an employee receives a poor performance review, the first question to ask is, "Was this a surprise?" When an employee complains to HR about their performance review, it's usually because the review was not expected.

"Managers should provide feedback throughout the year to ensure performance discussions are timely," said Pamela Mitchell, SHRM-CP, founder and CEO of Ask HR Partners, a Texas-based consulting firm. If an employee is shocked by a review, their manager likely missed opportunities to provide continuous feedback. "Doing so will make performance review conversations easier. If an employee's performance isn't where it should be, more than likely it didn't happen overnight. If constructive feedback conversations happen throughout the year, when it's time to sit down to look back over the employee's performance, you will have a documented history."

Providing managers with performance management training is a proven way to help them develop the skills they need to deliver the right feedback at the right time, advised Jenni Stone, SHRM-CP, an HR analyst at Millennium Physician Group in South Carolina. "Most managers feel uncomfortable delivering direct negative feedback about employees' performance. Providing training on how to deliver constructive criticism or how to have difficult conversations will help managers be more prepared," she said.

Before the Performance Discussion

Encourage managers who suspect an employee isn't going to like their performance appraisal to talk with HR before having the meeting to receive guidance on the best way to deliver the review. The same is true if you're an employee expecting a bad review: Talk with HR about your concerns and get suggestions on how to respond in a constructive manner.

For managers, being prepared means being ready not only to deliver feedback, but also for the possibility that an employee will push back on the comments and refuse to acknowledge the review, said attorney Jonathan Segal, a partner at Duane Morris LLP in Philadelphia. "There is not a requirement that employees sign their appraisals. Sometimes employees refuse to sign because they fear that, by signing, they are effectively agreeing to the appraisal."

Segal added that at times, the signature rather than the appraisal becomes the issue, which employers can mitigate by simply having employees "acknowledge receipt." If the employee refuses to do that, it should be documented.

As part of planning the performance review discussion, Stone suggests that managers ask themselves, "What's the goal of the review? Is it to root out the poor performer, or to establish priorities?"

"The performance review is about identifying barriers and issues that have hindered performance and eliminat[ing] them," she added. "Avoid rushing to judgment and focus on what can be done to support the employee who is struggling."

One way to help prepare employees for their review discussions is to have them complete self-evaluations. This gives workers an opportunity to think about their accomplishments and weaknesses and perhaps provide the evaluation to their manager before the review. Also, ask employees to think about the support they need from management to accomplish their goals, which helps turn the performance conversation into a two-way discussion.

During the Performance Review

If an employee doesn't want to sign their performance appraisal, one option is to allow them to write some sort of rebuttal. The logic behind that approach is that if the employee doesn't agree with the review, they can go "on the record" explaining why they don't agree. The manager can give the employee the option of delivering their rebuttal directly to HR.

Segal explained that the primary benefit of asking employees to write a response to their appraisal is that it increases dialogue. "The appraisal discussion must be just that—a discussion," he said. "The appraisal form should be a document that is part of performance management. If employees are engaged throughout the process, they may feel less of a need to write a lengthy reply when the process is over."

Segal added that the primary risk of asking employees to write a response is that "it may encourage some employees to allege the concerns raised about their performance are for discriminatory, retaliatory or other unlawful reasons. The middle ground is to make clear that employees always can respond in writing to their appraisal. But create opportunities for dialogue throughout the process as opposed to employees needing to wait until the end."

Mitchell suggested that if an employee believes their performance review is unfair, the manager should try to understand why. "Ask the employee for specific examples," she said. "Discuss any coaching conversations that happened throughout the year."

If you're the employee and your organization doesn't offer you the opportunity to write a reply, ask HR if you may do so. And if you're the manager, try not to be intimidated by such a request. This is easier said than done, but remember the goal of a performance review: to improve performance. If allowing the employee to write a reply helps achieve that goal, it's a good thing. Additionally, refusing to allow an employee to write a rebuttal could send the message that the company isn't open to employee feedback.

After the Review Conversation

The manager should debrief the discussion, including what happened and what the employee decided to do, with HR. Segal said if the employee writes a response, the employer should accept it.

"That does not mean the employer agrees with it, but, at a very minimum, it's an acknowledgment of it," he said. "Depending on the state, the employer may have to include the reply in the employee's personnel file." But even if this isn't required, it should do so anyway, he advised.

Once the employee rebuttal is received, it might be necessary to have a follow-up meeting to address the employee's concerns. Depending on the situation, HR may need to be involved in the follow-up meeting. Segal notes that if an employee raises a legal concern, the employer must investigate unless the concern has already been investigated.

The goal for employers is to read responses to understand them rather than figuring out how to rebut them. "The employer may need to respond to some of the comments so that their silence is not seen as tacit agreement," Segal said. "Or the employer could document its disagreement with certain points made but explain why it's not responding to the employee—for example, the issues have been discussed before."

If the employee makes some valid remarks, it might be appropriate for the employer to consider updating the performance review. This shows a willingness to listen to the employee and could increase the manager's credibility.

Remember the Goal

Performance reviews are important discussions in employees' careers, with the goal of letting them know how they're doing and helping them continuously improve. Keeping employees engaged in the performance review process can remove any potential shock waves and create a valuable dialogue. Both managers and employees need to be able to talk about goals and accomplishments, and if someone forgets an incident that occurred during the review period, which happens, it should be properly noted.

Organizations and individuals care about performance. Making the performance conversation relevant is essential to keeping performance at a high level.

Sharlyn Lauby, SHRM-SCP, is the president of ITM Group Inc., a Florida-based training and human resources consulting firm focused on helping companies retain and engage talent. She is a SHRM instructor and conference speaker and the author of the HR Bartender website, a friendly place to talk about workplace issues. Lauby also is the author of Manager Onboarding: 5 Steps for Setting New Leaders Up for Success and The Recruiter's Handbook: A Complete Guide for Sourcing, Selecting, and Engaging the Best Talent, which are available in the SHRMStore.

HR DAILY NEWSLETTER

News, trends and analysis, as well as breaking news alerts, to help HR professionals do their jobs better each business day.

CONTACT US (WWW.SHRM.ORG/ABOUT-SHRM/PAGES/CONTACT-US.ASPX) | 800.283.SHRM (7476)

Monday - Friday 8:00 am-8:00 pm ET

© 2022 SHRM. All Rights Reserved

SHRM provides content as a service to its readers and members. It does not offer legal advice, and cannot guarantee the accuracy or suitability of its content for a particular purpose.

[Disclaimer \(www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer\)](http://www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer)