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## **COUNCIL GUIDELINE: MANAGING WORK PERFORMANCE AND CONDUCT**

### **Objective:**

The City of Albany (City) is committed to ensuring that when substandard work performance and conduct issues arise, employees are treated fairly and equitably in a conciliatory process.

The City of Albany believes that the effective resolution of sub-standard performance is based on the following principles:

Resolution of sub-standard performance:

- should be seen by City of Albany and its employees as a tool for effective human resources management, rather than a punitive action.
- must be based on timely and accurate identification of the nature and the cause of the problem.
- must be built on the principles of natural justice and current industrial practice which includes informing the employee of the exact nature of the substandard performance, providing the employee with opportunities to provide explanations or alternative views, making decisions that are unbiased and seen to be unbiased, and implementing fair remedial action.

### **Definition:**

Sub-standard performance can be defined as:

*"An identified inability or unwillingness to utilise appropriate skills to carry out tasks associated with a particular position competently and in a manner which meets the reasonable expectations and service needs of the organisation."*

### **Union Support:**

Where an employee, who is being performance managed according to this guideline, provides management with written authority naming the Union representative, management will be authorised to include the Union Representative in the performance management process as directed by the employee. This includes:

- access to confidential documentation;
- attendance at performance management meetings;
- to meet with management and discuss performance measures on behalf of the employee.

### **Procedures:**

When a manager or supervisor identifies that an employee's performance or conduct is below standard, the following options are recommended to address identified issues.

#### ***Initial Discussion***

In an effort to address performance issues, prior to the verbal or written warning stage, the employee's manager or supervisor should initially discuss the substandard work performance or conduct issue in a conciliatory manner. It is recommended that the discussion centre around the performance issue and the training and/or support needed to resolve the issue. Dependant on the

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nature or severity of the issue the manager / supervisor may proceed directly to the verbal warning stage.

As a result of the meeting the manager / supervisor will provide a record of conversation detailing the performance issue. The record may include:

- Names of the parties involved in the agreement;
- The date of effect;
- Specific areas of sub-standard performance;
- Remedial action required;
- Training and other support to be provided by the supervisor / City (if necessary);
- Review interviews to assess progress;
- Time lines for resolution;

Generally where such discussions take place the following should occur:

- a 'Training and Support Schedule' may be prepared to identify support and training provided to the employee. (Appendix C)
- a 'Record of Conversation' must be prepared by the manager or supervisor with a copy forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file. (Appendix B)

### **Verbal Warning**

Where there is little or no improvement in the employee's performance or conduct as specified through the initial discussion process, or there is, in the manager / supervisor's opinion, a performance or conduct issue requiring immediate intervention, the manager or supervisor may initiate the verbal warning process. The employee should be given a minimum 24 hours notice prior to a formal meeting.

Note: For issues of 'serious misconduct', it is best practice to involve the relevant Executive Director or the Chief Executive Officer.

The employee will be told as soon as possible of any complaint concerning their performance. A formal meeting will be arranged for management and the employee to discuss the performance issue. The employee has the opportunity to bring a representative with them to the interview. The employer may also wish to have an independent witness present in the interview.

As a result of the meeting the manager / supervisor will formulate a performance agreement to resolve the performance issue. The agreement (Appendix D) will include:

- Names of the parties involved in the agreement;
- The date of effect;
- Specific areas of sub-standard performance;
- Remedial action required;
- Training and other support to be provided by the supervisor / City (if necessary);
- Review interviews to assess progress;
- Time lines for resolution;

Generally where such discussions take place the following should occur:

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- a Performance Agreement may be prepared and forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file.(Appendix D)
- a 'Record of Conversation' must be prepared by the manager or supervisor with a copy forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file. (Appendix B)

The manager / supervisor may address performance issues earlier than specified in the performance agreement if the circumstances regarding the issue require it. The performance agreement will clearly state that failure to improve performance within stated time lines may result in termination.

### **Written Warning/s**

If the employee's performance or conduct does not improve after initial discussion / verbal warning or the issue is deemed to be serious misconduct on the part of the employee, a formal interview with the employee will be arranged.

Note: For issues of 'serious misconduct', it is best practice to involve the relevant Executive Director or the Chief Executive Officer.

The employee has the opportunity to bring a representative with them to the interview. The employer may also wish to have an independent witness present in the interview.

As a result of the meeting the manager / supervisor will formulate a performance agreement to resolve the performance issue/s. The agreement (Appendix D) will include:

- Names of the parties involved in the agreement;
- The date of effect;
- Specific areas of sub-standard performance;
- Remedial action required;
- Training and other support to be provided by the supervisor / City (if necessary);
- Review interviews to assess progress;
- Time lines for resolution;
- Referral to previous performance management meetings and specific points agreed upon for resolution.

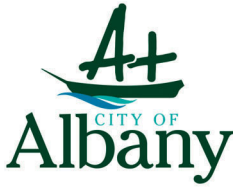
Generally where such discussions take place the following should occur:

- a 'Letter of Warning' will be prepared by the manager or supervisor and forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file. (Appendix E)
- a "Performance Agreement" may be prepared and forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file (Appendix D)
- a 'Record of Conversation' documenting the meeting must be prepared by the manager or supervisor with a copy forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file. (Appendix B)

The manager / supervisor may address performance issues earlier than specified in the performance agreement if the circumstances regarding the issue require it. The letter of warning

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will clearly state that failure to improve performance within stated time lines may result in termination.

Failure to achieve outcomes as specified in the performance agreement will result in the employee being subject to another letter of warning and performance agreement or termination of employment.

### **Termination**

If the employee's performance or conduct does not improve after informal discussion / verbal warning and/or written warning/s or the issue is deemed of such a serious nature, harassment, bullying and discrimination, on the part of the employee, the employer may terminate the employment of the employee. The employee's participation in the performance management process, comments regarding the performance issue and any other relevant matters should be considered before a decision is made whether to terminate their employment.

Where termination is identified as necessary, it is recommended that the relevant Executive Director or the Chief Executive Officer are informed of the termination and justification prior to the employee being terminated..

A formal meeting will be arranged and the employee has the opportunity to bring a representative with them to the meeting. The employer may also wish to have an independent witness present in the meeting. Consideration should also be given to all reasonable alternatives to termination, where such alternatives are appropriate.

Generally where the decision is made to terminate the following should occur:

- a 'Letter of Termination' will be prepared by the manager or supervisor and forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file. (Appendix F)
- a 'Record of Conversation' documenting the meeting must be prepared by the manager or supervisor with a copy forwarded to the employee and the Human Resources Officer for filing on the employee's personnel file. (Appendix B)

The employee will be given the appropriate notice periods or compensation in lieu of notice and any accrued entitlements. The termination payments will depend on the nature of the dismissal (eg summary dismissal etc).

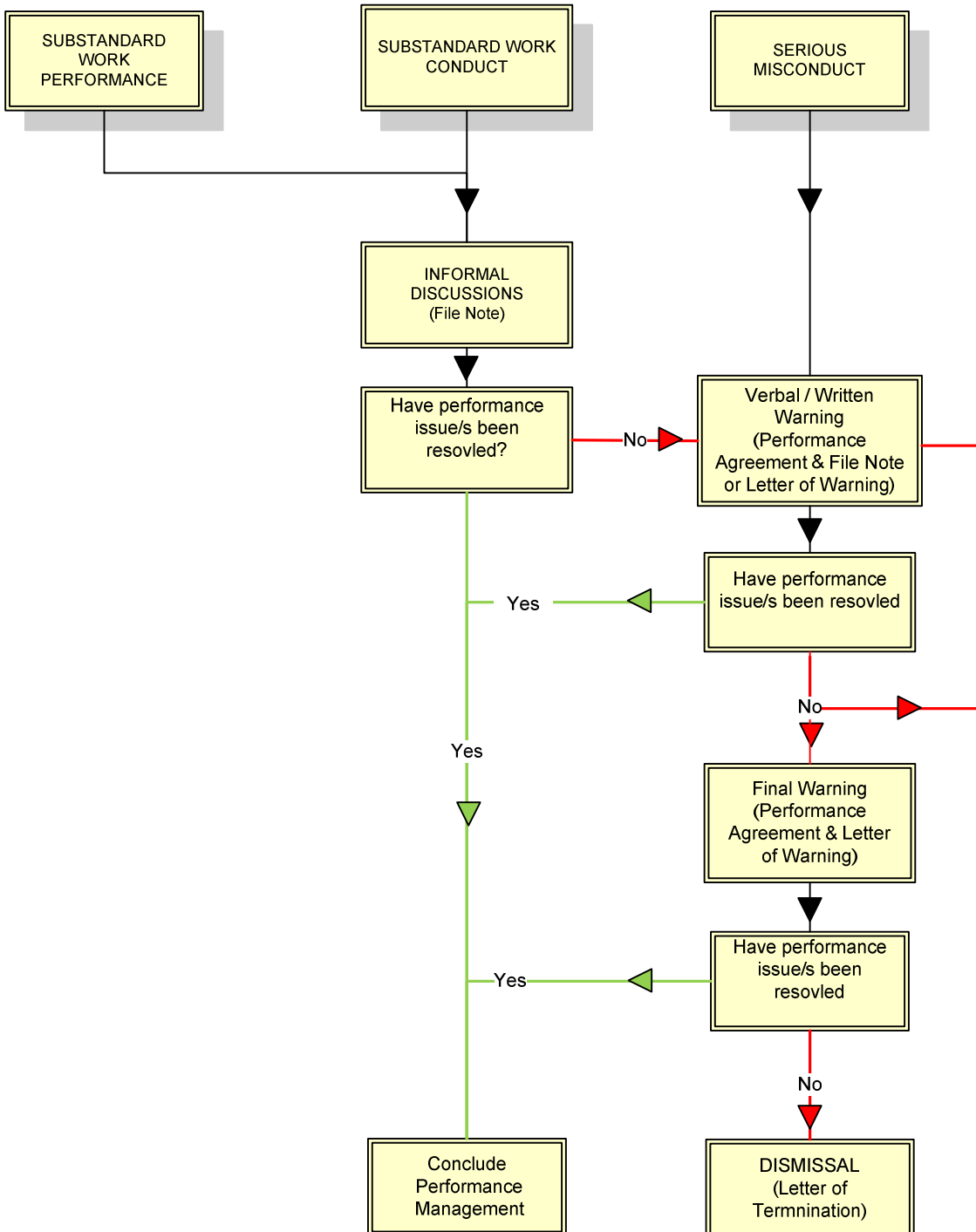
### **Summary of Appendices:**

Appendix A	Manager Checklist- Managing substandard performance.
Appendix B	Record of Conversation – Used to record any initial and formal discussions or verbal warnings issued.
Appendix C	Training and Support Schedule (Initial discussions only)
Appendix D	Performance Agreement (Verbal and Written warnings only)
Appendix E	Letter of Warning – Unsatisfactory Performance or Conduct
Appendix F	Letter of Termination – Unsatisfactory Performance or Conduct

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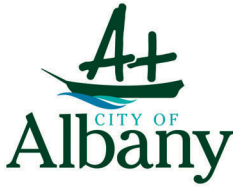
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## FLOWCHART OF PROCEDURES FOR MANAGING SUBSTANDARD WORK PERFORMANCE AND CONDUCT ISSUE



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## Manager Checklist – managing work performance and conduct

(To be completed by the supervisor and forwarded to HR for filing)

Name of employee: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

Briefly – list performance issue/s

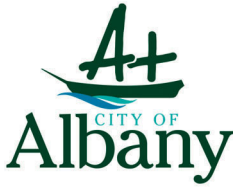
New Performance Management Process	Ongoing Performance Management
------------------------------------	--------------------------------

Initial Discussions	Date	N/A
Meeting date scheduled - <b>Employee given a minimum 24 hours notice</b>		
Training and Support Schedule created (Appendix C)		
Training and Support Schedule copy forwarded to employee		
Training and Support Schedule copy forwarded to HR		
Record of conversation created (Appendix B)		
Record of conversation, copy forwarded to employee		
Record of conversation, copy forwarded to HR		

Verbal / Written Warning/s	Date	N/A
Meeting date scheduled- <b>Employee given a minimum 24 hours notice</b>		
Witnesses- employee notified that they are entitled to bring a witness to the performance meeting		
Performance Agreement created (Appendix D)		
Performance Agreement, copy forwarded to employee		
Performance Agreement, copy forwarded to HR		
Letter of warning created (if written warning) (Appendix E)		
Letter of warning, copy forwarded to employee		
Letter of warning, copy forwarded to HR		
Record of conversation created (Appendix B)		
Record of conversation, copy forwarded to employee		
Record of conversation, copy forwarded to HR		

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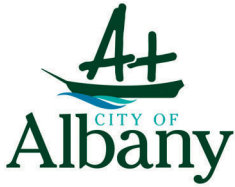
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<b>General Requirements: Initial Discussion / Warnings</b>	<b>Date</b>	<b>N/A</b>
Clearly identify substandard performance and remedial action – detailed in the Record of Conversation (Appendix B) and Training and Support Schedule (Appendix C) or Performance Agreement (Appendix D)		
Establish a training and/or support package to assist the employee to achieve work objectives – listing in the Training and Support Schedule (Appendix C) or Performance Agreement (Appendix D)		
Establish a set of review interviews dates and times in consultation with employee – listing in the Training and Support Schedule (Appendix C) or Performance Agreement (Appendix D)		
<b>Warnings only:</b> must detail the outcome of the employee’s failure to address substandard performance		
Review “terms of agreement’ detailed on the Training and Support Schedule and Performance Agreement with the employee		

<b>Dismissal</b>	<b>Date</b>	<b>N/A</b>
Senior management advised/consulted regarding dismissal		
Meeting date scheduled - <b>Employee given a minimum 24 hours notice</b>		
Witnesses- employee notified that they are entitled to bring a witness to the performance meeting		
Letter of termination created (Appendix F)		
Letter of termination, copy provided to employee		
Letter of termination, copy provided to HR		
Record of conversation created (Appendix B)		
Record of conversation, copy forwarded to employee		
Record of conversation, copy forwarded to HR		

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**APPENDIX B**

**RECORD OF CONVERSATION**

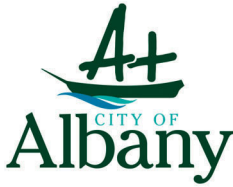
To record any informal and formal discussions between a Manager/ Supervisor and the Employee regarding performance management issues	
<b>DATE / TIME:</b>	<b>POSITION:</b>
<b>PRESENT:</b>	
<b>OUR REF:</b>	
<b>CROSS REF:</b>	
<b>SUBJECT</b>	

**DETAILS:**

<b>Signed:</b>		<b>Signed:</b>	
<b>Name:</b>		<b>Name:</b>	
<b>Position:</b>		<b>Position:</b>	
<b>Date:</b>		<b>Date:</b>	

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## Appendix C

### TRAINING AND SUPPORT SCHEDULE

(For use at initial discussion, verbal and written warning interviews)	
Supervisor:	Supervisor's position:
Employee:	Employee's position:
Date:	

Remedial Action/s	Date for Completion

Training / Support	Date of Training / Support	Training / Support Provider

Review Interviews	Location	Date	Time

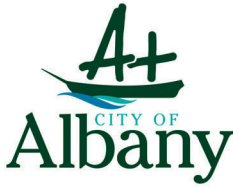
Interview conducted by		Acknowledged by employee	
<b>Signed:</b>		<b>Signed:</b>	
<b>Name:</b>		<b>Name:</b>	
<b>Position:</b>		<b>Position:</b>	
<b>Date:</b>		<b>Date:</b>	

**Terms of the schedule** The purpose of this training and support schedule is to identify the performance issue, clarify remedial action/s required and identify specialised training and support, as a clear concise mechanism for improving performance to a standard that meets the expectations of the City of Albany. Items contained in this schedule are subject to modification under several circumstances:

- First, should it become clear that the level of performance has been attained, the schedule may be finalised in consultation with supervisor and employee.
- Second, where improvement in overall performance is noted, but it is agreed, in consultation with the supervisor and employee, that additional time and/or training is required to reach the expected standard in all areas, the schedule may be extended with further training and support.

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**APPENDIX D**

**PERFORMANCE AGREEMENT**

*To record any formal processes initiated to address performance issues for initial / subsequent warnings, issued by a Supervisor to an Employee*

Supervisor's Name:		Supervisor's Position:	
Employee's Name:		Employee's Position:	
Date of Interview:	Interview time:	Location of interview:	Date of previous review interview:
Performance Agreement Synergy Reference Number:			
Initial Discussion		Verbal warning	Written Warning

**Independent witness:**

<b>Has the employee been notified that they are able to have a witness present at the Performance Agreement interview</b>	Date of notification:	Synergy Ref No:	
Supervisor-Witness name	Witness's position	Employee-Witness name	Witness's position

**1: Reason for interview**

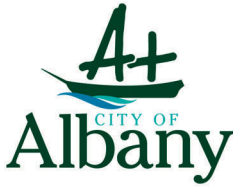
**2: Required standards**

**3: Employee response:**

<b>4: Previous performance management</b>		<b>Synergy Ref No:</b>
Meeting Date	Remedial action/s previously assigned	Remedial action/s achieved

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<b>5: Future remedial action/s:</b>		
Action:		Date for completion:

<b>6: Training / Support to be provided to the employee</b>		
Training / Support	Date of Training / Support	Training / Support Provider

<b>7: Remedial action review interviews:</b>				
Staff involved in review	Remedial action for review	Location	Date	Time

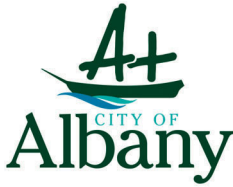
<b>8: Consequences of failing to meet agreed remedial action or a repeat occurrence:</b>				
Verbal warning		Written Warning		Termination

Interview conducted by		Acknowledged by employee	
<b>Signed:</b>		<b>Signed:</b>	
<b>Name:</b>		<b>Name:</b>	
<b>Position:</b>		<b>Position:</b>	
<b>Date:</b>		<b>Date:</b>	

**Terms of Agreement** The purpose of this document is to identify performance deficiencies and to provide a clear concise mechanism for improving performance to a standard that meets the expectations of the City of Albany. Every effort will be made to provide training and support

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necessary for the successful completion of this performance agreement. Items contained in this agreement are subject to modification under several circumstances. First, should it become clear that the level of performance has been attained prior to the projected date, the agreement may be finalised in consultation with supervisor and employee. Second, where improvement in overall performance is noted, but additional time and/or training is required to reach the expected standard in all areas, the agreement may be renegotiated. Finally, after a reasonable amount of time has passed, should it be determined that the overall performance does not meet the City's expectations or that a standard of performance to an acceptable level cannot be met, a final warning will be issued. We agree to work together on the items identified in this performance agreement and to make every effort to reach the goals and expectations defined.

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## APPENDIX E

### LETTER OF WARNING

#### Unsatisfactory performance or conduct

Our Ref:  
Cross Ref:  
Your Ref:  
Enquiries:

*[insert date]*

*[insert address]*

Dear *[insert salutation]*

#### **Written warning for [Insert unsatisfactory performance/ misconduct]**

I refer to your meeting with *[insert name of interviewer/s]* on *[insert date]*.

I confirm at the meeting the following matters were put to you concerning your employment.

- *[Insert matters discussed at the meeting]*
- *[Insert particulars of alleged unsatisfactory performance/ misconduct]*
- *[Refer to any previous written/ verbal warnings concerning similar matters, including dates when such earnings were given, who issued the warnings, etc]*

I confirm that you were given the opportunity at the meeting to respond to these matters.

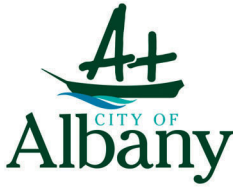
The City of Albany has fully investigated the facts surrounding these matters. After carefully considering your response, I do not consider it to be acceptable.

The following aspects of your employment require immediate attention and satisfactory improvement:

- *[Insert aspects of work requiring improvement or misconduct to be avoided in the future]*

The City of Albany will endeavour to assist you achieve these goals in accordance with remedial action, training and support specified in the Performance Agreement. If you

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require any assistance or further clarification of the intervention as specified in Performance Agreement please do not hesitate to contact *[insert City of Albany representative]*.

Your employment performance will be review in accordance with the dates as negotiated and specified in the Performance Agreement, the first date being *[insert date]*. At this time a further meeting will be held and an assessment made of your suitability for continued employment with the City of Albany.

The City of Albany considers the matters discussed in this letter to be serious. Failure to satisfactorily address these matters will result in the termination of your employment.

You have 5 working days to respond in writing to any of the information detailed in this 'Letter of Warning' or the attached 'Performance Agreement'.

Should you have any further questions, please contact me on *[insert contact number]*.

Yours sincerely

---

*[insert name]*  
***[insert position]***

*[authors initials and typist initials]*

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## APPENDIX F

### LETTER OF TERMINATION

#### Ongoing unsatisfactory performance or serious misconduct

Our Ref:  
Cross Ref:  
Your Ref:  
Enquiries:

#### TERMINATION OF EMPLOYMENT

I advise that your employment with the City of Albany (City) has been terminated. Termination is effective from *[insert date]*.

The reasons for termination were discussed fully with you at a meeting conducted on *[insert date]* and attended by *[insert names of attendees]*.

In summary the following matters were put to you at the meeting:

- *[Insert reasons for termination]*

Your response to these matters were noted at the meeting and carefully considered. The decision to terminate your employment was made after a full investigation and consideration of the facts.

You have been warned on previous occasions about *[insert reasons for termination such as unsatisfactory work performance]*. In particular I note that you were issued with warnings on:

- *[Insert particulars of any verbal/ written warnings]*

In light of the above, the City considers that you are unsuitable for further employment and has decided to terminate your employment in accordance with the terms of *[insert relevant employment instrument eg contract of employment/award]*.

I enclose a cheque for *[insert amount]* in payment of *[insert details of outstanding wages/ annual leave/ payment in lieu of notice/ etc]*.

Yours sincerely

---

*[insert name]*  
***[insert position]***  
*[author's initials and typist initials]*

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