

# Wisconsin Human Resources Handbook

## Chapter 464

### Performance Improvement Plan (PIP)

Sec. 464.010	Introduction	Sec. 464.100	Personnel File
Sec. 464.020	Statutory Authority	Sec. 464.120	Administrative Information
Sec. 464.030	Prerequisite for PIP Placements	Attachment #1	PIP Placement Letter
Sec. 464.040	Timeframe of PIP	Attachment #2	Pre-Termination Meeting Notice
Sec. 464.050	Initial PIP Placement	Attachment #3	PIP Termination Letter
Sec. 464.060	PIP Review Session	Attachment #4	PIP Successful Completion Notice
Sec. 464.070	PIP Outcomes	Attachment #5	Resignation During PIP Acknowledgment
Sec. 464.080	Representation during PIP Process	Attachment #6	PIP Form (DOA-15810)
Sec. 464.090	Appeal Rights		

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#### Sec. 464.010 Introduction

The "Performance Improvement Plan" (PIP) is the final phase in performance management to give an employee with performance deficiencies the opportunity to succeed. The process involved for a PIP is similar to the annual performance review process in that performance is evaluated against established, reasonable objectives and expectations related to the major job responsibilities of the employee's position derived from the Position Description. However, a PIP is more structured and intensive than the annual review process, allowing management and the employee to focus specifically on the areas where improved performance is required. A PIP concentrates on communication between management and the employee, clarifying objectives and expectations, and identifying training needs. A PIP is not to be used to correct inappropriate behavioral conduct or violation of work rules. Work rule violations will be addressed through other existing means, such as progressive discipline. Additionally, a PIP is not an appropriate tool for employees serving any type of a probationary or trial period.

#### Sec. 464.020 Statutory Authority

Section 230.01(2)(bp), Wis. Stats., states: "It is the policy of this state to retain employees on the basis of the adequacy of their performance, to correct inadequate performance when possible and appropriate, and to separate from state service employees whose performance and personal conduct is inadequate, unsuitable or inferior." Additionally, s. 230.37(1), Wis. Stats., Standards of performance and ratings, states "In cooperation with appointing authorities the administrator shall establish an employee performance evaluation program to provide a continuing record of employee development and, when applicable, to serve as a basis for pertinent personnel actions."

Section 230.34(1)(a), Wis. Stats., states in part: "An employee with permanent status in class or an employee who has served with the state as an assistant district attorney or an assistant state public defender for a continuous period of 12 months or more may be removed, suspended without pay, discharged, reduced in base pay, or demoted only for just cause. It is just cause to remove, suspend without pay, discharge, reduce the base pay of, or demote an employee for work performance or personal conduct that is inadequate, unsuitable, or inferior, as determined by the appointing authority, but only after imposing progressive discipline that complies with the administrator's standards under s. 230.04(13m). . . ."

Section 230.04(13m), Wis. Stats., states: "The Administrator shall establish standards for progressive discipline plans to be prepared by all agencies and applied to all employees in the classified service. The standards shall address progressive discipline for personal conduct and work performance that is inadequate, unsuitable, or

inferior. The standards established under this subsection shall allow an appointing authority to accelerate progressive discipline if the inadequacy, unsuitability, or inferiority of the personal conduct or work performance for which an employee is being disciplined is severe.”

The procedures set forth in this Chapter constitute the Administrator’s standards under s. 230.04(13m), Wis. Stats., when an employer determines that an employee’s work performance is inadequate, unsuitable, or inferior. The standards for progressive discipline for employee misconduct (i.e. work rule violations) are set forth in [Chapter 410 – Employee Work Rules and Discipline Procedure](#), of the *Wisconsin Human Resources Handbook*.

### **Sec. 464.030 Prerequisites for PIP Placement**

In order to initiate a PIP for an employee, the following minimum requirements must be met:

- The current performance evaluation on file has an overall rating of less than satisfactory as a result of a formal performance evaluation being conducted in accordance with agency procedures.
- Human Resources (HR) staff must review and approve all requests for an employee to be placed on a PIP and the appointing authority/designee must authorize the PIP. Consultation between HR and management will continue throughout the PIP process.

**Note:** An overall rating of less than satisfactory means that the performance of the employee was below satisfactory or equivalent agency specific evaluation phrasing (e.g., Does Not Meet Expectations, Unsatisfactory, etc.).

### **Sec. 464.040 Duration of PIP**

The length of the PIP may vary depending on the level of improvement needed and how long it might take to measure sustained improvement. Goals should be measurable, attainable, and able to be achieved by the employee within the specified time period. In most cases, the length of a PIP will be three (3) months. The duration may be extended with HR approval due to absences or for circumstances requiring further review (e.g., improvement late into the PIP process, cyclical job functions, etc.). In most cases, the maximum duration of a PIP should be no longer than nine (9) months. Any PIP extension over six (6) months must have the Human Resources Director/designee approval.

### **Sec. 464.050 Initial PIP Placement**

An employee must be provided formal notification of their placement on a PIP. The content of the written notice must include the following:

- placement due to the current performance evaluation being overall less than satisfactory including a statement regarding the performance;
- start date of PIP;
- end date of PIP;
- schedule for bi-weekly meetings;
- explanation of the expected performance and the need for sustained improvement to meet expectations;
- Employee Assistance Program (EAP) contact information;
- consequences of failure of PIP; and
- accommodation information, if applicable.

The written notice will be provided to the employee during a PIP placement meeting. At the PIP placement meeting, management will discuss each major objective and the expected performance. Emphasis should focus on what is needed to be successful. Discussion of the expected performance must include the training and/or tools, as applicable, the employee will be provided to facilitate improvement in job performance.

**Note:** If HR has reviewed and approved the placement of the employee on a PIP prior to performance evaluation meeting, a separate meeting for the PIP placement is not necessary.

### **Sec. 464.060 PIP Review Sessions**

Bi-weekly meetings will take place between management and the employee during the PIP review period absent any extenuating circumstances. If management is not on-site, meetings may occur by phone, web conference, etc. Meetings shall not take place by email. It is recommended that an in-person meeting occur at least monthly. Work schedules may be modified during the PIP review period to better assess work progress.

Each PIP review meeting will begin with a review of the current performance using a completed PIP form (DOA-15810). Each objective will be evaluated and summarized as to whether it was satisfactory or unsatisfactory. Management may discuss resources and training necessary for the employee to meet the minimum requirements of the PIP. At the conclusion of the PIP review meeting, management and employee will sign and date the PIP form (DOA-15810) with a copy given to the employee. The employee's signature is not intended to represent agreement but rather is an acknowledgement the meeting occurred.

### **Sec. 464.070 PIP Outcome**

After the final PIP review period has ended, the employee's performance is evaluated using the agency's performance evaluation form. All materials, including the initial less than satisfactory performance evaluation, the final performance evaluation, all bi-weekly PIP reviews (form DOA-15810), supporting documents and evidence must be submitted to Human Resources for review.

#### **Successful Completion of the PIP**

If the employee achieves the expected performance in each of the major objectives, the PIP can be concluded. The final PIP review will be placed into the employee's personnel file. The employee will receive formal, written notification of the successful completion of the PIP and of their return to the regular performance evaluation process.

Employee performance which drops to less than satisfactory following successful completion of a PIP should be reviewed and may result in discipline or re-instatement of the PIP.

#### **Unsuccessful Completion of the PIP**

In most cases, if the expected performance is not achieved, the employee will be terminated. Prior to termination, a pre-termination meeting must be scheduled with the employee. The employee must be notified of the pre-termination meeting and given notice a minimum of 24 hours in advance. The content of the written notice must include the following:

- date, time and location of meeting;
- recommendation of termination for failure to meet the expectations of the PIP;
- brief summary of less than satisfactory performance;
- notice that the employee should be prepared to discuss any mitigating circumstances, or other information, that the employee believes should be considered by the employer prior to making a final decision on whether or not to terminate the employee;
- notice that a personal representative of the employee's choosing (or union representative if part of the Wisconsin Law Enforcement Association) is allowed;
- notice that meeting will be recorded, if applicable; and
- Employee Assistance Program (EAP) information.

The final performance evaluation should be given to the employee for review along with the notice. The employee may be placed on paid administrative leave at the time the pre-termination notice is issued.

The pre-termination meeting will be conducted by two members of management or their designee. General guidelines are as follows:

- review the final performance evaluation and discuss performance;
- allow the employee the opportunity to provide additional information or mitigating factors;
- although witnesses are not allowed, a personal representative is allowed in accordance with Section 464.080 below.

Following the pre-termination meeting, management, or designee, will consider the information provided by the employee and consult with the HR/employment relations office and appointing authority/designee. A final determination will be made by the appointing authority/designee and written notification must be given to the employee (see Attachment #3 for sample letter).

If an employee resigns, a resignation acceptance letter should be issued noting the employee's resignation while on a PIP (see Attachment #5 for sample letter).

The final performance evaluation will be placed into the employee's personnel file.

### **Sec. 464.080 Representation During PIP Process**

PIPs are performance-related discussions; therefore, employee representation is not permitted. Only discipline-related meetings or grievances provide an employee the opportunity to have a personal representative present. A personal representative is allowed for the PIP pre-termination meeting only. Refer to [Chapter 412 – Investigations and Pre-Disciplinary \(Loudermill\) Procedure](#), of the *Wisconsin Human Resources Handbook* Section 412.060 for the role of the personal representative.

For individuals represented by the Wisconsin Law Enforcement Association (WLEA), refer to the WLEA Contract for guidance on Union representation during the PIP process.

### **Sec. 464.090 Appeal Rights**

Employees terminated from service for failure to meet the expectations of a PIP may file an appeal of the adverse employment decision. [Chapter 430 – Employee Grievance Procedure](#), of the *Wisconsin Human Resources Handbook*, outlines the procedure for filing a grievance.

### **Sec. 464.100 Personnel File**

Only the following items related to the PIP process will be placed into the employee's personnel file:

- initial placement letter;
- successful completion or termination letter;
- resignation letter and acknowledgement of resignation in lieu of termination, if applicable; and
- final PIP evaluation.

All other documents related to the PIP should be stored separately from the personnel file and kept in the HR office.

### **Sec. 464.110 Administrative Information**

This chapter was issued in October 2019 to provide enterprise guidance on the Performance Improvement Plan process.

This chapter was updated in February 2021 to reflect the new State of Wisconsin Employee Assistance Program (EAP) vendor and to include sample language for the notification of unemployment insurance information to employees separating from state service as required by s. DWD 120.02, Wis. Adm. Code.

ATTACHMENT #1

SAMPLE PIP PLACEMENT LETTER

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This letter is notification that you will be placed on a Performance Improvement Plan (PIP) effective [insert date] for a period of [insert timeframe] due to your less than satisfactory performance.

Meetings as well as an evaluation of your performance will occur bi-weekly or more often as needed while on the PIP. You must perform all the tasks listed on the PIP form (DOA-15810) satisfactorily and consistently, as well as all other assigned duties of your position during the entire PIP time period. A final determination will be made at the conclusion of the PIP as to whether you have demonstrated you can satisfactorily fulfill the responsibilities of your position.

This PIP is your final opportunity to demonstrate to your employer you have the skills and are able to satisfactorily perform the functions of your position. We sincerely hope you can successfully complete the PIP process. If upon completion of the PIP process you fail to meet performance standards, a request will be made to terminate your employment from the [insert division/agency, office, board, etc.]. If you succeed at meeting the performance standards, you will return to the regular performance evaluation process.

If you believe there is any reasonable accommodation(s) that the [insert division/agency, office, board, etc.] can make to assist you in correcting these matters, please contact [insert accommodation staff name and contact information]. For any Family Medical Leave Act (FMLA) questions or concerns, you may contact [insert name and contact information].

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Sincerely,

[insert name]

[insert classification]

cc: Personnel File  
[other]

ATTACHMENT #2

SAMPLE PRE-TERMINATION MEETING LETTER

[insert date]

[insert name]  
[insert classification]  
[insert work or home address]

[insert delivery method]

Dear [insert name]:

This letter is to inform you of our intention to terminate you from your [insert classification] position at [insert division/agency, office, board, etc.]. On [insert date] you were placed on a Performance Improvement Plan (PIP). You were given three months [insert other time frame, if appropriate], with continuous feedback from management, to improve your performance.

The following was the focus of the PIP and indicates where you have not consistently met standards over the course of the PIP.

**[insert brief summary of performance]**

The goal of your PIP was for you to demonstrate that you could satisfactorily and consistently achieve minimum standard performance expectations. Unfortunately, even with regular feedback, support, and guidance to set work priorities, you have not been able to consistently improve your performance and meet minimum performance levels in all areas.

You are being afforded the opportunity to respond to these performance issues at a meeting with [insert management staff names], which has been scheduled for [insert date, time and location]. You may have a personal representative at this meeting if you wish. If you fail to appear at this meeting, we will assume you do not wish to respond to the reasons for our intention to terminate your employment with [insert division/agency, office, board, etc.] and we will proceed with making our final decision using the information that we have available.

**[insert administrative leave language if appropriate]**

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Sincerely,

[insert name]  
[insert classification]

cc: [other]

ATTACHMENT #3

SAMPLE PIP TERMINATION LETTER

[insert date]

[insert name]

[insert classification]

[insert work or home address]

[insert delivery method]

Dear [insert name]:

This letter is to formally notify you that effective [insert date], your employment as a [insert classification] with [insert division/agency, office, board, etc.] is terminated for failure to meet performance standards as outlined in your Performance Improvement Plan (PIP).

On [insert date] you were placed on a PIP. Despite ongoing feedback and guidance from management, you failed to consistently meet the performance standards outlined in your PIP.

The information discussed at the pre-termination meeting has been given careful consideration. The decision to terminate your employment, based upon your failure to meet minimum performance standards is justified. You are being provided a copy of your final Performance Evaluation.

If you believe this action is not based on just cause, you may appeal it through the grievance procedure set forth in s. 230.445, Wis. Stats., the Wisconsin Human Resources Handbook Chapter 430 Employee Grievance Procedure, [if applicable, insert agency grievance policy information]. Grievances must be submitted using the DPM Adverse Employment Action and Conditions of Employment Grievance form (DOA-15802) available on the Division of Personnel Management website at <https://dpm.wi.gov/Pages/home.aspx>. [if applicable, insert agency link]. The grievance must be received by [insert agency protocol (i.e. where to file)] no later than 14 calendar days after you became aware of, or should have become aware of, the decision that is the subject of the complaint.

As required by law, anything meeting the definition of “public record” in s. 16.61, Wis. Stats. is property of your employing agency. Unless authorized by an applicable Records Disposition Authorization (RDA), you may not destroy public records or take your agency’s only copy of a public record. If you wish to take duplicates of public records with you upon your departure, you must obtain prior approval from your supervisor.

You may file an employment claim in the first week that your employment stops or your work hours are reduced. See digital poster at <https://dwd.wisconsin.gov/eworkboard/unemployment/> for more information, including when and how to apply for unemployment benefits.

I also want to make you aware of the Employee Assistance Program which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available through [insert EAP Vendor Information].

Sincerely,

[insert name]

[insert classification]

cc: Personnel File  
[other]



ATTACHMENT #4

**SAMPLE PIP SUCCESSFUL COMPLETION LETTER**

[insert date]

[insert name]  
[insert classification]  
[insert work or home address]

[insert delivery method]

Dear [insert name]:

This letter is to inform you that effective [insert date], you successfully completed the terms of your Performance Improvement Plan (PIP). At this time, your performance will continue to be monitored on an ongoing basis.

If performance issues arise in the future, it may be necessary to take additional action such as another performance improvement plan or disciplinary action.

I'm pleased with these results and look forward to you maintaining or even further improving your job performance.

Sincerely,

[insert name]  
[insert classification]

cc: Personnel File  
[other]

ATTACHMENT #5

**SAMPLE RESIGNATION DURING PIP ACKNOWLEDGMENT LETTER**

[insert date]

[insert name]

[insert delivery method]

[insert classification]

[insert work or home address]

Dear [insert name]:

This letter is to confirm that on [insert date] you submitted your resignation from your position as a [insert class title] in the [insert division/agency, office, board, etc.]. [insert division/agency/office/board/etc.] accepts your resignation of employment with an effective end date of [insert date].

It is noted that you resigned your employment while you were on a Performance Improvement Plan.

As a reminder, anything meeting the definition of “public record” in s. 16.61, Wis. Stats. is property of your employing agency. Unless authorized by an applicable Records Disposition Authorization (RDA), you may not destroy public records or take your agency’s only copy of a public record. If you wish to take duplicates of public records with you upon your departure, you must obtain prior approval from your supervisor.

You may file an employment claim in the first week that your employment stops or your work hours are reduced. See digital poster at <https://dwd.wisconsin.gov/eworkboard/unemployment/> for more information, including when and how to apply for unemployment benefits.

I also want to make you aware of the Employee Assistance Program (EAP) which serves as a free, confidential referral service for obtaining outside services that support your well-being and resilience in work and life. These services are available for up to twelve (12) months after separation from State service. Information about the program is available through [insert EAP Vendor Information].

[if applicable] You are required to return any state issued items such as identification card, keys, etc.

Sincerely,

[insert name]

[insert classification]

cc: Personnel File  
[other]

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF PERSONNEL MANAGEMENT  
101 E. Wilson, 4<sup>th</sup> Floor  
DOA – 15810 (R 01/2021)



**PERFORMANCE IMPROVEMENT PLAN (PIP)**

EMPLOYEE NAME \_\_\_\_\_ STARTING DATE OF PIP: \_\_\_\_\_  
 JOB TITLE: \_\_\_\_\_ REVIEW PERIOD: \_\_\_\_\_  
 SUPERVISOR \_\_\_\_\_ NEXT SCHEDULED MEETING DATE: \_\_\_\_\_

EMPLOYEE JOB PERFORMANCE IMPROVEMENT PLAN		
MAJOR GOAL/OBJECTIVE	DESIRED PERFORMANCE EXPECTATION	CURRENT PERFORMANCE/RESULT

ADDITIONAL TRAINING: \_\_\_\_\_  
 SUPERVISOR NOTES/COMMENTS: \_\_\_\_\_  
 PERFORMANCE OF ALL OTHER JOB DUTIES: \_\_\_\_\_

SATISFACTORY /  LESS THAN SATISFACTORY

BY SIGNING BELOW, THE EMPLOYEE ACKNOWLEDGES THAT HE/SHE WAS PRESENTED WITH THE ABOVE INFORMATION ON THE DATE INDICATED AT THE TOP OF THIS FORM, AND THAT HE/SHE WAS GIVEN THE OPPORTUNITY TO ASK QUESTIONS AND PROVIDE FEEDBACK WITH REGARD TO THIS STAGE IN THE PIP PROCESS.

SUPERVISOR SIGNATURE	DATE	EMPLOYEE SIGNATURE	DATE:
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I also want to make you aware of the Employee Assistance Program (EAP) which serves as a free, confidential referral service for obtaining outside services to support your well-being and resilience in work and life. Information about the program is available on the DPM website at <https://dpm.wi.gov/Pages/Employees/BnWellness.aspx>.