
Negotiated Performance Appraisal Clips



Just as “listening” to a real mediation was useful, so is having the opportunity to read highlights from several Negotiated Performance Appraisals (NPAs). Clip 11 involves a conflictive supervisor-subordinate relationship, while the other transcripts revolve around situations where positive feelings exist between the parties. The identities of the parties have been obscured. Rodrigo López provided Clips 2-3, while Clips 1, 4-7, 10, and 12-13 were provided by Macarena Pons. Gregorio Billikopf provided Clips 8-9 and 11, as well as the analysis of the thirteen cases.

NPA PRE-CAUCUS: LIST I

The first list in the Negotiated Performance Appraisal is an attempt to underscore the positive contributions of the individual being evaluated.

Clip 1. Business Executive and Facilitator Discuss List I

In this clip, we join an executive who has given much thought to the positive qualities possessed by a subordinate manager. Rather than interrupting, the facilitator permits the executive to share his complete list before asking for examples of each positive characteristic being raised. Because an important purpose of List I is to celebrate the accomplishments of a subordinate, it is better to expand the number of categories rather than diminish them. It is not uncommon for individuals being interviewed to punctuate the end of what they have to say, as we see below.

FACILITATOR: Let us begin with List I, Aalim, regarding where you think that Kai's performance has been outstanding.

AALIM: All right! First of all, Kai has made an effort to organize the unit he's responsible for. He's attained the integration of the team, involving everyone in the work of everyone else, that is, being a support . . . creating a sort of synergy among those whom he's responsible for.

FACILITATOR: Uh-huh.

AALIM: He's also demonstrated a leadership quality. Let us say, he's been a leader for the team, and that can be seen in terms of the respect he has obtained from his work team. Let us say, they respect him as a boss, and basically—I believe this is one of those critical matters—that they recognize his knowledge and that he has contributed to the overall know-how. Mmm, do I continue?

FACILITATOR: Yes.

AALIM: He's adapted himself quickly to the workgroup. That is, he's not been with us for a long time yet he's quickly made himself a part of the enterprise—and that, without any problems of adaptation. He has a good handle on computer matters, which is key for us. Within a short time he had designed an information process . . . and has

also known how to organize a workflow within the enterprise. That permitted us to reduce a series of risks and errors on the one hand, and on the other hand, organize the functions of each of the staff. For that very reason, he's been able to organize the internal administrative procedures of the enterprise, which in turn have permitted him to partially implement the new computer system, confidently moving forward with each module that has been incorporated. He has a good understanding of the computer software, which is an important thing, as one can begin to apply procedures as one understands them. He's been one hundred percent involved in each step of this project, which gives me peace of mind. That is, let us say . . . the things he's implemented, he's done so taking personal responsibility for them . . . in terms of the development of the procedures.

FACILITATOR: Uh-huh.

AALIM: Another positive characteristic he possesses is his analytical thinking. Before making a change or implementing a strategy, he reviews it and puts it to a test. That is, he just does not jump in to do things which he later needs to undo. It's clear that he has a capacity for analysis and comprehension of procedures that need to be tested . . .

FACILITATOR: Tested . . .

AALIM: . . . tested before we begin to make changes, because there are individuals who are very good about making changes, but things end up not moving forward. Mmm . . . What other positive qualities does he have? Well, he has a good sense of humor—is likeable. He maintains a good work atmosphere, which is no small matter when one works with people, especially when one has to supervise people. Until now, I've not had complaints that he's an annoying boss. On the

contrary . . . he's been well received by his work team. His dedication, his commitment, his knowledge, and how he's responded to the challenges he's had to face during his short time . . . confirm that we were correct in selecting him. He's been with us only four months . . . or three . . . and to date we've seen progress, progress, and progress. That's it!

The facilitator begins to read over her notes and check her understanding of what the executive has said thus far. We pick up the conversation toward the end of that process.

AALIM: I'm missing another quality, it seems. I don't know if I mentioned it—that he's clear in terms of teaching and transmitting his knowledge to those he supervises . . .

FACILITATOR: Mmm . . . [Looks at her notes.]

AALIM: . . . which has something to do with what has been said: the ability to engage his people. That is, besides being able to organize, he has the ability to educate. He's able to transmit his knowledge, which is no small matter, let us say. One thing is to know something and keep it to oneself, and another is being able to share it . . . and being able to get the most out of it. And that, let us say, is what's being accomplished.

After completing the outline of positive issues to discuss, the next step is to plan a strategy to deliver them and drive the points home with force, including at least two examples of positive critical incidents. After doing so, the facilitator may ask the superior to role-play one or more topics, as needed.

Clip 2. Front-End Supervisor and Facilitator Discuss List I

In this clip, the facilitator conducts a pre-caucus with a farm crew leader. The facilitator makes much use of his role as a coach, especially since the crew leader has little experience with

any type of performance appraisal. This facilitator chooses to get examples after each type of positive attribution, rather than building a list first. The facilitator is carrying out this pre-caucus as a demonstration, in front of several farm managers, with some time constraints.

FACILITATOR: As we had mentioned earlier, we now want to begin the process of increasing our goodwill deposits. We want to do so with specific examples—not only say that he does something well, but ask such things as “When? Where? What?” so that when we speak with José, he will perceive that what you’re saying is sincere, that it’s something concrete that you’ve noticed—and value in him. What will we do to have him feel good about his accomplishments, in order to be able to address more difficult issues later and, as a result, come up with a plan of action? Remember that, in the end, I’ll be a spectator, and it’ll be your role to speak directly to your subordinate. We will also do some role-playing later. So, let us begin with some positive qualities you see in José.

RAMÓN: His positive attitude to do things. You just tell him what you want done, and he’s willing to do it. He never puts on negative airs or complains. None of the “Hey, boss, why me?” sort of attitudes. That would be one of the first positive things.

FACILITATOR: Excellent. Now, let us obtain some details through examples, such as, “When I told you to do such a thing, you agreed,” or some such thing.

RAMÓN: For example, sometimes a crew worker doesn’t come on time . . .

FACILITATOR: Mmm.

RAMÓN: . . . and you tell him, “Hey, José, you need to take a co-worker’s ladder out to the field, to the spot where your crew was switched.” That’s where this positive attitude shows up. Because there are people who say, “Hey, how is that my problem?”



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FACILITATOR: He has a positive attitude, then, and we have a specific example of the ladder . . . Let us make it even more specific. What were you harvesting when this happened?

RAMÓN: Granny Smith.

FACILITATOR: Ah, then, let us add this detail to what you're going to say: "We were harvesting Granny Smith, and when a co-worker was late, I asked you to take out a ladder for him and you did it cheerfully."

RAMÓN: Yes, and what's more, the co-worker never showed up so it meant that José had to take the ladder all the way back to the shed at the end of the day!

FACILITATOR: Excellent! Now we're being very concrete. Here we have a perfect example. The idea is to try and have another example of how José's positive attitude shows at work. [The facilitator models for Ramón the complete example and how it could be delivered in the joint session.] We want José to say to himself, "Hey, Ramón really has noticed my efforts!" It is as if you were saying to José, "I'm giving you two concrete examples, and there are more, but you get the point, that I've noticed."

RAMÓN: There are different tasks that take place through the year, and I give instructions to the crew workers, and they go to different spots in the farm . . .

- FACILITATOR: Uh-huh.
- RAMÓN: Well, he has a positive attitude . . . he understands what I am saying to him. Does that make sense? Because I may tell him, “You have to do this specific job in such and such a place.”
- FACILITATOR: Let us be concrete. For example, “I sent him to prune” or . . .
- RAMÓN: The example would be when he went out to train the plant and bend some limbs . . .
- FACILITATOR: OK. Train . . . What happened?
- RAMÓN: To be specific, it was in block seven . . .
- FACILITATOR: Uh-huh.
- RAMÓN: To bend some limbs in the Pink Lady variety.
- FACILITATOR: Uh-huh.
- RAMÓN: He immediately understood the idea, when we spoke in the shed, even though we were not even looking at the trees.
- FACILITATOR: Uh-huh.
- RAMÓN: That would be the positive characteristic.
- FACILITATOR: Let me see. I’m understanding that . . . he’s technically competent and able to understand instructions given at the shed, where instructions were given before the whole crew, and he understood. He thought of the Pink Lady, the training process . . . “I have to do such and such” . . . and he understood right away. I see that more as a technical skill, certainly an important one to add to the list, such as being able to give him instructions without having to repeat them as one might have to do with others.
- RAMÓN: Precisely what I was trying to say.
- FACILITATOR: We can consider that as another item in List I. [The facilitator thanks Ramón for the new item for List I, and asks for another example of José’s positive attitude.]
- RAMÓN: Another thing . . . It’s very difficult to find him depressed.

- FACILITATOR: He's always positive?
- RAMÓN: Right.
- FACILITATOR: He's an optimist . . .
- RAMÓN: Yes.
- FACILITATOR: . . . and cheerful. For example? Tell me about a situation when he was being optimistic or cheerful.
- RAMÓN: . . . or cheerful . . . he suddenly will tell a joke.
- FACILITATOR: To cheer up the crew? OK, try and give a specific example.
- RAMÓN: When we began the Fuji pruning, he was willing to say, "Let us give the new piece rate approach a try," rather than being negative about it.

The pre-caucus continues in this vein, as the facilitator prepares Ramón to provide his comments from List I.

Clip 3. Role-Play List I

The facilitator explains, in this continuation of the pre-caucus, that Ramón will have only one chance to impress José during the joint session. That is why careful preparation is so critical. The facilitator suggests: (1) showing enthusiasm with the tone of voice, (2) making sure to explain why each particular positive quality makes a difference for good in the enterprise, (3) giving the specific examples that accompany each positive area, (4) addressing the subordinate by name, and (5) speaking to him directly rather than to the facilitator. This pre-caucus, again, takes place in front of an audience.

- RAMÓN: I'm not very expressive that way. It is hard for me, as I'm much more of a reserved type of a person. Furthermore, I'm not accustomed to this type of thing. It isn't me.
- FACILITATOR: Uh-huh. Understood. We can certainly say to the difficult things in life, "That isn't me!" But it's also good to push ourselves, to push the envelope of what we think we can do. It can make such a huge difference in our roles as supervisors. José knows that you're not an effusive type of person,

- but he will notice your effort—that you’re trying—and put a great value on your effort.
- RAMÓN: True. The things we’ve been talking about are things I’ve not told him before.
- FACILITATOR: Yes, you can even use that and say something like: “I have some things to say to you, that I have wanted to say but never have. This isn’t easy for me.” It’s good to permit yourself to talk about your feelings. We want you to forget that I’m here, also, and truly talk to José.
- RAMÓN: OK. “José, look, there are some work-related as well as personal matters that I admire in you. These are things I have never told you. You have a positive outlook on work, you worry about your co-workers, and you show concern for your family.
- FACILITATOR: Yes, excellent! Now let us include the examples. Ramón, it’s OK for you to read from your notes. Don’t feel that you have to somehow memorize this whole thing and everything you want to say.
- RAMÓN: OK. I’ll make sure to add the examples, then.
- FACILITATOR: Good. Let us practice that.
- RAMÓN: “Look, José, here we are. We’ve been looking at—evaluating—many of the positive things you bring to the enterprise. Both in terms of things at work as well as others that are more personal in nature. When it comes to work-related matters . . . uh . . . you’ve a great attitude . . . about fulfilling the assignments given to you—for instance, your willingness to go to other farm locations to work when needed.” And in terms of items of a more personal nature, he does do well for his family.

The facilitator has been trying to encourage Ramón to visualize that he is addressing José, but occasionally Ramón reverts to addressing the facilitator instead. This time, he is not interrupted and naturally goes back to pretending that he is addressing José in this role play.

- RAMÓN: “And, when it comes to friendliness, you have a good way of showing friendliness to co-workers. You’re capable of helping them and cheering them up when they have problems they bring to work. These things are those which you excel in. These are things I had never said to you, but this is an opportunity that has presented itself for me share these things with you.”
- FACILITATOR: Excellent! This is really good. Now, we need to add the examples.
- RAMÓN: He’s not going to read my notes?
- FACILITATOR: No. No, he will not. While it needs to be as natural as possible, don’t hesitate to read from your list, along with the examples: “José, thinking about the positive things, here is what I wrote,” and then just read it.

Little by little, this crew supervisor gets the idea of what is expected and has a productive conversation with the facilitator about how to speak of positive qualities. Also, he understands that it is fine to show affect when complimenting. Ramón goes through every item in his list, becoming more effective at his praise and needing fewer interruptions as he proceeds.

Clip 4. Subordinate and Facilitator Discuss List I

Here, we take a brief clip from a conversation between a facilitator and the subordinate she is preparing for a joint session. We join them as they come to the end of a discussion on List I.

- KEVIN : And the last item from my list would be emotional intelligence . . .
- FACILITATOR: Uh-huh.
- KEVIN : . . . in day-to-day-circumstances. For example, conflict resolution, interpersonal relations, and reaching objectives.
- FACILITATOR: Could you share with me a specific case where you obtained a resolution to a conflict, one that

- your supervisor might recognize and say, “Oh, right, I remember that one”?
- KEVIN : Ah . . . Yes, I experienced one of these yesterday. [Laughs.]
- FACILITATOR: OK. Let us see. Tell me about it.
- KEVIN : One of our technicians wanted to quit right in the middle of a critical procedure. I had the opportunity to act as a quick mediator in the matter . . . talked to everyone involved. I was able to convince him to stay until the end of the day. I’ve set up several follow-up appointments for today, and I’m hoping we can arrive at a positive resolution.
- FACILITATOR: Perfect! Do you have another example?

NPA PRE-CAUCUS LIST II

List II points out the areas in which the subordinate has improved.

Clip 5. Subordinate and Facilitator Discuss List II

In this brief clip, the subordinate explains how he has found it necessary to acquire knowledge outside of his area of expertise.

- GORDON: You see, my degree is in another field, so I’ve had a lot of catch-up work to do. That’s what I mean.
- FACILITATOR: How have you accomplished it?
- GORDON: Well . . . uh . . . based on experience and reading a lot.
- FACILITATOR: Studying.
- GORDON: Studying the literature in the field as well as spending hours in on-the-job training.

Clip 6. Subordinate Explains He Did Not Fill Out List II

It is important that the subordinate fill out all lists, perhaps with the exception of List II. Rather than insisting the subordinate move in an orderly fashion from one list to another, the facilitator has the flexibility of coming back to a list later.



Supervisors can: (1) show enthusiasm with their tone of voice, (2) make sure to explain why each particular positive quality makes a difference for good in the enterprise, (3) give specific examples that accompany each positive area, (4) address the subordinate by name, and (5) speak to him or her directly rather than to the facilitator.

PAT: Before we begin, I just want to tell you that, of the four lists, I only filled out three.

FACILITATOR: Mmm.

PAT: I filled out those things that I do well. I skipped the one where I've improved recently.

FACILITATOR: How come?

PAT: In my opinion, the amount of time I've spent with this firm is so short . . .

FACILITATOR: How long have . . .

PAT: August, September, October, November, December, January . . . Six months.

FACILITATOR: Mmm.

PAT: The "good list" and the "to improve list" get mixed up a bit . . .

FACILITATOR: . . . with . . .

PAT: . . . the "recently improved list."

FACILITATOR: Mmm.

PAT: That intermediate point, I believe, is somewhat difficult to define.

FACILITATOR: OK, we will see how it works out.

PAT: And the fourth list . . . I also filled that one out.

FACILITATOR: Perfect. Let us begin with List I, and when we get to List II, I can help you there.

PAT: Excellent!

The facilitator eventually brings the conversation back to List II and is able to help Pat gain a better perspective.

PAT: So . . . from here we move on to List III.

FACILITATOR: One moment. Let us take a look . . .

PAT: OK.

FACILITATOR: . . . at List II . . .

PAT: OK.

FACILITATOR: I understand that you've been here for a short time . . .

PAT: Uh-huh.

FACILITATOR: That . . . it's difficult for you . . .

PAT: Uh-huh.

FACILITATOR: But in five months—if you begin to analyze things by stages—your relationship with the rest of the firm (your supervisors as well as subordinates) has been the same since day one?

PAT: Uh. Let us see . . . Not really . . . We began with a slight sense of obvious distrust. Strictly speaking,

there has been an improvement there. But I don't place it as an item on the list, because even before coming here . . . I consider myself an individual who doesn't have interpersonal problems with people . . . While it involved improvement, I knew it was not something that was going to be difficult for me.

FACILITATOR: It wasn't your problem . . . but rather, one related to the organizational change that had taken place . . .

PAT: Exactly.

FACILITATOR: . . . within the firm. Well, they had to have gone through an interview process . . . and asked for referrals, and all of that.

PAT: Uh-huh.

FACILITATOR: But do you think that the trust and credibility level placed on you has improved?

PAT: Yes. Yes, without a doubt.

FACILITATOR: OK. What would you say was responsible for that?

PAT: When it comes to my bosses, I have nothing but positive things to say . . .

FACILITATOR: Mmm.

PAT: They have always been very open with me, and I haven't had any problems in that regard. But, yes, in terms of those I supervise, the whole issue of communication, trust . . . the fact that one gives out signals at work . . .

FACILITATOR: But you . . . your communication . . . Has it improved or been constant?

PAT: It did improve in relationship to the first few weeks, in terms of my subordinates. It was quite complicated . . .

FACILITATOR: So, we could add it to the list.

PAT: Yes . . . We could add it.

FACILITATOR: We could add it.

PAT: Yes . . . Yes.

FACILITATOR: Communication with the . . . subordinates . . .

- PAT: Exactly . . . has improved since my arrival. [Writes on his list.] I wrote down [Laughs.]: “The ice is broken!”
- FACILITATOR: Excuse me?
- PAT: That the ice is broken. [Laughs.]
- FACILITATOR: Ah.
- PAT: At the beginning, it was much more complicated, without a doubt.
- FACILITATOR: A concrete example with someone . . . or . . .
- PAT: Yes . . . Well, I’m not going to name the individual by name . . .
- FACILITATOR: No, of course . . .
- PAT: At the beginning, the interpersonal relations with some of the supervisors who work for me was quite distant. They had taken a wait-and-see sort of attitude. We didn’t have a good team relationship where this individual could count on me as a support. I wasn’t getting results. I was just a person who was there. Now, I can be more pro-active . . .
- FACILITATOR: Perfect.
- PAT: . . . in terms of communication.

NPA PRE-CAUCUS LIST III

List III involves consideration of areas in which the subordinate needs to improve.

Clip 7. Subordinate and Facilitator Discuss List III

Kai, the accountant in Clip 1, has carefully and methodically prepared each of the four lists. The facilitator has little need to participate, other than to let Kai know he is being listened to. The next clip begins as Kai pauses at length and taps his notes against the table.

- KAI: Uh . . . I separated this one from the last issue and have called it financial management.
- FACILITATOR: Uh-huh.

KAI: Yes . . . I must improve on the financial management . . . That is, more or less, the explanation, despite the fact that we've advanced, and can *outline* the future of the cash flow . . . but we're not at the point where we can *draw* or *paint* it. For the moment, it's only an outline—something that isn't too clear. For example, there have been sufficient funds in the last two weeks to be able to execute some short-term, flash-type investments . . . to be able to get some interest. But we have not because of the lack of clarity as to the amounts we will need and when. If I had a clearer picture, I could have . . .

FACILITATOR: Right.

KAI: . . . invested in a mutual fund for the two-week period and recovered . . .

FACILITATOR: Perfect.

KAI: Another issue is that of sales . . .

Clip 8. Graphic Designer Develops a Plan for Improvement

The subordinate must not only present areas where there are weaknesses but also arrive at the joint session with a very specific plan for improvement. Progress in meeting each improvement proposal should be something that can be measured in the follow-up interviews.

FACILITATOR: What concrete steps could you take to achieve your goal of improving your public speaking skills—to turn this weakness into a great strength?

PRISCILA: Mmm. [Long pause.] I would say that I need more practice . . . making presentations or speaking in public.

FACILITATOR: Ah, so where would you practice? How would you practice?

PRISCILA: At my house, or with a group of friends. For example, rehearsing a presentation I have to make at work with them . . .

FACILITATOR: OK.

PRISCILA: . . . getting used to giving presentations to a group, or also, how to present to clients . . . making sure I am getting their attention. Also making sure I am making eye contact and that . . . Sometimes I tend to talk super, super, super fast . . .

FACILITATOR: Ah.

PRISCILA: . . . when I am nervous and I am presenting something. [Laughs.]

FACILITATOR: [Laughs.] Mmm.

PRISCILA: And making sure, well, as the saying goes: “Practice makes perfect.” Practicing more and organizing my presentations better, like dividing the presentation into parts. [Pauses.]

FACILITATOR: [The facilitator is taking notes and does not rush to fill in the pause.] Great!

PRISCILA: [Long pause.]

FACILITATOR: Anything else?

PRISCILA: [Long pause.] Something that I would like to do—I’m not sure I have the courage to do—is take a public speaking class to improve my presentation skills.

FACILITATOR: Great!

PRISCILA: [Smiles.] I’m not sure I’m brave enough to do it.

FACILITATOR: Tell me something about that . . .

PRISCILA: [Laughs.]

FACILITATOR: Tell me something about the courage thing.

PRISCILA: [Laughs.] Speaking in public—I know a lot of people find it hard to speak in public.

FACILITATOR: That’s true.

PRISCILA: [Laughs.]

FACILITATOR: [Laughs.] Yes.

PRISCILA: [Smiles.] I would like to take a public speaking class. I think it would be very useful. Yes, it would be useful for a lot of jobs . . . but . . . yes . . . [She moves her head, showing she is becoming convinced of what she is saying.] . . . it really is a matter of having the courage.

FACILITATOR: I know there is also a club . . .

PRISCILA: Is there?

The facilitator tells Priscila about a local club where participants take turns giving speeches, practicing public speaking, and also talking about different subjects that are assigned to them on the spot. Priscila is very interested and the facilitator agrees to introduce her to another woman who is a member of the club. When Priscila meets with her supervisor at the joint session, she will not have to settle for saying, “I’m going to improve my public speaking skills.” Something as vague as that usually remains an unfulfilled wish. Instead, Priscila can now arrive equipped to discuss the skill she wants to improve, how she plans to do it, and a timetable with specific goals. If the public speaking class is expensive and requires a lot of time, she may negotiate with her boss during the NPA joint session.

When it seems that Priscila cannot think of another area in which she needs to improve, the facilitator asks her to think about what her supervisor might point out.

FACILITATOR: In addition to what we have already talked about, are there other things that your boss might add to the list?

PRISCILA: [Pause.]

FACILITATOR: Things that he might want you to improve?

PRISCILA: [Long pause.]

FACILITATOR: Maybe my time management?

This last question allows Priscila to add, little by little, a series of things that she can improve, along with concrete plans to do so.

PRE-CAUCUS LIST IV

List IV revolves around those areas in which the supervisor can make changes to facilitate the subordinate’s performance, as viewed from the *subordinate’s* perspective. It is often difficult to get subordinates to suggest things their supervisors could improve on.



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Each proposal for improvement should be something that can be measured in a follow-up interview.

Clip 9. You Are Intimidating!

Priscila, the graphic designer, prepares List IV by considering some changes she would like to see in her supervisor.

PRISCILA: Maybe I would say that he is not very approachable.

FACILITATOR: Mmm.

PRISCILA: I don't mean to say intimidating but . . .

FACILITATOR: Let's write down "intimidating" for now. Later we can look for a more appropriate word.

PRISCILA: [Smiles.] OK.

Eventually, after covering other topics, they return to the issue of Priscila's supervisor, who is not very approachable.

FACILITATOR: The word *intimidating*—it is incredibly important for you to tell your boss that he is intimidating—but not using the word *intimidating*, of course.

PRISCILA: [Smiles.] Of course. [Laughs.] “You are *intimidating!*”

FACILITATOR: [Laughs.] We don't want to offend him, but . . .

PRISCILA: [Smiles.] Of course, yes.

FACILITATOR: So, what is another way we could say intimidating?

PRISCILA: In a nice way?

FACILITATOR: Yes.

PRISCILA: Mmm.

FACILITATOR: Or more or less nice, and we will look for the nice way little by little.

PRISCILA: He is not very approachable.

FACILITATOR: Not very approachable . . . Excellent! Now, let's look at a way to really soften that . . .

PRISCILA: I agree.

FACILITATOR: . . . so that he doesn't get defensive. We could use examples, like: “I went to your office but I didn't dare to bother you because you seemed so busy, so I ended up deciding to not talk to you.”

PRISCILA: [Nods her head in agreement several times while the facilitator is speaking.] Right.

FACILITATOR: What do you think?

PRISCILA: Perfect!

FACILITATOR: Then, could you give me some examples of when that has happened?

Before leaving Priscila, we will look at another request for change that she mentioned in her List IV, because it is a topic that subordinates bring up repeatedly, both in conflictive and normal relationships with supervisors.

PRISCILA: I think if he was more . . . when a project is successfully completely . . . if he could share some

feelings of appreciation or praise with the staff, I think that would help. I think that would help improve the work environment. Yes, I think I need more positive feedback from him!

Clip 10. Subordinate and Facilitator Discuss List IV

- FACILITATOR: Now the difficult . . .
- CARLOS: The difficult.
- FACILITATOR: [In a lighthearted tone of voice.] Now to the difficult, the good . . .
- CARLOS: The easy . . .
- FACILITATOR: That which will help . . .
- CARLOS: Well. [More seriously.] In this area . . .
- FACILITATOR: What changes can Isaac make, so you can improve your performance?
- CARLOS: I defined it in one sentence, but . . .
- FACILITATOR: Yes?
- CARLOS: I consider it very important, and that is for him to participate in at least one meeting with the sales department . . .
- FACILITATOR: Uh-huh.
- CARLOS: . . . with the end of creating a relationship similar to that which exists with the production team. Let me explain myself. I'd like him to participate . . . [Provides details.]
- FACILITATOR: Anything else you'd like to see in your supervisor?
- CARLOS: [Laughing.] That he doesn't change. That's all.
- FACILITATOR: You had previously mentioned that you needed additional technical training. Is that something that he could support you in?
- CARLOS: He's supported me, already.

Clip 11. Facilitator Listens Empathically to Veterinary Assistant

Gabriel works at a veterinary clinic. He has had a conflictive relationship with his boss, Evangelina, a veterinarian. This pre-caucus has required a great deal of empathic listening. Although the focus is on List IV, Gabriel and the facilitator also share some

of the topics that came up during the conversations about the other lists. We will look at what happens when Gabriel explains how he feels when the veterinarian notices only what he does wrong.

GABRIEL: [Serious.] And she reprimanded me because I did not put away one of the instruments after the surgery . . . and I felt especially bad about what she said because, well, I remember I had tried harder than usual that day . . . for everything to go as well as possible, every instrument in its place, and even to have several instruments ready for the surgery just in case. One thing leads to another. If I do something wrong she criticizes me, which makes me feel that I have disappointed her, that I have disappointed myself . . . and it can affect my attitude for the rest of the day. If I leave one speck of dust—something relatively insignificant, in my opinion—she makes a big deal about it. That I could have done it better, always, that I could have done it better! And . . . I guess that's life. You can always improve . . . [Laughs.] Sometimes achieving perfection isn't easy. That's what happens in a busy environment, without enough time to achieve all of your goals.

Gabriel continues to vent his frustration while the facilitator listens empathically.

GABRIEL: [Laughs.] I love animals, so it is easy to fall in love with a job like this. And you want everything to go well and for everything to be organized, for the animals to be in good condition . . . and there is one thing that can ruin everything that has happened that day. [Pauses and laughs.] The boss! [Long laugh.] Ah! Something I would really love to be able to change . . . the tension . . . the amount of tension that I have to put up with every day.

When there are conflicts between people, parties often like to show that they are not the only ones who have had challenges with their counterpart.

GABRIEL: She has had a lot of conflicts with other employees, and I certainly don't think I'm the only one she's had these problems with. The girl who quit—and I had to add her responsibilities to mine—she told me that one of the reasons she left—it was not only because she couldn't work in a place where the goals change every day—but also because . . .

Gabriel continues with more details and is clear about several changes he would like to suggest to his boss. For example, he thinks it would be ideal for her to use some sort of electronic device to communicate with him inside the veterinary clinic, instead of going to look for him in order to speak to him in person.

GABRIEL: [Smiling as he talks.] Well, if that were the case—using some sort of electronic device—that would mean she wouldn't have to come see me in person every time . . . [Laughs.] . . . and say this or that. [Laughs.] That would also help—to not see her as often. I hate to say it . . . [Long laugh.] . . . but usually, when she comes to see me . . . [Laughs.] . . . it's usually not something positive. [Long laugh.]

Gabriel comes up with another suggestion for Evangelina.

GABRIEL: [Serious.] Positive feedback throughout the day! [He looks down and pauses for a long time. It is clear that he does not know how to continue.] Nobody likes to be criticized non-stop all day. [Laughs.] Right? I don't think I'm the only person who thinks that. [Serious.] She is not someone who likes to give praise. It's not that she's a bad person.

It's just not part of her personality to take the time to share something motivating . . . [Smiles.] . . . or say something positive. Instead it comes more naturally for her to mention mistakes . . . and, for her, it is easy to find those mistakes. I know she appreciates me, but she doesn't show it, and for me it is important for her to show it.

Gabriel also explains that his boss is not very approachable.

GABRIEL: She doesn't like it when I disturb her. [Smiles.] She doesn't like to be bothered. But sometimes I feel I have to ask her this or that and she barks at me when I do.

At one point the facilitator encourages Gabriel, regarding List IV, to "Dare to dream!"

GABRIEL: [Laughs halfheartedly.] "Dare to dream!" [Serious.] Nobody's perfect, and I know I'm not either. There are things I know I could improve. But, when it comes to my boss . . . knowing who she is . . . it would be very hard for her to change some things—really hard! It would be hard for me . . . It is hard for anyone to change their personality. [Laughs.] But, "Dare to dream!" [He pauses and then goes on seriously.] She could give me positive feedback throughout the day, be more willing to improve communication. She is very capable of doing it when she has to deal with customers, and . . . [Smiles.] . . . she makes sure that they know how their animals are doing. I guess some people know who they have to get along with, and with whom it is not as important.

In a transformative moment, Gabriel dares to share something he did that his boss liked.

GABRIEL: She had a protocol and I added some things without changing the essential items, and the result



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The facilitator needs to remember that the parties will continue to work together after she leaves. When one of the parties is the supervisor, he will continue to be so after the joint session.

was much better. She liked it very much and even added it to the general protocols.

In mediation, it is essential for both parties to be willing to say something positive about each other. Gabriel has said many positive things about Evangelina, without being asked to. He has no problem speaking sincerely and at length about his boss's positive qualities. But at the same time, we see that his painful feelings are very vivid.

GABRIEL: [Serious.] She tries to do everything possible to be prepared, every time, for every operation, for it to have the best possible result and for the animals—who she loves and cares for very much—not to suffer. [He takes a long pause and looks down. Before speaking again, he laughs.] I know, because she also has her own animals and . . . [He closes his eyes and smiles as he shakes his head.] . . . she really loves them. You can see how much she loves them. I'm even sure that for her, I'm in a category below the animals . . . [Laughs.] . . . in terms of the affection and treatment I receive.

After some time Gabriel returns, in all seriousness, to the positive comments.

GABRIEL: Evangelina has a lot of positive qualities . . . I think I already mentioned that she is a great doctor. She's had many years of experience and if there is something she cares for above all else, it is the animals and their health. She is a very good surgeon and she is on the same level as any regular doctor. I've also had surgery, and I would trust her to operate on me, even though she doesn't have direct experience with humans. It reflects the care she gives to her animals: that precision and care . . . She can tell that something is not right one or two days before an animal has symptoms. Maybe I

am exaggerating a little, but she doesn't miss anything when it comes to an animal's well-being.

Transformative comments include both the things that a party shares about the other person and admitting his own faults, or even explaining how the conflict has impacted his own behaviors.

GABRIEL: [Serious.] One of my qualities is that I have a positive attitude in general. [He pauses and laughs before continuing.] But it cannot endure everything. [Smiles.] My boss takes it away little by little throughout the day and tends to discourage . . . at least to discourage me. [Serious.] So my attitude is often not what it could be. [He pauses, looks down, and continues in a more serious tone.] Some days I don't make the effort that I know my job deserves.

Again, we see some negative *leakage* in the following narrative.

GABRIEL: [Serious.] For example, she has a list of things that must be completed, of the things that I do every day, which is actually very useful—but it's quite rigid and inflexible.

Next, we will look at a role-play in which Gabriel prepares to share some of his feelings with Evangelina in a way that will not make her feel defensive. It was very difficult for Gabriel to express himself, and what follows is the result of much coaching and several role-plays.

GABRIEL: [Serious.] “Evangelina, something I really admire in you is . . . [Gabriel shares some things.] I wanted to tell you that sometimes when I'm working, there are things that come up, and I don't always know the best way to respond. I would like deal with these challenges in a way that would please you . . . and I wonder . . . when these things happen—and I need to ask you something or

confirm something—what would be the best way to handle these things . . . when I feel that you’re busy?”

The facilitator asks Gabriel—before the first NPA pre-caucus ends—how it feels to participate in the NPA process so far, and Gabriel responds thoughtfully.

GABRIEL: [Serious.] Let’s see. How do I feel participating in this process? . . . It’s been useful. I’ve had the opportunity to vent . . . And know that something positive could happen . . . and we could discuss these issues together and talk about our concerns . . . [Smiles.] . . . our problems. It has been a positive experience for me because . . . the truth is that I have felt more comfortable talking about this than I would have thought . . . [Laughs.] . . . and I have been able to vent a lot, and I hope it has positive results and Evangelina sees it as a positive thing, and I hope I learn something from her also. And we can reach an agreement.

NPA JOINT SESSION

Finally, we examine two clips from the Negotiated Performance Appraisal’s joint session.

Clip 12. Joint Session: List I

This is an example of a successful celebration of what the employee is doing well, one in which the subordinate jumps in to help the supervisor underscore the positive. We have already met Pat, the subordinate in Clip 6, who had not completed all the requested lists. At the end of the conversation, both subordinate and supervisor are happily interrupting each other, underscoring the positive.

CHRISTIAN: The dedication you’ve shown, your commitment, your knowledge, and how you’ve responded to the challenges we’ve placed in your way, confirm that

- we made the right decision when we hired you. I'm very, very happy. Very grateful. Another thing would be your sense of humor. It is a good thing.
- PAT: [Spontaneous but reserved laugh.]
- CHRISTIAN: You are a person who has brought humor to the workplace . . .
- PAT: [Reserved and joyful laugh.]
- CHRISTIAN: . . . and that has lifted up people's spirits. That is something you didn't know, because you didn't know how we were before.
- PAT: [Laugh.]
- CHRISTIAN: But the work environment has changed within the management team . . . a merit that is purely yours. This all has to do with being a leader, having knowledge, and having the capacity to extend knowledge . . . to teach. When people see that, it shows them how to do something and demonstrates it. [Taps three times on the table with the hand for emphasis.] This makes it so people become aware . . . and be at peace . . . that what they are doing, they are doing well. Another thing that is important, is that you're good at . . . I've heard it—that you motivate people through your expressions, you congratulate them, you say, "Well done!" That sort of thing is something they were not accustomed to . . . hearing that sort of thing from previous supervisors. They just felt pressured, besides the inherent pressure of the job. But with that characteristic of being on top of things, and being there to provide positive feedback, well, this has given them a confidence that I hadn't seen before. I see that people are now willing to take on challenges. That's something meritorious on your part. That's what I wanted to say.

The facilitator summarizes the key points of what has been said and thus continues the process of celebration. Both participants concur with her interpretation. She has afforded them

the opportunity to continue celebrating before moving on to List II.

CHRISTIAN: I'm very pleased that Pat mentioned leadership. Sometimes one knows things but doesn't believe it.

FACILITATOR: Doesn't believe it . . . Or doesn't dare say it.

CHRISTIAN: Or doesn't dare say it. I think that is really important, Pat, that you had the confidence to say it. I believe you have the leadership capabilities that we need. That is good . . . good when you have a person next to you who is confident that what he's doing, he's doing well, and that he can move forward with the people he's managing. That is a superb, positive quality.

PAT: Yes. As you know, I've worked up through various jobs, so I feel confident in telling people, "This is the way it is," because that is the way it is! It isn't that I sort of believe something, but rather, there are facts that I know about . . . and so I have a bit of knowledge-based leadership, the experience in those things, perhaps something that might be considered routine, or small within the context of the whole enterprise, but . . . but that . . . gives me that level of leadership.

CHRISTIAN: But leadership is more than that!

PAT: Yes. It's much more than that, but with that . . .

CHRISTIAN: Yes, of course.

PAT: When someone makes a mistake . . .

CHRISTIAN: A leader . . .

PAT: However, from a technical perspective, then leadership . . .

CHRISTIAN: Absolutely. Knowledge of the material is very important, but you have a leadership ability that goes beyond knowledge. You are also a person who transmits knowledge . . .

PAT: Well, it's because I also like to explain things.



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The key to the NPA is the ability to have this conversation between supervisor and subordinate, which will clarify the needs and expectations of both parties and encourage dialogue, even when the facilitator is not there.

- CHRISTIAN: You see, then. The persons you work with are anxious to learn . . .
- PAT: Yes, of course.
- CHRISTIAN: . . . and every time they perceive . . . that they are being taught something . . .
- PAT: Uh-huh.
- CHRISTIAN: . . . they absorb it and they want it. Well, that is something very good—that you have people who want to learn and a supervisor who wants to teach.
- PAT: Yes.
- CHRISTIAN: In the past, we've had people who guarded what they knew and waited for people to fall down so they could correct them and come to the rescue . . .

Clip 13. Joint Session: Lists III and IV

In this clip, the mediator introduces the lists. A better alternative, generally, is for the facilitator to have coached the supervisor to do so. The facilitator permits the parties to discuss both lists III and IV before asking them to narrow down the agreements. By doing so, all needs are assessed and everything is on the table.

Jason, the supervisor, gives few verbal signals—or positive minimal responses—that he is listening to Daniel. When Jason speaks, in contrast, Daniel makes sure his supervisor feels heard. Jason was instructed not to agree with Daniel on items mentioned in List III. Jason can, however, show interest by taking copious notes.

In one instance, after coming to List IV, Daniel tells Jason that he is feeling “somewhat emboldened” by the conversation. If Jason expects certain improvements from Daniel, there are changes Jason can make to facilitate the process—suggestions that would rarely be raised by a subordinate in a more traditional performance appraisal. Jason begins to reflect on the subject and realizes that he also needs to work on being a better communicator, but not before becoming a bit defensive. Facilitators need to prepare superiors to deal with defensive feelings.

For the sake of brevity, the following transcript eliminates some of the specific examples provided by Jason.

DANIEL: I knew that I was correct regarding the data-entry procedure but mentioned it in a very unassertive manner. Waldo had a different opinion, and I didn't defend mine, so his approach was taken instead. After three weeks, I brought it up again, in a more assertive fashion . . . and that is what was done! Because of the way I framed the issues, well, we permitted three weeks to go by, whereas we could have done it correctly from the beginning. I should have been more assertive. At first, I wasn't capable of convincing you, Waldo, or anyone else. It was difficult for me to finally be more assertive. The next issue where I expect to improve is in taking less time in the execution stage. I was telling Macarena that I've noticed that this job entails a lot of putting out fires. One is under constant bombardment. Which I have liked, actually. In my previous jobs, there came times when, well, I frankly had nothing to do and had to get on the Web and try and find something to do. Not here. Every minute here is used more profitably, but what does happen, however, is this "putting out fires" syndrome. I've lost my capacity to act in a more strategic way. So, that is what I mean. By the time I notice something needs to be done and get it done, much water has flowed under the bridge. I also believe I've been somewhat weak in my organizational skills. You know that this whole thing escaped my hands. I need to also increase my follow-up in terms of those whom I supervise. I prefer to give very thorough instructions and not leave until I'm sure people have understood me. Then, I can be at peace when I walk away. The challenge is that—because of the fires I'm putting out—I'm not checking people with the needed

frequency. This is where I notice that, although I thought I had given clear instructions, my subordinates end up doing things very differently from what I thought I had instructed them to do. Some of the managers don't have this problem, but others certainly do. I need to improve on my follow up. Another item . . . [Pauses and turns over a page.] I need to better manage myself, especially when it comes to time management. I need to be more proactive. I've failed to verify some critical issues. I need to set priorities, delegate, and act in more strategic ways. That is a little bit . . . where I'm coming up short. [Gestures to make it clear that he has finished his list.]

FACILITATOR: Jason, anything you have to add to Daniel's list?

Jason begins by giving an example of a difficult challenge that Daniel was able to deal with and expresses his confidence in Daniel's ability to handle the issues at hand.

DANIEL: Uh-huh.

JASON: I believe you can improve in the following matters: being responsible for a budget, as well as a monthly review process as to where we're at.

DANIEL: Uh-huh.

JASON: I believe you're capable of doing that at this point in your career. I'd like for you to keep better track of human resource costs through a computer spreadsheet. Nothing fancy. I'd like us to establish a more regular or formal communication, where I can be kept up to date with advances, costs, and so on. Maybe through that spreadsheet.

DANIEL: So we can show progress.

JASON: As indicators. I'd also like to see you come up with a timeline for each managerial team member. This way, each one of them will have clarity as to what they have to do and can carry out a self-appraisal as to how they are doing and know that they can

proceed with confidence. And all of this needs to be tied to the budget, also. [Jason continues to add items to List III, with Daniel's encouragement and give-and-take between the two.]

Jason and Daniel are now ready to address items in List IV.

FACILITATOR: Now, Daniel will read List IV.

JASON: [Smiles.] List IV?

DANIEL: [Laughs and pauses.] The truth is that I don't have much in the way of suggestions for you. Nothing but the truth. [Laughs.]

JASON: Nothing but the truth. [Laughs.]

DANIEL: But, there are two issues . . . and perhaps I'm feeling somewhat emboldened, but something from List III—the importance of organizing myself better—really depends to some degree on you. Despite the fact that I didn't come up with very specific cases . . . For example, often you've told me about important matters that were coming up with almost no notice. "Hey, such and such is on his way . . ." This sort of thing can add quite a bit of stress. Second, you've made some changes—excellent ones—but didn't notify me. So when I came back from my classes at the university, I found all of these changes and didn't know how to react to them. No one was able to explain what had happened until you arrived. This gave me a feeling of "What am I doing here?" These are the only things I could say about you . . . You are busy and just forget to tell me . . . That's all.

JASON: What was item number one, again?

The facilitator reads the summary of what was said, and Daniel notes his agreement with her understanding.

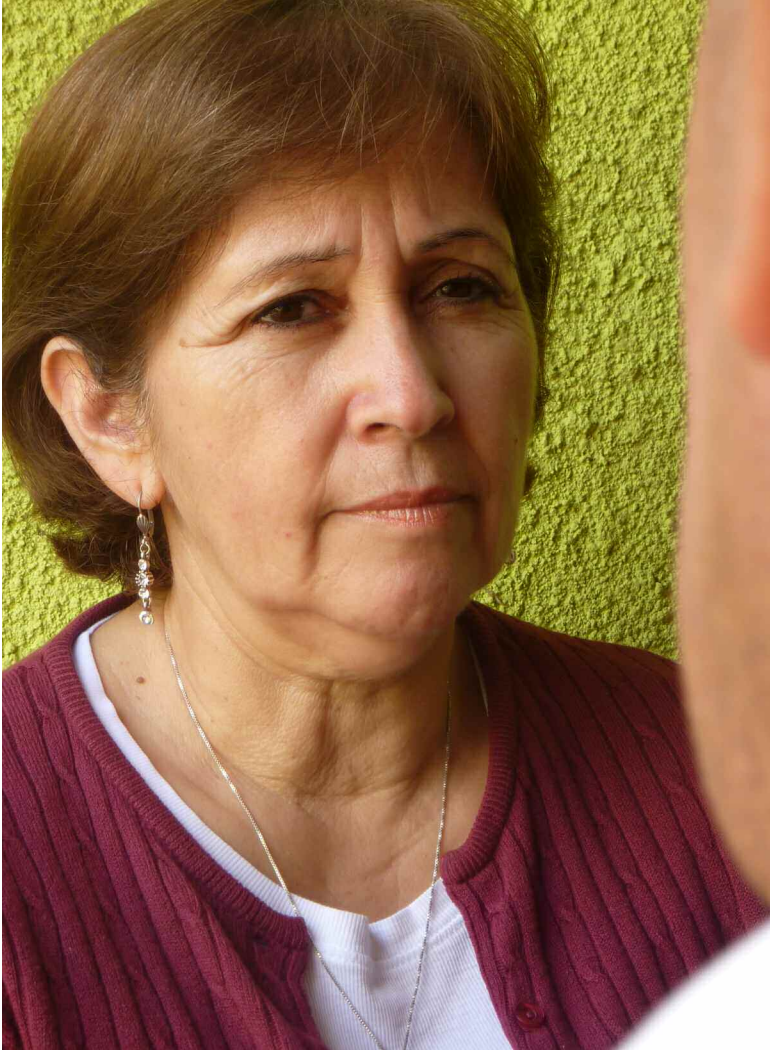
JASON: Yes . . . That's very much like me to do that. [Long pause.]

- FACILITATOR: Both issues revolve around communications.
- DANIEL: Yes.
- JASON: I don't quite agree with the communication . . . we actually communicate a lot.
- DANIEL: Uh-huh.
- JASON: Sometimes you're not here, and a decision has to be made . . .
- DANIEL: Yes.
- JASON: We communicate a lot. We just need a more formal communication process.
- DANIEL: Yes.
- JASON: Such as, "How are things going?"
- DANIEL: Yes, taking stock of where we are.
- JASON: I'd be upset if a change is taken the wrong way . . .
- DANIEL: Of course. Not at all.
- JASON: I think of myself as a good communicator . . . but now I'm beginning to question myself. [Laughs.]
- FACILITATOR: "Am I that good of a communicator?" [Laughs.]
- DANIEL: I believe you're a good communicator but that you sometimes forget. You have a thousand things going through your mind.
- JASON: Yes, this is important. We will have to be careful about this. [Laughs.]
- DANIEL: [Laughs.]
- JASON: I'll accept that . . . I'll accept it.

Daniel and Jason continue their jovial conversation for a while.

- FACILITATOR: OK. Now we will develop a timetable of agreements by which these will be accomplished or evaluated.
- DANIEL: Yeah.

The facilitator mentions the list of items on which the two men agree. Daniel notes his understanding or agreement by saying, "Yes," "Exactly," "Uh-huh," or the like. The facilitator then speaks to Daniel.



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The mediation NPA, utilized for dealing with hierarchical conflict, is usually conducted in a similar way to NPAs used for improving productivity, the main difference being an increase in empathic listening.

- FACILITATOR: So, speaking about the budget, what do you suggest?
- DANIEL: We need a monthly budget review: a history of what we've accomplished and what we ought to have accomplished. So, the first thing we need to do is to give order to these things through a timetable that includes when specific tasks were accomplished as well as the allocated resources. I'd suggest, Jason, that I have a monthly meeting with you in which we can review the budget. This would include a review of what has been done as well as future events. All of these could be seen in the context of the allocated budget. Hmm . . .
- JASON: I've something to say.
- DANIEL: Uh-huh.
- JASON: We have to turn in a yearly budget by the end of February.
- DANIEL: Uh-huh.
- JASON: I'd like it if you could work to turn this in by the fifteenth and give us time to review it.
- DANIEL: And thus say, "This is what we've agreed upon."
- JASON: This is what we've agreed upon. [Bangs desk with his hand and voices a noise of explosion.] Pshhhh!
- DANIEL: This means I'll have to speak to the department heads, to each one of them.
- JASON: Yes.
- DANIEL: But I need an assurance that they will be committed.
- JASON: Absolutely.
- DANIEL: Yes, then we would have the commitment of the enterprise: mine, yours, and the department heads.
- JASON: But the bulk of the responsibility would fall upon you to coordinate all of this.
- DANIEL: I agree to have it done by February 15 so you can have time to review it.

Jason adds specific details of what the budget needs to contain.

- DANIEL: In order to accomplish that, I need for us to come to an agreement regarding some other matters ahead of time. What do I mean by that? For example, making a decision now about the investment plan . . .
- JASON: Exactly . . .
- DANIEL: Because what I intend to do this year, and I've conversed about this with Ulrich, and everyone . . .
- JASON: Perfect.
- DANIEL: . . . that we need an operations budget besides an investment budget.
- JASON: Yes.
- DANIEL: Then I'll need to know ahead of time our goals regarding . . . [Goes into detail on operational matters.]
- JASON: Yes . . . I commit myself to get answers for you on these items, but you agree to come up with the questions.
- DANIEL: Exactly. Perfect. I have a good handle on costs but not on revenues.
- JASON: Yes . . .
- FACILITATOR: OK, then . . . I hear an agreement, and I'll ask both of you to help me make it more detailed, so it meets your needs. You will develop a yearly budget with monthly controls.
- JASON and DANIEL: [In unison.] Yes, a yearly budget with monthly controls.
- JASON: And we could have the meeting the third Tuesday of each month.
- FACILITATOR: Next point: having a monthly meeting in order to formalize the communication process. Is that something you want to do at the same time?
- JASON: Well, we also meet every Monday of every week, so this Tuesday matter is more about the budget.
- FACILITATOR: About the budget . . .
- JASON: About the budget . . . Yes.

FACILITATOR: OK. Planning surrounding the visits of the external consultants.

DANIEL: Exactly.

FACILITATOR: How often do these external consultants come?

DANIEL: Look . . .

JASON: Once a month . . . or . . .

DANIEL: This isn't a problem. This is very well planned. I'm completely clear on what I have to do there.

JASON: Uh-huh.

DANIEL: As Jason says, I have to be clear on what was done, why was it done, or why was it not done, and be clear on what we will be asking from these individuals.

Beginning with the documentation of agreements, Jason provides many more affirming comments such as, "Yes" and "Uh-huh." The parties continue to hammer out specific agreements.