

EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM MODEL POLICY

(Revised and Effective 11/1/09)

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

MANDATORY BASELINE EPMS SYSTEM

GENERAL INFORMATION

All performance appraisals shall be made in writing by the employee's supervisor (the rater) who has direct experience or knowledge of the work being performed. The appraisal shall be reviewed by the next higher level supervisor (the reviewer), unless the rater is the agency head, prior to the appraisal being discussed with the employee. The reviewer may attach additional comments to the appraisal, and in the attachment may take exception to the rater's appraisal. In addition, the reviewer has the authority to change the appraisal completed by the rater. If the reviewer elects to change the rating, the change and associated justification should be noted on the appraisal document. Whenever an employee's job responsibilities change significantly, the appraisal document should be revised to reflect that change. The final appraisal must bear the signature of the rater, the reviewer and the employee, if possible. If any party refuses to sign the appraisal, a notation shall be made on the performance appraisal of this. If possible, a witness should sign to acknowledge that the party refused to sign the appraisal.

All performance appraisals shall become a permanent part of the employee's official personnel file. Upon request, the agency shall furnish the employee with a copy of the performance appraisal with copies of all pertinent attachments including the form completed at the time of the planning stage and the final appraisal form.

The provisions of this policy address the appraisal process of both probationary and covered employees. Although not mentioned specifically in this policy, employees exempt from coverage under the State Employee Grievance Procedure Act shall also be given annual performance appraisals.

TRAINING

Training is encouraged for all employees within the agency in regard to EPMS.

LEVELS OF PERFORMANCE

There shall be three levels of performance to rate each job function and objective and to rate overall performance:

1. Exceptional

Work that is above the criteria of the job function throughout the rating period.

2. Successful
Work that meets the criteria of the job function.

3. Unsuccessful
Work that fails to meet the criteria of the job function.

Performance characteristics shall not be rated by the three levels of performance, but shall be given a rating of pass or fail.

1. Pass
Meets requirements.

2. Fail
Fails to meet requirements.

PLANNING STAGE

Each employee shall have a planning stage conducted at the beginning of each rating period. The employee's job functions (which include job duties and success criteria), objectives, and performance characteristics for the next rating period will be discussed at this time. These items, as included in the planning stage, are described below. The rater and employee should participate in drafting the planning stage document. The reviewing officer and the rater should discuss the requirements for the coming year prior to the planning stage. A rater may incorporate a team activity into the planning stage document. The team performance being evaluated could constitute a job function, an objective, or one criteria for a particular job function or objective. A rater may also link the employee's training plan to the planning stage document.

JOB FUNCTIONS

The rater and the employee shall determine the job functions (which include job duties and success criteria) by reviewing the employee's position description. If the position description is not up-to-date, or if there is no position description, one should be prepared and submitted for approval. In those instances where the rater and employee cannot agree upon the job functions, the rater's decision shall be final. The statement outlining the job function should include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to meet performance requirements. Each job function shall be rated in the evaluation stage based on the three levels of performance. It shall be mandatory for all raters to be evaluated on the timely completion of each employee's performance appraisal.

OBJECTIVES

Objectives shall be optional for all employees. An objective should be included when the employee is assigned a special, non-recurring project or assignment that is not included on the employee's position description. The statement outlining the objective(s) should also include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to be successful. Each objective shall be rated in the evaluation stage based on the three levels of performance.

PERFORMANCE CHARACTERISTICS

The Office of Human Resources will provide agencies with a list of suggested performance characteristics and their definitions. Each performance characteristic shall be defined in the planning stage and rated as "pass" or "fail" in the evaluation stage. The performance characteristics section shall be used as a communication tool to emphasize those performance characteristics that are important to success in performing the job functions and objectives included in the planning document. The performance characteristics section shall not be weighted in the determination of the overall performance rating.

It shall be mandatory for all managers and supervisors to be rated on the performance characteristic of "promoting equal opportunity." (Promoting equal opportunity includes such areas as hiring, promotion, or placement; level of personal and organizational commitment to equal opportunity; progress toward achieving a fully integrated and representative work force; and contribution toward minority programs and other social/economic equal opportunity goals.)

ONGOING PERFORMANCE MANAGEMENT

A rater should continue to provide performance feedback to employees throughout the review period. An unofficial mid-year review is encouraged to facilitate this communication between raters and employees. In addition, various options are available to the rater in conducting performance management. A rater may gather feedback to prepare the appraisal document and/or conduct unofficial appraisals more frequently than required in this policy.

PROBATIONARY PERIOD

Each new employee in probationary status shall be rated prior to the completion of a twelve month probationary period for noninstructional personnel, of the academic year duration for instructional personnel except for faculty at state technical colleges, or of not more than two full academic years' duration for faculty at state technical colleges. The performance review date marks the beginning of a new review period. If that employee does not receive a performance appraisal prior to the performance review date, the employee will receive a "successful" rating by default and obtain covered status as a State employee and permanent status in the class. The probationary period may not be extended. If an employee is not performing satisfactorily during the probationary period, the employee shall be terminated before becoming a covered employee. Until an employee has completed the probationary period and has a "successful" or higher overall rating on the employee's evaluation, the employee has no grievance rights under the State Employee Grievance Procedure Act; therefore, an agency is not required to follow the "Substandard Performance Process" to terminate a probationary employee. The "successful" rating is the equivalent to the "meets" performance rating referenced in the State Employee Grievance Procedure Act.

ANNUAL PERFORMANCE REVIEWS

All employees shall be given an annual appraisal no more than 90 calendar days prior to the employee's performance review date. An employee on approved leave with or without pay for more than 30 consecutive workdays may have the performance review date advanced up to 90 days after those first 30 workdays. A covered employee who within 30 calendar days of his performance review date receives a "Warning Notice of Substandard Performance" shall have the performance review date advanced up to 90 days.

The performance review date marks the beginning of a new review period. If an employee does not receive an appraisal prior to the performance review date, the employee shall receive a "successful"

rating by default. A covered employee may not be issued an overall “unsuccessful” appraisal at any time during the annual review period without following the “Substandard Performance Process.”

TRIAL PERIODS

Each covered employee who has been demoted, promoted or reclassified shall be appraised prior to the completion of a six month trial period in the position. The performance review date marks the beginning of a new review period. If an employee does not receive a performance appraisal prior to the performance review date, the employee will receive a “successful” rating by default and obtain permanent status in the new classification. Once an employee has completed a successful trial period and obtained permanent status in a class, the employee retains permanent status in the class throughout the employee’s continuous service. The six month trial period may be extended up to 90 calendar days upon written notice to the employee prior to the end of the six month trial period. The employee’s performance review date shall be advanced for the time period such extension is in effect.

The “Substandard Performance Process” is not required to demote or reclassify downward an employee in trial status to the same class from which promoted, if the demotion or reclassification occurs within the trial period. The “Substandard Performance Process” is also not required to demote or reclassify downward an employee in trial status to a class in an equal or higher pay band from which promoted, if the demotion or reclassification occurs within the trial period. The employee in trial status may not grieve such demotion. The employee in trial status may not be terminated or demoted to a class in a lower pay band than that from which promoted for performance reasons without following the “Substandard Performance Process.”

SUBSTANDARD PERFORMANCE PROCESS FOR COVERED EMPLOYEES

A covered employee is entitled to adequate notice of substandard performance and the opportunity to improve the substandard performance before receiving a “unsuccessful” rating and being removed from the position. To ensure this occurs, the following procedures shall be followed:

- a. A rater shall issue a “Warning Notice of Substandard Performance” prior to issuing an “unsuccessful” rating to a covered employee. If during the performance period an employee is considered “unsuccessful,” in any essential job function or objective which significantly impacts performance, the rater shall provide the employee with a written “Warning Notice of Substandard Performance.” The warning notice shall provide for an improvement period of no less than 30 days and no more than 120 days. The warning notice may be issued at any time during the review period. Ordinarily, the warning period may not extend beyond the employee’s review date. However, if the warning notice is issued less than 30 days from the employee’s review date, the performance review date shall be advanced up to 90 days.
- b. The rater and employee should participate in drafting a work improvement plan. The work improvement plan should include a list of ways to improve the deficiencies and other appropriate performance related recommendations. In those instances where the rater and employee cannot agree upon the content of the work improvement plan, the rater’s decision shall be final.
- c. During the warning period, the employee and the rater shall have regularly scheduled meetings during which they shall discuss the employee’s progress. Documentation is required to verify that these counseling sessions were held. Copies of this documentation shall be placed in the employee’s official personnel file and given to the employee upon request.

d. If the employee's performance is rated "successful" or above, on all essential job functions/objectives, which significantly impact performance, noted in the warning notice by the end of the warning period, employment shall continue. If the employee is rated "unsuccessful," on any essential job function or objective which significantly impacts performance as noted in the warning notice by the end of the warning period, the employee shall be removed from the position immediately (i.e., terminated, reassigned, demoted).

e. Once a time frame for improving substandard performance has been given, the employee must receive a written appraisal prior to the end of the warning period or the employee will receive a "successful" rating by default.

f. If an employee has been issued two warning notices within a 365 day period and performance drops to a substandard level on any essential job function/objective, which significantly impacts performance for a third time within a 365 day period, the employee shall be removed from the position upon the third recurrence of such substandard performance by issuing the "unsuccessful" appraisal. A warning notice is not required on the third occurrence.

WARNING NOTICE OF SUBSTANDARD PERFORMANCE

The requirements of a "Warning Notice of Substandard Performance" are:

a. The notice shall be in writing, addressed to the employee, labeled as a "Warning Notice of Substandard Performance," and signed by the employee (witnessed, if employee will not sign).

b. The notice shall list the job function(s) and/or objective(s) included on the employee's planning document that are considered "unsuccessful," with an explanation of the deficiencies for each job function and/or objective.

c. The notice shall include the time period for improvement and the consequences if no improvement is noted (i.e., terminated, demotion, reassignment).

d. The notice shall include a plan for meetings to discuss employee progress during the warning period.

A copy of the notice shall be given to the employee and placed in the employee's official personnel file.

EPMS OPTIONS TOOLBOX

An agency may determine that using any or all of the following options would assist in conducting performance management.

The Following Options Do Not Require Incorporation Into The Agency's EPMS Policy Or Office Of Human Resources Approval

LINKAGE OF EMPLOYEE PERFORMANCE TO AGENCY MISSION

An agency may elect to include the mission statement for the agency, or the particular work unit, on the employee's appraisal document. Space has been allocated on the statewide EPMS form to include this information if desired.

STAFF DEVELOPMENT AND TRAINING PLANS

The agency may choose to require raters to complete staff development and training plans for each employee yearly. This component may be written into the agency's policy if desired. The Office of Human Resources will provide agencies with a sample that may be used to help link employee training plans to the employee's performance evaluation.

WEIGHTED SYSTEM

An agency may use a numerical weighting system to establish the importance of job functions and objectives for purposes of evaluation. A sample weighted system is available from the Office of Human Resources.

COMPETENCIES/PERFORMANCE CHARACTERISTICS

Competencies and performance characteristics may be considered synonymous terms for EPMS purposes. Competencies/performance characteristics are qualities, traits, or individual characteristics that are required for satisfactory performance in a particular job, role or team. Competencies/performance characteristics are not job tasks. They are qualities, traits, or individual characteristics which enable people to perform tasks and accomplish desired outcomes.

EMPLOYEE COMMENTS

The employee may attach additional comments to the appraisal, and in the attachment may take exception to the rater's appraisal.

The Following Options Require Incorporation Into The Agency's EPMS Policy And Office Of Human Resources Approval

FREQUENCY OF EVALUATIONS

Under the baseline system an agency would have the flexibility to conduct unofficial evaluations anytime throughout the year. An unofficial mid-year review is encouraged to facilitate communication

between raters and employees. However, if an agency wishes to require more frequent evaluations, it should include such requirement in its EPMS policy.

REVIEWER CHANGING THE RATER'S RATING

An agency may determine that it does not want the reviewer to have the authority to change the rater's rating. If this is the case, the agency would need to incorporate this limitation into its EPMS policy.

MULTIPLE SOURCES OF FEEDBACK

In using a "multiple sources" of feedback system the particular system chosen must be included in the agency's EPMS policy. The agency should provide training as appropriate to employees on giving and receiving feedback.

ALTERNATIVE LEVEL OF PERFORMANCE SYSTEMS

An agency may develop alternative systems (i.e., more/fewer levels of performance) to rate employee performance. However, evaluation systems that have more/fewer levels of performance than the three levels of performance must include a conversion mechanism to equate those systems to the three levels of performance should this be necessary (RIF or legislatively mandated reasons, for example). This system and the conversion mechanism must be incorporated into the agency's EPMS policy. The agency must convert their levels of performance to the three levels of performance prior to entering into the Central Human Resources Data System.

TEAM EVALUATIONS

An agency may elect to substitute team evaluations for individual performance appraisals. If an agency determines to do this, such change would need to be incorporated into the agency's EPMS policy.

UNIVERSAL REVIEW DATE

An agency may use a Universal Review Date for the entire agency. The use of a Universal Review Date must be stipulated in the agency's EPMS policy before implementation. An unofficial mid-year review is encouraged to facilitate communication between raters and employees.

WEIGHTING AND RATING PERFORMANCE CHARACTERISTICS

An agency may elect to weigh and rate performance characteristics as part of the agency's performance management system. If an agency determines to do this, such change would need to be incorporated into the agency's EPMS policy.

COMBINING THE POSITION DESCRIPTION AND PERFORMANCE MANAGEMENT DOCUMENT

An agency may combine the employee position description and the performance management document into a single document. Additional approval is not required for an agency using the Central Human Resources Data System's Position Description/EPMS/ Individual Development Plan (IDP).