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PURPOSE of PERFORMANCE PLANNING AND REVIEW

To improve two-way communication and feedback between you and your employees

It doesn't have to be scary to do performance management and review the right way. You just need the right tools, skills, procedures and rules. Performance Planning and Review is designed to accomplish these four goals:

- Help employees and supervisors set performance expectations to improve performance.
- Identify important performance factors for each employee's job.
- Encourage employees and supervisors to talk about work performance.
- Document and measure performance of each individual employee.

The Performance Planning and Review Cycle

- Performance planning
- Continual performance observation, documentation and feedback
- Performance review, rating, and counseling
- Performance planning - as the cycle continues

STEP 1: PERFORMANCE PLANNING

The Planning session must take place no later than 30 days after the appointment of a new employee or the anniversary date of a current employee.

Brainstorm Expectations. . .

Sit down with the position description, policies, strategic plan or other pertinent documents. Think of the things you would like this employee to change, accomplish, enhance, or learn during the next year. Develop a list of these items to go over with your employee. Some examples of typical expectation statements are:

Prepare the budget request by November 1.

Attend classes to learn how to use WordPerfect software.

Prepare 3 documents using WordPerfect software.

Make 5 home visits each week.

Concentrate on helping staff get what they need when they need it rather than rigidly enforcing policies written for your convenience.

Maintain appropriate relationships with and respect for the public and clients rather than becoming too informal.

Expectations . . .

- Do not have to be standards
- Must be realistic
- Should usually not be perfection
- Must be specific

Different people doing the same job may have different expectations.

WRITING PERFORMANCE EXPECTATIONS

I. Developing performance expectations

Writing expectations for the Performance Planning and Review system requires the supervisor to review all pertinent documents such as position descriptions, policies, standards, accreditation guidelines and the like.

A position description is an official document (SF3) which lists the duties of the position and/or the requirements of the job. Typical duties are: types correspondence, cuts grass, writes reports, orders supplies, and bathes patients. Employees in the same job title may have the same position description or different position descriptions.

All employees performing a particular job are subject to the requirements of the job as they appear in an up-to-date position description. These requirements should be communicated to all employees when they begin the job. Ratings for all employees should be made with these requirements in mind.

Expectations are specific, individual goals for the employee to accomplish during the rating period. Expectations also always include the written and unwritten requirements of the job that are not found specifically in the position description. These are things such as: come to work on time, call in when you cannot come to work, and be polite to coworkers. Examples of performance expectations are: prepare two reports using the new software, attend a class on conflict resolution, and call in no later than one hour before shift if you cannot come to work. Employees in the same job title in the same agency may or may not have identical expectations. For example, Corrections Lieutenants working in the same correctional facility may have different expectations, while a Corrections Lieutenant in the Horse Lot would almost certainly have different expectations.

II. Written performance standards

Your agency may also have or require written performance standards for some or all positions. Written performance standards are more specific, precise measurements of how well someone does his/her job. For example, standards might say: types correspondence with no errors, always answers

the phone before the third ring, is at work 90% of the time, orders supplies within 3 days of request, and writes reports according to standard format with no spelling errors.

Most jobs can be quantified, but for some it is more difficult than for others. Use your judgment about how much work you want to put into measuring performance so precisely. Existing performance standards may be written as expectations, but the expectations you write do not have to be standards. ***Employees performing exactly the same tasks should have the same standards though not necessarily the same expectations.***

An employee will probably not have the same performance expectations as all other employees doing the same job because the supervisor will typically write individualized expectations according to the strengths and weaknesses of each employee. But remember that the 1-to-5 ratings assigned for each performance factor are based on the requirements of the job as well as the supervisor's written expectations. It can also be good for the employees to suggest goals they would like to work on for the coming rating period or even to write some of their own expectations for your review and approval.

A supervisor will not and cannot write in the expectations boxes on the Performance Planning Form every single thing an employee is supposed to do on the job. Employees are responsible for performing their job according to the position description, departmental policies and/or verbal instructions they have always had. The Performance Planning and Review Form is only one document which adds to what the employee already knows about doing the job. Even if an employee does everything the supervisor listed as an expectation, s/he can still receive low ratings if the normal requirements of the job have not been satisfied. An employee can also receive good ratings if s/he performs the job satisfactorily but fails to meet special expectations the supervisor has written.

This new Performance Planning and Review System is designed to be an important communication tool, and it is designed to be flexible. For employees who are not performing as well as the job requires, the supervisor might call attention to the minimum requirement for the job by writing this as an expectation. For employees who are performing up to or beyond the requirements of the job, the supervisor might take the opportunity to help those employees work toward even higher goals. Keep in mind, however, that expectations should be written at the "average" level of

satisfactory performance for the job and the person in that job. You want your employees to know where you consider “good” job performance to be and you want them to have room to do better than expected.

Point out ways in which employees can improve their performance beyond the requirements but do not specifically tell someone, “If you do this, you will get a 5.” This kind of statement establishes a contract with the employee. He or she will expect you to hold up your end of the bargain even if you know the employee does not deserve a 5 because his/her performance has suffered in other ways. Give suggestions of how to “go above and beyond” your expectations but do not make guarantees.

If you supervise supervisors, make sure they have equitable expectations for their subordinates. Do not let them have easy expectations for their favorites and difficult expectations for others. Be sure to go over the mandatory factors with your supervisors and to hold them accountable for using the Performance Planning and Review system as intended.

PERFORMANCE FACTORS

There are four kinds of performance factors in the Performance Planning and Review system. These are:

- Required Factors
- Additional Factors
- Factors Mandatory for Supervisors
- Position-Specific Factors

Required factors

Factor 1: WORK PRODUCT

Is the quantity and quality of the work performed by the employee.

Examples of expectations for Work Product are:

- ▶ Demonstrate an understanding of the impact of your work on others.
- ▶ Complete projects with almost no errors.
- ▶ Complete nearly every project on the due date.
- ▶ Answer as many calls as you can without routing calls to others.

Factor 2: DEPENDABILITY

Is being where s/he is supposed to be and doing what s/he is supposed to do.

- ▶ Report to work in time for roll call except in emergency situations.
- ▶ Man duty station throughout shift except during official break times.
- ▶ Comply with department attendance policy at all times.
- ▶ Attend scheduled meetings and arrive on time.
- ▶ Can be relied upon to complete assignments without follow up.

see Appendix for information on managing leave and tardiness, the Americans with Disabilities Act and the Family and Medical Leave Act.

Factor 3: COOPERATIVENESS

Is how well s/he gets along and works with others.

- ▶ Maintain a supportive and team-like atmosphere among co-workers.
- ▶ Interact with others respectfully and courteously.
- ▶ Help maintain a friendly and helpful atmosphere at work.
- ▶ Attempt to get along better with Leon.
- ▶ Do not complain about others or assignment.
- ▶ Do not be surly or abrupt with others.

Factor 4: ADAPTABILITY

Is how well s/he adjusts to change.

- ▶ Expect changes in the job and accept them without many complaints.
- ▶ Make an honest effort to quickly learn new responsibilities.
- ▶ Effectively adapt work habits to new or unexpected circumstances.

Factor 5: COMMUNICATION

Is how well s/he gives and receives information.

- ▶ Listen carefully to others. Do not ignore them.
- ▶ Choose words carefully and speak clearly and respectfully to others so they can understand you the first time you say something to them.
- ▶ Make sure phone messages you take are correct.
- ▶ At all times be certain that critical information is communicated clearly and directly. Follow up when appropriate.
- ▶ Speak to others with an appropriate tone of voice.
- ▶ Avoid over-reacting when calm communication with another person can solve a problem.

Factor 6: DAILY DECISION-MAKING AND PROBLEMS-SOLVING

Is how well s/he thinks on the job

- ▶ Solve payroll problems independently.
- ▶ Call security immediately when threats occur.
- ▶ Look for better ways of monitoring legislation.

Additional factors

May or may not apply to all jobs

- Factor 7: Service to Clients/Public - Is providing effective and courteous service.
- Factor 8: Use of Equipment and Materials- Is caring for and using the State's property and supplies.
- Factor 9: Project Planning and Implementation - Is creating and successfully following through with projects.

Reminder: Don't forget to mark an "X" in the box if you use any of these factors!

Mandatory factors for supervisors

Factor 10: WORK GROUP MANAGEMENT AND LEADERSHIP

Is how well the supervisor directs the activity of his/her subordinates.

- Conduct meetings once a month with your subordinates and me so that I can better observe how things are going.
- Subordinates get the job done properly, serve our clients well, and make the division look good.
- Treat all employees equitably.
- Give all employees equal access to training.
- Make sure employees have challenging work to do.

Factor 11: PERFORMANCE PLANNING AND REVIEW

Is how well the supervisor uses this system to plan and review his/her subordinates.

- Do not use more demanding standards for employees you don't like than for employees you do like.
- Conduct thorough and timely performance planning sessions with subordinates.
- Avoid rating errors and biases.

Position-specific performance factors

Blank spaces are provided on the Planning and Review Form.

If important parts of an employee's job have not been covered by factors one through eleven, you may write in factors such as:

- ▶ Unique job responsibilities
- ▶ Specific certification or accreditation requirements
- ▶ Other duties that supervisor and/or employee identify

CAUTION!

Position-Specific factors must be observable, job-relevant **behaviors**.

Do **not** write in personality traits or irrelevant, unobservable behaviors.

Instead of "Attitude" ...
use *Cooperativeness or Service to Clients/Public*.

Instead of "Motivation..."
use Work Product.

Instead of *Alertness...*
use *Dependability or Use of Equipment and Materials*.

UNDERSTANDING PERFORMANCE EXPECTATIONS

VERY IMPORTANT: Both supervisors and employees must understand which factors apply and what level of performance is expected for each factors.

HOW?

Communicate Performance Expectations Properly!

- ▶ Take the time to discuss the planning part of the form in the planning meeting.
- ▶ Employee and supervisor must sign and date the form. If employee refuses to sign, make a note of this.
- ▶ Give a copy of the form to the employee so s/he can use it as a reference and guide throughout the performance period.

STEP 2: CONTINUAL OBSERVATION, DOCUMENTATION AND FEEDBACK

Remember: No Surprises at Formal Performance Review Time!

ALL THROUGH THE YEAR . . .

Compliment your employees on the things they do well. Point out things that could be done better.

- ▶ Be calm and professional
- ▶ Be specific
- ▶ Offer suggestions for making necessary improvements.
- ▶ Follow-up at set times to see if improvements have been made

Performance updates

You may schedule an “in-formal” performance review with any employee you supervise as often as you wish. Remember, a year is a very long time to wait for feedback from you. More frequent feedback will give your employees an opportunity to improve throughout the year.

This is an opportunity to check the progress your employees’ have made on performance expectations set during their last planning session. You may update the planning session and make any needed adjustments. **Just remember to document your conversations on the PPR form. You and your employee must both initial the changes and you must give your employee a new copy of the form with the updates on it!**

Document performance

Keep a written log on your employees' work performance all through the year.

Log examples of performance:

- ▶ Every day
- ▶ Every week
- ▶ Whenever someone performs in a particularly good or bad way
- ▶ At random times ... write down whatever behavior you see right then.

DOs

- ☺ Write facts you observed: behaviors related to job performance
- ☺ Be specific
- ☺ Record both positive and negative events
- ☺ Write the date, names, what you did in response.

DON'Ts

- ☹ Write references or rumors
- ☹ Document events about some employees but ignore others
- ☹ Leave out important details about what happened.

DOCUMENT PERFORMANCE - JUST DO IT!

EMPLOYEE PERFORMANCE LOG

Employee's name _____

DATE	What happened? (What did you see/hear/touch/smell/taste?) Who else was involved?	What was your response?

RATING vs. DISCIPLINE

There are distinct differences between a rating and a disciplinary procedure. Make sure you are using the correct one!

Differences in rating vs. Discipline:

PPR Ratings and discipline are different in each of these areas:

- ▶ Purpose
- ▶ Consequence
- ▶ Procedure
- ▶ Appeal Rights
- ▶ Because Civil Service says so

	RATINGS	vs.	DISCIPLINE
PURPOSE	Assess/inform		Correct/punish
CONSEQUENCE	Nothing taken		Something taken
	Same pay Same job		Lower pay Different job
PROCEDURE	Chapter 10		Chapter 12
APPEAL RIGHTS	After agency review, direct appeal to the Commission		Direct appeal to the Commission
BASIS	Rational basis Documentation		Cause Detailed reasons

Performance Planning and Review is NOT Discipline

The Final Reason: "Because We Say So . . . "

Rule 10.10(b) is The Dumb-Buster

This Rule says that an employee with a rating (or re-rating) that is less than Satisfactory gets:

- ☹ NO merit increase
- ☹ NO promotion
- ☹ NO permanent status

“Poor” or “Needs Improvement” Rating Vs. Disciplinary Action

A “Poor” or “Needs Improvement” rating on the new Performance Planning and Review System is **not** a disciplinary action. This being so, a “Poor” or “Needs Improvement” rating is **not** subject to the same rigorous pleading requirements (including extremely detailed facts) as for a disciplinary action. A substandard rating will necessarily be based on objective as well as subjective criteria. This is based on a recent decision of the State Civil Service Commission issued on January 29, 1997, **Docket No. 10435, in the case of Jodi Nordhausen versus the Department of Public Safety and Corrections, Office of Motor Vehicles**. Although the Nordhausen case involved a rating under the old Chapter 10 rules, there is no reason to believe that the results would be different under the new Performance Planning Review System unless the rules governing appeals are changed.

This same decision addressed the question of citing one incident to give an employee a “Poor” or “Needs Improvement” rating in more than one performance factor on a rating form. The Commission concluded that if a **single incident** exemplifies poor performance in several categories, it is appropriate to list that incident more than once.

Finally, the Commission concluded that the **burden of proof** in an appeal of a “Poor” or “Needs Improvement” rating must be borne by the appointing authority, but that the appointing authority “must only prove a rational basis for the rating.” If the appointing authority proves that the rating was justified, the burden of proof then shifts to the employee to refute the appointing authority’s claims or otherwise demonstrate that the “Poor” or “Needs Improvement” rating was undeserved.

Differences in Documentation For Rating vs. Discipline

1. Documentation for Performance Planning and Review does not have to be as detailed as that for a disciplinary action; however, if the rating supervisor suspects that the rating will be less than "Satisfactory," it is recommended that the rating supervisor maintain/retain documentation or contemporaneous notes that contain particular information such as dates, times, persons involved, subjects or efforts involved.
2. If a supervisor already knows or highly suspects that a disciplinary action may occur with a particular employee in the future, he should be keeping the kind of detailed documentation that is needed to justify a disciplinary action. Should the time for the employee's rating occur, this same detailed documentation could be used to substantiate the rating of the employee on the Performance Planning and Review form.

NORDHAUSEN DECISION

Filed: January 29, 1997

.....

State of Louisiana
Civil Service Commission

Rules: Chapter 10, 13.10(j);
13.10(k)

Docket No. 10435

Topics: Substandard ratings;
d e t a i l
required;
burden of proof;
standard of proof.

Jodi Nordhausen
versus
Department of Public Safety
and Corrections, Office of
Motor Vehicles

.....

Statement of the Appeal

Jodi Nordhausen (Nordhausen) works for the Department of Public Safety and Corrections, Office of Motor Vehicles (OMV) as a Motor Vehicle Officer/Field. By memorandum dated March 11, 1993, and a rating form, Terry Munch Buck (Buck), an OMV supervisor, advised Nordhausen that her overall rating for the year ending March 10, 1993, was "Needs Improvement." Buck rated Nordhausen "Needs Improvement" in three categories: 1) Job Knowledge; 2) Compliance with Laws; and 3) Decision Making. Buck rated Nordhausen "Unsatisfactory" in two categories: 1) Cooperation and 2) Serving the Public. In the four remaining categories, Buck rated Nordhausen's performance as "Meets Requirement." The memorandum describes specific incidents of unacceptable performance; in some cases, the same incident falls into several performance categories, so the same incident is cited several times.

By letter dated April 6, 1993, Nordhausen appealed the rating to her appointing authority. She took issue with the rating in the following categories: 1) Job Knowledge; 2) Decision Making and 3) Compliance with Laws. By letter dated May 5, 1993, the Assistant Secretary advised Nordhausen that as a result of her appeal, her rating in one category (Job Knowledge) was being changed to "Meets Requirements," but her overall rating remained "Needs Improvement."

On May 21, 1993, Nordhausen appealed her rating to the Commission. Nordhausen asserts: OMV did not comply with the time requirements set forth in Chapter 10 of the Civil Service Rules; the rating is totally subjective, placing her at the whim of her supervisor who harbors ill feelings toward her; the rating does not contain enough detail to enable her to prepare a defense; and no performance standards exist, making the rating mere guesswork.

Nordhausen then addresses the incidents described in the memorandum. Finally, Nordhausen alleges that she suffers from a handicap (psychological/emotional problems) which may, on occasion,

cause her to be unable to handle stress and control her emotions and which entitles her to a reasonable accommodation. As relief, Nordhausen asks for reversal of the rating and attorney's fees.

On June 3, 1993, a Referee ordered the parties to show cause why the appeal should not be summarily granted for OMV's failure to comply with the Civil Service Rules. Based on the documents OMV provided, by letter dated June 24, 1993, the Referee concluded that OMV had complied with Civil Service Rule 10.22 and referred the case to the merits.

On January 12, 1994, Nordhausen filed a motion for summary disposition. Nordhausen argues that the rating should be reversed for lack of detail and that some charges should be dismissed as repetitive.

The Commission held a public hearing, limited to oral argument on preliminary issues, on February 1, 1994. Following the hearing, the parties were encouraged to try to settle the appeal. Negotiations reached an impasse as of August 27, 1996, thereby necessitating a decision. Based on the argument presented, the Commission reaches the following conclusions.

Issues

The issues are: 1) how much detail must be contained in a substandard performance rating?; 2) may an agency use a single incident to give an employee a substandard rating in more than one category?; and 3) who has the burden of proof before the Commission in an appeal of a rating? We can find no reported case which squarely addresses any of these issues.

Conclusions of Law General Background

A state classified employee's performance must be rated at prescribed intervals. There are two alternative rating methods: the service rating system (Civil Service Rule 10.2 - 10.11) and the performance appraisal system (Civil Service Rule 10.12 - 10.22). The former has one level of substandard performance: "Unsatisfactory." The latter has two levels of substandard performance: "Needs Improvement" and "Unsatisfactory." Although the two rating systems are different, the consequences of a substandard rating and the appeal rights are identical. Consequently, the conclusions reached in this decision apply to both rating methods.

Issue 1: How much detail is needed in a substandard rating?

If a substandard rating is a disciplinary action, then the employee must be provided detailed reasons for the action. See Civil Service Rule 12.8(a)2 for the detail required. However, our rules, which have the effect of law,¹ distinguish between substandard ratings and disciplinary actions. Regrettably, Hamlett v. Division of Mental Health, 325 So.2d 696, 700 (La. App. 1 Cir. 1976), did not draw this distinction. However, a later case did: Faure v. Department of Health and human Resources, 504 So.2d 1022, 1024 (La. App. 1 Cir. 1987).

Several factors lead us to conclude that, under our rules, a substandard rating is not a disciplinary action. First, Civil Service Rule 12.2(b) provides an exclusive list of disciplinary actions;

¹La. Const. Art. X, Sec. 10(A) (4).

substandard ratings are notably absent from that list. Second, Civil Service Rules 10.8(b) and 10.18 provide that an employee who has a substandard rating may/must also be subjected to disciplinary action—meaning that the substandard rating is not, itself, a disciplinary action. See also Heinbert v. Department of Employment Security, 256 So.2d 747 (La. App. 1 Cir. 1971) and Cilanov. Department of Employment Security, 356 So.2d 458 (La. App. 1 Cir. 1977). Third, the procedure for issuing substandard ratings is included in Chapter 10 of the Civil Service Rules, rather than in Chapter 12, which governs disciplinary actions. Fourth, substandard ratings and disciplinary actions are subject to different appeal processes. Substandard ratings are not directly appealable to the Commission; they must first be appealed to the appointing authority. Civil Service Rules 10.4(a), 10.22(a), and 13.10(j). By contrast, disciplinary actions are directly, and independently, appealable to the Commission. La. Const. Art. X, Sec. 8(A); Civil Service Rule 13.10(b), See also Civil Service Rules 10.4(d) and 10.22(d) and their counterpart, Civil Service Rule 13.10(k). Fifth, ratings and disciplinary actions have different purposes. The purpose of the rating system is to assess an employee’s performance and to communicate that assessment to the employee. Civil Service Rules 10.1, 10.3 and 10.19. The purpose of a disciplinary action is to punish and correct unacceptable behavior or separate an employee with uncorrectable behavior. Finally, substandard ratings and disciplinary actions have different impacts. A substandard rating has no immediate impact on the employee’s classification or pay, but Civil Service Rules 10.8(a) and 10.21(a) replicate common sense by making substandard employees ineligible for promotions or merit pay increases until their performance has improved to satisfactory. By contract, every disciplinary action has an immediate impact on the employee’s classification and/or pay. See Civil Service Rules 12.1(b), 1.33, 1.33.02, and 6.10.

Because under our statutory scheme, a substandard rating is not a disciplinary action, we conclude that a substandard rating is not subject to the rigorous pleading requirements for disciplinary action. Indeed, although objective measures can be developed for certain aspects of performance, many aspects of performance can only be measured subjectively. A striking demonstration of the point can be found by comparing the rating at issue in Wall v. Community Improvement Agency, 343 So.2d 229 (La. App. 1 Cir. 1977), with the rating at issue in Wall v. Community Improvement Agency, 365 So.2d 571 (La. App. 1 Cir. 1978). Quantity of work can be measured objectively, but the quality of that work is often a subjective judgment call. To conclude that a substandard rating is valid only if it based on objectively measurable criteria that can be described in the detail required for a disciplinary action would eliminate quality of service as a performance criterion and would reduce performance evaluation to mere widget counting. For these reasons, our rules require that a substandard service rating be supported by “written reasons and justification” and a substandard performance appraisal be supported by “the official performance rating form,” as opposed to the “detailed reasons” required for a disciplinary action. Compare Civil Service Rule 10.10 and 10.19 with Rule 12.8. Therefore, Nordhausen’s motion to dismiss some of the allegations as insufficiently detailed is denied.

Issue 2: Duplicated Incidents

Nordhausen challenges OMV’s right to use a single incident to justify substandard ratings in several performance categories. Most evaluation systems focus on different aspects of an employee’s job and therefore rate the employee in several categories. However, the purpose of an evaluation system is to assess an employee’s overall job performance. As such, if a single incident exemplifies poor performance in several categories, it is appropriate to list that incident more than once. Therefore, Nordhausen’s motion to strike some of the allegations as repetitive is denied.

Issue 3: Burden of Proof before the Commission

Section 8 (A) of the Civil Service Article places the burden of proof on the appointing authority in disciplinary cases; Section 8 (B) places the burden of proof on the employee in discrimination cases; and Rule 13.19(u) places the burden of proof on the employee in rule violation cases that do not involve disciplinary actions.

However, neither the constitution, nor any rule, nor any case specifically establishes a burden of proof at the Commission level in substandard rating cases. Because we have concluded that a substandard rating does not require detailed reasons, for practical reasons, we conclude that the burden of proving that a substandard rating was justified must be borne by the appointing authority. Because we have concluded that a substandard rating is not a disciplinary action, we conclude that the appointing authority must only prove a rational basis for the rating.

Accordingly, this appeal is referred to a hearing on the merits, at which the burden will be on the appointing authority to prove that Nordhausen's substandard rating (i.e. "Needs Improvement") was justified. If the appointing authority succeeds, the burden will then shift to Nordhausen to refute the appointing authority's claims or otherwise demonstrate that her substandard rating was undeserved. Unless the parties agree to submit all or part of the case based on the record developed before the appointing authority, the hearing will be a de novo review of the rating.

s/James A. Smith
James A. Smith, Chairman

s/A. J. Capritto
A. J. Caprate, Vice Chairman

s/Burl Cain
Burl Cain, Member

s/Inez W. Chrisentery
Inez W. Chrisentery, Member

s/Charles W. Dobie
Charles W. Dobie, Member

s/Camille Gravel
Camille Gravel, Member

s/R. L. Hargrove
R. L. Hargrove, Member

This Section Includes ...

Definitions of performance levels

Rating errors and biases to avoid

Completing the form

- ▶ Deciding on ratings for performance factors
- ▶ Providing comments about performance
- ▶ Calculating the overall score and final performance rating
- ▶ Getting signatures, etc

Definitions of ratings

<i>Outstanding</i>	Exceeds requirements consistently and/or by a wide margin; nearly ideal
<i>Very Good</i>	Consistently meets and sometimes exceeds requirements; very well done
<i>Satisfactory</i>	Usually meets requirements; generally well done
<i>Needs Improvement</i>	Frequently fails to meet requirements; much room for improvement
<i>Poor</i>	Fails to meet requirements consistently and/or by a wide margin; unacceptable

Common Rating Errors and Biases

<i>Type of Error</i>	<i>Description of Error</i>
Preconceived Roles	Rating people based on what you believe about people like them.
Similar-To-Me	Rating people highly if they are like yourself and poorly if they are different.
Halo Effect	Rating people high (or low) on all factors because of good (or poor) performance on one or a few factors
Lenience or Severity Error	Having a tendency to give extremely low or extremely high ratings.

Tips for Avoiding Errors and Biases

DO Consider

Each performance factor independently from any other factor.

Actual work performed by this employee

DO NOT Consider

How much you like or dislike the employee.

Employee's age, sex, race, national origin, religion or disability.

Employee's past rating.

Other issues not related to current job performance.

Establishing a performance rating

Assigning Ratings for Performance Factors

- Review your documentation about performance events from the entire rating period
- For each factor, think carefully about behavior you have witnessed throughout the rating period for this employee and assign a rating.

Rate all Applicable Performance Factors

- If a performance factor was marked with an "X" at the beginning of the rating period, it **MUST** receive a rating of 1 to 5 at the end of the rating period, unless some change was agreed upon.
- If a performance factor was **NOT** marked with an "X" at the beginning of the rating period, it **CANNOT** be rated at the end the rating period, unless some change was agreed upon.

Why Bother Writing Comments?

- Written comments will help make it easier to communicate about the employee's performance review session. You will feel more prepared and employees appreciate specific feedback.
- Supporting comments may help you defend your ratings if they are challenged by the employee. Make sure comments are accurate, specific, and representative.

CONDUCTING THE PERFORMANCE REVIEW SESSION

PREPARE BEFOREHAND

- ▶ Collect facts, documents, reports, work samples, etc., that reflect the employee's performance.
- ▶ Complete forms carefully and thoroughly, providing specific comments about performance.
- ▶ Schedule the session with advanced notice. Make sure you have a private place to meet, as well as enough time for the meeting.

OPEN THE MEETING IN A POSITIVE WAY

- ▶ Be friendly and sincere.
- ▶ Explain the purpose of the meeting clearly.

FOCUS ON THE JOB RATHER THAN THE INDIVIDUAL

- ▶ Stress areas of strength and areas needing improvement.
- ▶ Be honest about problems - don't "beat around the bush."
- ▶ Discuss the employee's responsibilities and clear up any misunderstandings about his/her responsibilities.
- ▶ Talk about behaviors and performance - not attitude and personality.

LET THE EMPLOYEE TALK

- ▶ ACTIVELY listen to the employee.
- ▶ Ask the employee before telling the answer.
- ▶ Do not finish the employee's statements or answer the questions you ask him/her.
- ▶ Allow periods of silence while the employee is thinking or trying to put thoughts into words.

REMEMBER THAT SOMETIMES THERE ARE THINGS YOU CAN DO TO HELP THE EMPLOYEE'S PERFORMANCE IMPROVE

- ▶ Listen carefully if the employee has complaints or requests.
- ▶ Ask the employee if there are resources s/he needs, or obstacles keeping him/her from performing as well as possible, especially if s/he is performing below the level you had expected.

STAY IN CONTROL OF THE MEETING

- ▶ Guide the discussion back to the matter at hand if one or both of you stray off the topic.
- ▶ Do not become emotional, even if the employee does become emotional.

BE AWARE OF YOUR OWN WEAKNESSES

- ▶ Remember that you are only human
- ▶ Try not to be positively or negatively influenced by your personal feelings about the employee.
- ▶ Admit it when you have made a mistake.

HAVE REALISTIC EXPECTATIONS

- ▶ Do not try to accomplish too much in one session. Use follow-up discussions when necessary.
- ▶ Realize that some employees will leave the session unhappy or defensive, no matter how hard you try to make the session go well.

ALWAYS TRY TO END THE SESSION IN A CONSTRUCTIVE MANNER

- ▶ Summarize and paraphrase to make sure you both understand what has been discussed.
- ▶ Encourage the employee to make comments; listen closely to what s/he has to say.
- ▶ Make a commitment to yourself that you will follow up on the plan of action that the two of you have discussed.

THE PERFORMANCE REVIEW SESSION IS THE BEST TIME TO LOOK FORWARD TO THE NEW PERFORMANCE PERIOD

- ▶ After discussing the ratings for the period that is ending, focus on the development of new goals.
- ▶ Get the employee's input about what goals s/he has for self-improvement.
- ▶ Prioritize among different goals. Which are most important and which are less vital? Be sure to include the most important in the performance plan for the coming year.

WAYS TO LOSE AN APPEAL

IGNORE these steps for ratings and re-ratings and you may LOSE an appeal ...

- ✓ Complete form
- ✓ Discuss with employee
- ✓ Sign form
- ✓ Give to employee to sign (note refusal)
- ✓ Give copy to employee
- ✓ Get reviewer's signature

SURE-FIRE WAYS TO BLOW IT

- ✗ Forget to rate
- ✗ Do it late
- ✗ Forget to provide documentation to support "Needs Improvement" and "Poor" ratings
- ✗ Botch Appointment Authority's Review
 - Don't bother with the review
 - Don't let employee know the outcome within 60 days.
 - Assign the rating supervisor or reviewer to a peer review panel
- ✗ Discriminate
 - Age
 - Sex
 - Disability
 - Race
 - Religion
 - Other non-job-related
 - Politics
 - National Origin
 - reasons

APPENDICES

MANAGEMENT OF LEAVE AND TARDINESS

A. Annual Leave

1. Annual leave can be used only with the permission of the appointing authority (this normally means the supervisor). Therefore, there is no such thing as abuse of annual leave, since it cannot be used without permission. Just because an employee has this leave accumulated does not mean he has a right to use it whenever he wants. Examples of when a supervisor does not have to grant it: a) the employee calls in to say he'll be late and he automatically expects to be covered by annual leave until he gets to work, or b) the employee calls in and says he cannot come in that day and just expects you to grant annual leave. If the supervisor refuses to approve it, the employee may be placed on leave without pay for the period of unapproved absence.
2. The supervisor should not be unduly "nosy" but he does have the right to ask an employee why he needs to take annual leave. Examples of when you might ask: 1) Several employees ask for the same day off and you cannot afford to let them all go. 2) An employee has been taking too much time off and you need to tighten up on his usage.
3. Do not be arbitrary, unfair or inconsistent in annual leave policies, but if an employee has been using too much leave, it can be managed by the supervisor's refusal to grant it.
4. Problem employees should be counseled individually. Do not punish non-abusers for the actions of the abusers.
5. It is not discrimination to treat people differently if there is a business reason for it and the employees are not in substantially similar circumstances. Good management of leave sometimes requires this. For example, if one employee has taken a lot of annual leave and you wish to tighten up on the usage, he may be required to tell you the reason for each request for annual leave while you may not require this of others.
6. Annual leave cannot be denied if the employee has accrued it and if its use is covered by the Family and Medical Leave Act.
7. No employee shall be required to reduce his annual leave below 240 hours except: a) prior to being granted leave without pay (subject to military leave provisions), and b) when it is determined that the need to be absent from work is because of a condition covered by the Family and Medical Leave Act.

B. Sick Leave

1. Sick leave **cannot be denied** if it is accrued and legitimate.
2. A doctor's statement or some other acceptable proof can be required. This should be done ideally on an individual basis for those the supervisor suspects of sick leave abuse. Do not punish the non-abusers for behavior of the abusers. The doctor's statement can be required

for every request for sick leave, whether it be for one hour or one day or one week. Usually, the employee should be counseled and told that such statements will be required and that they must be presented to his supervisor (or whomever you designate) immediately upon his return to work. Designate a backup person if the supervisor is not available. The leave user should be told that failure to follow these procedures can result in the absence being charged as unauthorized leave without pay. If this continues, he may also be disciplined.

3. It is not discrimination to treat suspected abusers differently from non-abusers in terms of requiring doctors' statements. It is wise leave management.
4. Employees should never be punished for legitimate use of sick leave.

C. Leave without pay

1. Authorized leave without pay can be taken only with the permission of the appointing authority.
2. Leave without pay may be charged for unauthorized absences. This is not a disciplinary action. Such leave may be given for: a) tardiness, b) when an employee calls in to say that he cannot come to work that day (this does not include legitimate sick leave) and you do not wish to grant annual leave, c) an employee calls in saying he is sick, the supervisor tells him he must bring in a doctor's certificate, and he does not. Employees do not fill out a leave slip for unauthorized leave without pay. Disciplinary action can also be taken for such absences.

D. Tardiness

1. If an employee has a tardiness problem, he should be individually counseled. He can be placed on leave without pay for the period(s) of time he is tardy. Annual leave should not be used to cover tardiness for abusers, as it blesses the tardiness with a clean record.
2. If tardiness continues, the employee may also be disciplined.

NOTE: The Civil Service Rules on leave are subject to the federal Family and Medical Leave Act.

PERFORMANCE REVIEW AND ADA AND FMLA ISSUES

When rating the performance of employees who are covered by the Americans With Disabilities Act (ADA) or who are or were using a Family and Medical Leave Act (FMLA) entitlement during the rating period, how must a rating supervisor take these issues into consideration in order to remain in compliance with these federal laws yet still reach an evaluation decision? The following are some guidelines:

1. When rating the performance of an employee covered by ADA, the rating supervisor, if so authorized by his appointing authority, has an option:
 - a. If after considering the job involved and the business circumstances during the rating period, the appointing authority determines that it is appropriate to accommodate the employee in the performance review process, then the rating supervisor should assign the review process, then the rating supervisor should assign the individual a rating taking into account the effects of the disability on any rating factors. For example, if an employee's disability caused him or her to be absent frequently and these absences **were the only reason** that the employee's work production fell enough to cause his or her performance to merit a "Needs Improvement" rather than a "Satisfactory" rating on "Work Product," then the rating supervisor, to accommodate the disabled employee, would rate the employee "Satisfactory" and should note "reasonable accommodation" among the other specific notes about performance on the rating form; or
 - b. The appointing authority could decide that such an accommodation in performance review could not be made due to undue hardship and would allow the rating supervisor to evaluate the employee's performance on all factors without any consideration given to the effects of the disability on the employee's performance. If this option is chosen, the appointing authority must be prepared to defend the reason why the accommodation could not be made in this situation.

2. When rating the performance of an employee who has used FMLA entitlement during the rating period, the rating supervisor is confined to the following constrictions by the federal law:
 - a. The time spent on FMLA entitlement must be disregarded when reaching performance evaluation decisions. In other words, the rating supervisor cannot factor in the time of FMLA entitlement when assigning a rating for any factor (for example, "Dependability" or "Work Product").
 - b. Even if the appointing authority has knowledge that a situation is covered under FMLA, but does not decide to place the employee on FMLA entitlement and the employee does not demand to be on his FMLA entitlement, the agency still cannot escape that part of the FMLA law that says that it must not factor that time into performance rating decisions. In short, the rating supervisor must still disregard that time.
 - c. For example, if an employee was on approved sick leave for 6 weeks during a 12 month rating period, 4 weeks of which were for an FMLA qualifying reason, only the 2 weeks out of the 11 month period could be factored into any decision regarding the level he has achieved on any rating factor. Using the same example, let's say that the rating supervisor expects the employee, in order to receive a "Satisfactory" rating, to produce 120 case studies per year or 10 per month. The employee in this example could only be measured against a rate of 110 cases per year, since only 11 months of performance could be factored into his rating year.

3. When faced with evaluating the performance of an employee covered under ADA who has also used FMLA entitlement during the rating period, the time absent under FMLA entitlement must not be factored into the evaluation decision. Once FMLA entitlement has been used or ceases, the appointing authority has the option to determine if a reasonable accommodation should be made for the continuing ADA eligibility of the employee.

To decide any options available to him or to determine the appointing authority's preference on any options, the rating supervisor should follow the normal contact procedures or protocol within their agency for ADA issues. Rating supervisors should contact their Human Resource Office with any questions concerning evaluations and FMLA issues.

RATING and REVIEW EXERCISES

Trainer's Copy with suggested answers

1. Factor: Work Product

Expectation:

Complete tasks as assigned. Work at a rate that is similar to teammates so team work goes smoothly.

Performance::

Victor is part of the team of you data entry clerks you supervise. He has a hearing impairment and wears hearing aids. He often helps members of the team work out conflicts by listening carefully to each side and suggesting solutions that are fair to everyone. You notice, however, that Victor works much more slowly than the rest of the team. His teammates usually have to do extra work to cover for him when he cannot finish his assignments before the end of his shift.

What rating would you give on this factor?

[Victor deserves a rating of "Poor" on the factor because he consistently fails to meet the expectation. There is no evidence that his hearing impairment is to blame for working slowly. Perhaps he is spending too much time listening to coworkers.]

2. Factor: Dependability

Expectation:

Attend scheduled meetings and arrive for them on time. Complete projects by their deadlines except when factors beyond your control prevent you from doing so. Notify me when you anticipate that you will not meet a deadline.

Performance::

In the past year, Rachel has attended all scheduled meetings and arrived on time or a few minutes early. She finished most of her projects a day or two early. When obstacles came up, she found creative ways to overcome them. On one project, it became impossible to meet her deadlines due to circumstances beyond her control. She explained the situation to you in a memo and suggested another deadline that she was able to meet.

What rating would you give on this factor?

[Outstanding. Being early exceeds the expectation. Finishing most of her projects early and being creative in overcoming obstacles is beyond the expectation. The rest of her behavior meets the expectation.]

3. Factor: Cooperativeness

Expectation:

Cooperate with your coworkers by sharing your knowledge of computer hardware when they are having difficulties or have questions.

Performance::

Serge` had a background in computer repair before he came to work in your unit as a case worker. When a computer breaks down, Serge` is eager to help fix the problem. However, you have noticed that he will explain how he fixed the problem more thoroughly to his male coworkers than to his female coworkers. When you bring this to his attention, he makes what he calls "jokes" about his female co-workers' lack of mechanical ability.

What rating would you give on this factor?

[Needs Improvement. Serge` explains to some of his coworkers, but not to others. Even when brought to his attention, he does not appear to be willing to try to teach his female coworkers in the same way he teaches the males. To make it worse, he makes jokes about the situation instead of taking your suggestions seriously.]

4. Factor: Adaptability

Expectation:

Look for ways to improve your own job and the jobs of your subordinates. Accept new methods or responsibilities as they come your way.

Performance::

Sally is a supervisor in your department. This year, she broke down the jobs she and each of her subordinates performed into identifiable tasks. She then found several ways to restructure the jobs to make the entire group more efficient, and accepted subordinates' suggestions for improving efficiency. She clearly explained to employees how they would each carry out their job from now on. As a result, her group has improved efficiency by nearly 40%, and her subordinates report being much more satisfied with their jobs.

What rating would you give on this factor?

[Outstanding. The job analysis and restructuring was a major undertaking that achieved outstanding results.]

5. Factor: Communication

Expectation:

Clearly explain to clients how to properly and completely fill out their unemployment claim forms. Make sure clients understand the steps involved in the claim process before they leave your work station.

Performance::

Needra shows the forms to clients and puts an "X" next to items that need to be filled in. She tells them what to do when they finish the form. She speaks loudly enough to be heard and slowly enough to be understood. She asks clients if they have any questions before they leave her work station.

[Very Good. Needra has met and exceeded the expectations as they were written. She has done so with an emphasis on clear communications and with an obvious desire to help clients through the paperwork process.]

6. Factor: Daily Decision Making/Problem-Solving

Expectation:

Calmly search for solutions when frustrated with the computer, rather than pounding the keyboard and making loud noises. Use "Help Windows" and consult the software manual. When unable to solve the problem yourself, ask coworkers for their suggestions. Try all possible solutions you can think of before you give up.

Performance::

Tom took improving his computer skills as a personal goal this year. He attended all the computer classes available to him that were relevant to his job. He learned to solve computer problems on his own and where to look for helpful information. He stopped getting angry when he felt frustrated. At the beginning of the year, he often asked coworkers for advice, but now he is seen as a helpful resource. One month after a new software program was installed on all the computers used by his group, he passed out a list of answers to frequently asked questions to help others learn how to get the software to do what they wanted.

What rating would you give on this factor?

[Outstanding. Tom exceeded expectation by going much further in his efforts than he was asked to do and becoming a resource for the department.]

7. Factor: Service to Clients/Public

Expectation:

Politely greet customers who come to your window. When they ask you to do something for them that is outside the scope of your job, send them to the appropriate person rather than trying to help them yourself.

Performance:

Jackie has improved greatly in the way she speaks to customers and in the help she gives them. She has made a strong effort to learn what was inside and outside the scope of her job, and to whom she should direct customers when she cannot meet their needs. Rarely has she stepped outside the bounds of her job in the past year.

What rating would you give on this factor?

[Satisfactory. This employee has met the expectations as they were understood. She has done nothing more nor less than was asked of her.]

8. Factor: Use of Equipment and Materials

Expectation:

Learn to use Excel, to send and receive e-mail, and to use new software programs as they are installed on your computer. Make an effort to avoid wasting paper from the printer or from the copy machine.

Performance:

Chris learned Excel and the e-mail system. However, he did not take the classes that were offered to learn new software. Last week Chris made 500 copies of a document before he found a grammatical error and threw them all away.

What rating would you give on this factor?

[Needs Improvement. Chris learned some things on the computer, but not everything he was asked to learn. You, the supervisor, only recorded one instance of wasting paper.]

SOME FREQUENTLY ASKED QUESTIONS

Q1: Who do I write the expectations and comments on the form to? Should I write as if I'm talking directly to the employee, or about him?

A1: Because this system is intended to help communication between supervisors and their employees, we recommend that you write your comments directly to them (for example, "You did a good job on the new project"). But if it would make you feel more comfortable, you may write your comments as though you were speaking about the employee to another person (for example, "Tina did a good job on the new project").

Q2: If I have a discipline problem can I include it in the ratings?

A2: This system is not designed to deal with discipline problems. However, in many cases there is overlap between discipline problems and performance, so discipline problems may be reflected in some performance factor ratings. Remember that you should be addressing discipline problems throughout the year, using the appropriate procedures and documentation. These problems should not suddenly appear at the end of the rating period on the performance review form.

Q3: Isn't this system going to take up an awful lot of my time? What's in it for me?

A3: The first time around with each employee, it might be a little tricky and time-consuming. But we think it will get easy after you have used the system for a year or two. It should help that planning and ratings will be done on each employee's anniversary date, so you probably will not have many to do at one time. And we believe that this system will eventually help you and your employees work so much better that you will create more time than you spend doing the paperwork – that is the whole goal of the new system. This system was developed as a tool to help improve the 2-way communication and job performance within your unit in the most effective and efficient way possible.

Q4: Should I put "Not Applicable" in the factors I don't use for a particular employee?

A4: No, this is not necessary. Just don't mark an "X" in the box for those factors.

Q5: I have an employee who meets all his deadlines, and does accurate, neat work. What should I write as a performance expectation under the "Work Product" factor?

A5: Write what you just said: "Do accurate, neat work in time for deadlines." Or it may be possible to leave the performance expectations box blank for this factor for this employee because he already understands and meets your expectations.

Q6: Should I write quantitative performance expectations like "90% accuracy"?

A6: Most jobs can be quantified, but for some it is more difficult than for others. Use your judgment about how much work you want to put into measuring performance so precisely.

Q7: In the performance expectations boxes, am I supposed to write down every single thing the employees are supposed to do on their jobs? That will take me forever!

A7: No. Employees are responsible for performing their jobs according to position descriptions or verbal instructions they have always had. The State Employee Performance Planning and Review Form is only one document which supplements what they already know about doing their jobs. Make sure your employees understand that even if they do everything you write as expectations, they can still receive low ratings if they are not satisfying the normal requirements of their jobs. They can also receive good ratings if they perform their jobs fine but fail to meet special expectations you have written (see Q31 and A31 below).

Q8: Should the requirements be the same for everyone doing the same job, or should there be different requirements for everyone?

A8: All employees performing a particular job are subject to the requirements of the job, which should appear in an up-to-date position description and/or should have been communicated to the employees when they began the job. Ratings for all employees should be made with these consistent requirements in mind. Some agencies or supervisors may state the requirements of the job in the form of standards of performance.

Q9: So, based on A21, will I write the same performance expectations for all of my employees doing the same job?

A9: Maybe, or maybe not. You may want to write individualized expectations according to the strengths and weaknesses of each employee. But remember that the 1-to-5 ratings you assign for each performance factor are based on the requirements of the job, and must be consistent across employees.

Q10: So then what is the use of writing performance expectations on this form?

A10: This new Performance Planning and Review System is designed to be an important communication tool, and it is designed to be flexible. For employees who are not performing as well as the job requires, you might call their attention to the minimum requirement by writing this as your expectation. For employees who are performing up to requirements or beyond requirements, you have an opportunity to help them work toward even higher goals.

Q11: What if I want to add something to the form part way through the rating period for the employee to work on?

A11: It is OK to add an additional expectation as long as the employee is aware of the new expectation. Have the employee initial the updated form and give him a copy of it. Mid-year expectation additions should be rare, and only done when there is a big change such as a shift in the organization's strategy or when the employee suddenly develops a major problem in a certain area of his work performance.

Q12: Can I rate an employee on his attitude?

A12: For legal and other reasons, you can not include "Attitude" as a performance factor. However, it is likely that a good or bad attitude will affect visible performance behaviors that are included on the Planning and Review Form. For example, bad attitude may show up as a lack of "Dependability." Good attitude may show up as a high rating on "Cooperativeness." Always focus on job behaviors and not on personality traits.

Q13: Is it OK to let my employees suggest performance expectations?

A13: Not only is it OK – it is a great idea. The more you can involve the employees and encourage them to develop their own goals, the better your work group will be. Be certain that your own expectations for your employees are clearly communicated and written as performance expectations. Any performance expectations provided by the employees themselves should go “over and above” supervisory expectations.

Q14: If I did not put an “X” in the box for a performance factor, can I rate the employee on this factor at the end of the rating period?

A14: No. Of course, you can mark it with an “X” and ask the employee to work on this factor for the next rating period.

Q15: Does my documentation for performance ratings need to be as detailed and thorough as my documentation for disciplinary problems?

A15: You should be able to provide accurate, thorough, detailed documentation and/or supporting material to back up your rating for every performance factor. You should do an especially good job of documenting your ratings if the overall rating is “Poor” or “Needs Improvement” because these ratings negatively affect the employee’s merit pay.

Q16: What is the difference between level 4 and level 5 performance?

A16: 4 refers to “sometimes” performing above requirements on a particular factor. To earn a 5 on a performance factor the employee should “consistently” perform above requirements and/or his performance on this factor should be far above requirements. A rating of 5 on a performance factor should be reserved for truly outstanding performance so that its value is not diluted by overuse.

Q17: Let’s say I have an employee who does more work than the job requires, so I write an expectation that he will take on even more responsibilities for the upcoming year. If the end of the year comes and he has not met this written expectation but he still does more than the job requires, do I have to rate him “Needs Improvement” because he didn’t meet the expectation I wrote?

A17: No. Always remember to rate the person on each factor against the requirements for the job. This employee probably deserves a 4 for the “Work Product” factor.

Q18: What if I have an employee who is slow – he just can’t do any better than he is already doing? How should I rate him?

A18: Rate him against the requirements of the job. He might get a low rating for the “Work Product” factor. That doesn’t mean he will necessarily get a low overall rating because he might be very dependable, cooperative, adaptable, etc. Be sure to rate each performance factor independently, and do not let good or poor performance on some factors influence your ratings on other factors.

Q19: What if the employee thinks his performance was different from how I rated him?

A19: Any performance appraisal system is going to be subjective, so it is very possible that you and your employee will disagree sometimes. You need to communicate openly with the employee. There may be a problem with how you worded a comment. You may need to work harder at coaching the employee. It is important to talk about why the difference of opinion exists, and work it out together.

- Q20: What if my employees think they're "outstanding" but they're really just "satisfactory"?**
A20: It is important to communicate to your employees that a rating of "Satisfactory" is not a bad rating. Remember what a 3 stands for: "generally well done." In other words, if an employee does the job he was hired to do, he is meeting requirements and has earned a "Satisfactory." If the employee is committed to earning a higher overall score, it is your responsibility as his supervisor to help him find ways to improve his performance. You should work with the employee to set performance expectations that will guide him toward performance that exceeds requirements. Finally, be certain that you are not being too harsh with your ratings. For example, give the employee an opportunity to remind you of examples of his excellent performance related to performance factors. It may be that you have forgotten some behaviors that would change your mind about some factor ratings.
- Q21: What if an employee asks me, "What do I need to do to get a 5?"**
A21: Point out ways in which they can improve their performance beyond the requirements of the job. Do not specifically tell someone, "If you do this, you will get a 5." This kind of statement establishes a contract with the employee, and he will expect you to hold up your end of the bargain even if you know the employee does not deserve a 5 because his performance has suffered in other ways. Give suggestions of how to "go above and beyond" your expectations, but do not make guarantees.
- Q22: Can I use complaints and compliments from others to rate employees?**
A22: Yes, along with other items, these are valuable sources of information, if documented. Remember that people are more likely to complain than compliment, so you might weigh complaints less than compliments.
- Q23: Can the employees use this form to do a self-rating?**
A23: Yes. Having them do this can help clear up confusion about their performance and help you remember examples of their performance. However, employee self-ratings are for communication purposes – they are not official.
- Q24: I'm nervous about meeting or talking with my employees for performance review sessions – especially with the poor performers. What can I do?**
A24: You might want to practice doing role-play exercises with your co-workers, friends or family members. If you have carefully filled out the form, attached supporting documentation, and thought about what you might say, you should do fine. Also, your Human Resource Director might have materials or suggestions that may help you prepare.
- Q25: Who serves to review the planning and rating document when the supervisor is the appointing authority (or is the highest level person in the organization?)**
A25: Each agency must devise its own policy for handling this issue. If there is a higher authority, such as a board chair, university president, etc., that person may serve as the reviewer. In some agencies it may be appropriate for someone in the human resource office to serve as reviewer. The appointing authority has the ability to determine who the appropriate person should be.

Q26: Can the reviewer change the rating a supervisor has given an employee?

A26: Yes. It may be advisable to have the reviewer sign the form prior to the rating session with the employee.

Q27: Can the supervisor or reviewer be of the same GS level as the person being rated?

A27: Yes. The supervisor doing the planning and rating should be the person who most directly supervises the employee. The Reviewer is normally the person to whom the supervisor reports. However, the Appointing Authority may designate who will function in these roles.

Q28: Is it required that the rating supervisor make comments for every factor?

A28: It is the recommended procedure for using the form but is not required by the rules.

Q29: What parts of the form are supposed to be sent to civil service?

A29: Only a copy of the top page of the completed form is ever sent in to Civil Service. This is only required when an employee receives an overall rating that is less than satisfactory; i.e., a rating of Needs Improvement or Poor.

Q30: REAL LIFE SITUATION:

In Agency Able, a newly promoted supervisor must rate an employee with whom s/he has worked for years. The employee has recently been suspended without pay for 10 days for a severe violation of agency policy. In spite of the suspension, the supervisor gives the employee consistent ratings of "4" (very good) on every factor. The supervisor gives the employee his/her rating and they both sign off on the form. The supervisor then turns the form in to the reviewer. The reviewer refuses to sign the form because s/he does not agree with the rating. The form sits on the reviewer's desk until the 45-day time limit runs out. The HR office calls Civil Service for advice.

A30: Civil Service advised HR that the reviewer could have exercised his authority over the supervisor and insisted that the supervisor change the rating. Had the supervisor refused to do so, s/he would then be guilty of insubordination. However, because the 45-day time limit was exceeded, the reviewer could no longer choose this option. By not signing the form in the proper time period, the reviewer had created a satisfactory by default rating.

Q31: If an employee has not had a planning session within 30 days after his/her anniversary date, what should be done?

A31: Have the planning session as soon as possible! On the PPR form, make a notation to the effect that the planning session was not held timely due to "_____." The fact that a planning session is held late will NOT prevent a rating from being official. It could, however, create a problem if the supervisor has to appear before the Civil Service Commission for any reason. Rule 10.5 requires planning sessions to be held within 30 days of the anniversary date. Failure to do so is a technical violation of the Rules.

Q32: Can a rating be changed retroactively?

A32: No, not without compelling reason. Once the 45-day time frame has elapsed, no rating can be changed without some form of due process. Please contact Civil Service for assistance in any situation of this kind.

Q33: Can employee ratings be discussed with other supervisors, managers, directors, etc?

A33: Yes, if there is a compelling governmental interest in doing so. For instance, a supervisor who plans to hire a state employee has a compelling interest in knowing the employee's work habits, attendance and other job-related information. Supervisors may wish to discuss staff in executive work sessions and talk about ratings and performance as they impact the operations of the agency as a whole. These activities do not breach confidentiality. However, if copies of PPR forms are made, they should not be handed out or exchanged except under strict guidelines for confidentiality. PPR forms are not public record and should not be seen by anyone who does not have a compelling reason for doing so.