

State Police Commission



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Cathy J. Derbonne
Director

September 14, 2010

Transmittal Sheet No. 45

Subject: State Police Commission Rule 10

Effective Date: August 19, 2010

At its meeting on August 19, 2010, on motion duly made and seconded, by unanimous vote of the members present, the State Police Commission voted to revise State Police Commission Rule 10 Performance Planning and Review.

Attached is a complete copy of Chapter 10 for inclusion in your rules.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Derbonne", is written over a horizontal line.

Cathy J. Derbonne
Director

AN EQUAL OPPORTUNITY EMPLOYER

CHAPTER 10

Performance Planning and Review

10.1 Performance Planning and Review System; Required Components.

The department shall use a performance planning and review system that complies with this Chapter and consists of the following components:

- (a) a performance planning and review form approved by the Director;
- (b) a five-level rating system; and
- (c) a performance planning review training manual that is reasonably accessible to Rating Supervisors.

The Department may opt to make variations to the PPR form, system, or instruction with prior written approval from the Director.

10.2 Rating Supervisor.

The Rating Supervisor shall be the employee's immediate supervisor or someone in the employee's supervisory chain of command unless unavailable, in which case, the Superintendent or his designee shall designate a person most familiar with the employee's performance.

10.3 Performance Factors to be Rated.

- a) Each employee shall be rated on the following performance factors (or their equivalents): Work Product; Dependability; Cooperativeness; Adaptability; Communication; and Daily Decision Making/Problem Solving.
- b) Additionally, each supervisory employee shall be rated on the following additional performance factors (or their equivalents): Work Group Management and Leadership; and Performance Planning and Review.
- c) An employee may be rated on additional performance factor(s) applicable to the employee's job.

10.4 Ratings.

- (a) The rater shall rate the employee on each applicable performance factor, using the following ratings and points:
 - 1. Outstanding = 5 points
 - 2. Exceeds Expectations = 4 points

3. Achieves Expectations = 3 points
 4. Needs Improvement = 2 points
 5. Poor = 1 point
- (b) The performance factor ratings shall then be averaged and the employee's overall rating shall be assigned based upon the following scale:
1. Outstanding = 4.50 - 5.00
 2. Exceeds Expectations = 3.50 - 4.49
 3. Achieves Expectations = 2.50 - 3.49
 4. Needs Improvement = 1.50 - 2.49
 5. Poor = 1.00 - 1.49

10.5 Performance Planning Session.

- (a) The Rating Supervisor shall conduct a performance planning session, during which the Rating Supervisor shall discuss with the employee the factors upon which the employee will be rated and the performance that will be expected during the coming rating period. Thereafter, the Rating Supervisor and the employee shall sign and date the performance planning and review form to document the session.
- (b) A performance planning session shall be conducted no later than 30 calendar days after the appointment of a new employee, or the anniversary date of a current employee, or the assignment of an employee into a position having a different position number and significantly different duties.
- (c) A performance planning session may be conducted when an employee is assigned a new supervisor or when performance expectations change due to changes in work.

10.6 Rating Session.

- (a) To create an official rating, the Rating Supervisor shall:
1. Complete, sign, and date the Performance Planning and Review Form.
 2. Discuss the rating with the employee.
 3. Provide and documentation to support an overall rating of Needs Improvement or Poor.
 4. Present the form to the employee to be signed and dated, and
 5. Give or mail the employee a copy of the completed form.
- (b) For new employees, the provisions of subsection (a) shall occur within 60 calendar days prior to the employee's eligibility for a merit increase. (c) For current employees, the provisions of subsection (a) shall occur within 60 calendar days before the employee's anniversary date.

10.7 Re-Ratings.

An employee whose official overall rating is "Needs Improvement" or "Poor" shall be re-rated no earlier than 3 nor later than 6 months after the employee's anniversary date.

10.8 When a Rating or Re-Rating Becomes Official.

A rating or re-rating becomes official upon the employee's receipt of the performance planning and review form. Receipt is governed by Rule 12.8(b).

10.9 Employee's Refusal to Sign Form.

If an employee refuses to sign any part of the form, the Rating Supervisor shall note on the form that the employee was given the form, refused to sign and the date.

10.10 Effects of "Needs Improvement" or "Poor" Rating or Re-Rating.

- (a) A rating or re-rating of "Needs Improvement" or "Poor" is not a disciplinary action.
- (b) An employee whose official overall rating or re-rating is "Needs Improvement" or "Poor" is ineligible for merit increases, promotions, or permanent status. An employee whose official overall rating or re-rating is "Needs Improvement" or "Poor" shall not be detailed to a higher level position except as approved in advance by the Director.
- (c) Apart from the ineligibilities provided for in subsection (b), an employee whose official overall rating or re-rating is "Needs Improvement" or "Poor" may be separated or disciplined under the rules applicable to the employee's status.

10.11 Effects of Absence of Official Rating or Re-Rating.

- (a) If the Department neglects to rate an employee prior to his/her anniversary date, the employee shall be considered as having a rating of "Achieves Expectations". If the Department fails to timely re-rate an employee rated "Needs Improvement" or "Poor", the employee shall be deemed to have a re-rating of "Achieves Expectations", as of six (6) months after the employee's anniversary date.
- (b) If a performance rating or re-rating has not been possible because of the excused absence of the employee due to medical reasons, the rating or re-rating shall be delayed until no earlier than 3 nor later than 6 months after the employee's return to duty on a full time basis. Under such circumstances, the rating existing prior to the employee's absence shall continue in effect in the interim.

10.12 Record-keeping and Reporting Requirements.

- (a) Completed performance planning and review forms shall not be part of the official personnel file and shall not be accessible to the public.
- (b) Each official overall rating of "Needs Improvement" and "Poor" and each official re-rating shall be reported to the Director within thirty (30) days after a copy of the performance planning and review form has been given to the employee.
- (c) By July 31 of each year, the Superintendent or his designee shall report to the Director, in such form as the Director prescribes, information about ratings given during the previous year ending June 30.

10.13 Review of Ratings and Re-Ratings.

Ratings and re-ratings are subject to review as follows:

- (a) A permanent employee who disagrees with and desires a review of an official overall rating or re-rating of "Needs Improvement" or "Poor" must present a written request to the Superintendent or his designee for review of the rating or re-rating. The request for review must conform to the following:
 - 1. Include a copy of the Performance Planning and Review Form, and any documentation provided to the employee with the form, to request the review.
 - 2. Attach any other documentation supporting the request for review.
 - 3. List the performance factor ratings that are in dispute and for each factor explain why they believe a higher rating was deserved.
 - 4. Be postmarked or received by the Superintendent or his designee within thirty (30) calendar days following receipt by the employee of the Performance Planning and Review Form.
- (b) Upon receipt of a timely request for review, the Superintendent or his designee shall:
 - 1. Review the employee's request (including any attachments) and the official Performance Planning and Review Form (including the attached documentation) if any.
 - 2. In accordance with Rule 12.8(b), within sixty (60) days after receipt of the request for review, provide the employee with written notice of the outcome of the review.

- (c) In the discretion of the Superintendent or his designee, a review may be based solely on the request and any attached documentation, or on other informal proceeding determined by written Departmental policy. The informal review proceedings, if any, may be conducted by the Superintendent or his designee, who has not participated in the rating or re-rating.
- (d) Ratings not reviewed in substantial compliance with these rules shall be deemed "Achieves Expectations."

10.14 Appeal of Ratings and Re-ratings.

An employee who is dissatisfied with the review outcome provided for by Rule 10.13 may appeal to the State Police Commission in accordance with State Police Commission Rules.

10.15 Exceptions

For compelling reasons, the Director may approve exceptions to these Rules.

10.16 Grievance Process

The agency's grievance shall not be used to review or reconsider ratings or a procedural violation of these rules.

CHAPTER 10

Performance Planning and Review

OLD
Rule

10.1 Performance Planning and Review System; Required Components.

The department shall use a performance planning and review system that complies with this Chapter and consists of the following components:

- (a) a performance planning and review form approved by the Director;
- (b) a five-level rating system; and
- (c) a performance planning and review training manual that is reasonably accessible to rating supervisors.

Other components may be incorporated upon prior approval by the Director.

10.2 Rater; Reviewer.

The rater shall be the employee's immediate supervisor unless unavailable, in which case, the Superintendent shall designate a person most familiar with the employee's performance. The reviewer shall be someone in the employee's supervisory chain of command.

10.3 Performance Factors to be Rated.

- (a) Each employee shall be rated on the following performance factors : Work Product; Dependability; Cooperativeness; Adaptability; Communication; and Daily Decision Making/Problem Solving.
- (b) Supervisory employees shall be rated on the following additional performance factors: Work Group Management and Leadership; and Performance Planning and Review.
- (c) An employee may be rated on additional performance factor(s) applicable to the employee's job.

10.4 Ratings.

- (a) The rater shall rate the employee on each applicable performance factor, using the following ratings and points:
 1. Outstanding = 5 points
 2. Very Good = 4 points
 3. Good = 3 points
 4. Needs Improvement = 2 points
 5. Poor = 1 point
- (b) The performance factor ratings shall then be averaged and the employee's overall rating shall be assigned based upon the following scale:
 1. Outstanding = 4.50 - 5.00
 2. Very Good = 3.50 - 4.49
 3. Good = 2.50 - 3.49
 4. Needs Improvement = 1.50 - 2.49
 5. Poor = 1.00 - 1.49

10.5 Performance Planning Session.

- (a) The rater shall conduct a performance planning session, during which the rater shall discuss with the employee the factors upon which the employee will be rated and the performance that will be expected during the coming rating period. Thereafter, the rater and the employee shall sign and date the performance planning and review form to document the session.
- (b) A performance planning session shall be conducted no later than 30 calendar days after the appointment of a new employee, or the anniversary date of a current employee, or the assignment of an employee into a position having a different position number and significantly different duties.
- (c) A performance planning session may be conducted when an employee is assigned a new supervisor or when performance expectations change due to changes in work.

10.6 Rating Process.

- (a) The rater shall complete the performance planning and review form and shall provide the form and any documentation to support a rating of "Needs Improvement" or "Poor" to the reviewer. The reviewer, if satisfied, shall sign the form and return it to the rater who shall then give a copy to the employee and discuss the rating.
- (b) For new employees, the provisions of subsection (a) shall occur within 45 calendar days prior to the employee's eligibility for a merit increase.
- (c) For current employees, the provisions of subsection (a) shall occur within 45 calendar days before the employee's anniversary date.

10.7 Re-Ratings.

An employee whose official overall rating is "Needs Improvement" or "Poor" shall be re-rated no earlier than 3 nor later than 6 months after the employee's anniversary date.

10.8 When a Rating or Re-Rating Becomes Official.

A rating or re-rating becomes official upon the employee's receipt of the performance planning and review form. Receipt is governed by Rule 12.8(b).

10.9 Employee's Refusal to Sign Form.

If an employee refuses to sign any part of the form, the rater shall note on the form that the employee was given the form, refused to sign and the date.

10.10 Effects of "Needs Improvement" or "Poor" Rating or Re-Rating.

- (a) A rating or re-rating of "Needs Improvement" or "Poor" is not a disciplinary action.
- (b) An employee whose official overall rating or re-rating is "Needs Improvement" or "Poor" is ineligible for merit increases or promotion.
- (c) Apart from the ineligibilities provided for in subsection (b), an employee whose official overall rating or re-rating is "Needs Improvement" or "Poor" may be separated or disciplined under the rules applicable to the employee's status.

10.11 Effects of Absence of Official Rating or Re-Rating.

- (a) If the Department neglects to rate an employee prior to his/her anniversary date, the employee shall be considered as having a rating of "Good". If the Department fails to timely re-rate an employee rated "Needs Improvement" or "Poor", the employee shall be deemed to have a re-rating of "Good", as of six (6) months after the employee's anniversary date.
- (b) If a performance rating or re-rating has not been possible because of the excused absence of the employee due to medical reasons, the rating or re-rating shall be delayed until no earlier than 3 nor later than 6 months after the employee's return to duty on a full time basis. Under such circumstances, the rating existing prior to the employee's absence shall continue in effect in the interim.

10.12 Record-keeping and Reporting Requirements.

- (a) Completed performance planning and review forms shall not be part of the official personnel file and shall not be accessible to the public.
- (b) Each official overall rating of "Needs Improvement" and "Poor" and each official re-rating shall be reported to the Director within thirty (30) days after a copy of the performance planning and review form has been given to the employee.
- (c) By July 31 of each year, the appointing authority shall report to the Director, in such form as the Director prescribes, information about ratings given during the previous year ending June 30.

10.13 Review of Ratings and Re-Ratings.

Ratings and re-ratings are subject to review as follows:

- (a) A permanent employee who disagrees with and desires a review of an official overall rating or re-rating of "Needs Improvement" or "Poor" must present a written request to the Superintendent for review of the rating or re-rating.

The request for review must conform to the following:

1. Include a copy of the Performance Planning and Review Form, and any documentation provided to the employee with the form, to request the review.
 2. Attach any other documentation supporting the request for review.
 3. List the performance factor ratings that are in dispute and for each factor explain why they believe a higher rating was deserved.
 4. Be postmarked or received by the Superintendent within thirty (30) calendar days following receipt by the employee of the Performance Planning and Review Form.
- (b) Upon receipt of a timely request for review, the Superintendent shall:
 1. Review the employee's request (including any attachments) and the official Performance Planning and Review Form (including the attached documentation) if any.
 2. In accordance with Rule 12.8(b), within sixty (60) days after receipt of the request for review, provide the employee with written notice of the outcome of the review.

- (c) In the discretion of the Superintendent, a review may be based solely on the request and any attached documentation, or on other informal proceeding determined by written Departmental policy.

The informal review proceedings, if any, may be conducted by the Superintendent or his designee, who has not participated in the rating or re-rating.

- (d) Ratings not reviewed in substantial compliance with these rules shall be deemed "Good".

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PROPOSED SPC CHANGES TO CHAPTER 10

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The Rating Supervisor shall be the employee's immediate supervisor or someone in the employee's supervisory chain of command unless unavailable, in which case, the Superintendent or his designee shall designate a person most familiar with the employee's performance.

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To create an official rating, the Rating Supervisor shall:

1. Complete, sign, and date the Performance Planning and Review Form.
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3. Provide any documentation to support an overall rating of Needs Improvement Poor
4. Present the form to the employee to be signed and dated, and
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(d) Ratings not reviewed in substantial compliance with these rules shall be deemed "Good" "Achieves Expectations."

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