

State Police Commission



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Cathy J. Derbonne
Director

General Circular No. 164

Date: July 12, 2013

Subject: Revision of State Police Commission Rule 6.14(j) Merit Increases and Chapter 10 Performance Planning and Review.

Pursuant to the provisions of State Police Commission Rule 2.10(a), the State Police Commission will hold a public hearing on August 15, 2013 to consider the revision of State Police Commission Rule 6.14(j) and Chapter 10. The hearing will begin at 9:00 a.m. in Conference Room 308, Office of Management and Finance/OMV Building, 7979 Independence Boulevard, Baton Rouge, Louisiana.

CHAPTER 6

PAY PLAN

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6.14(j) Merit Increases

- (j) An employee ~~who has a current service rating of unsatisfactory~~ whose official overall evaluation is "Needs Improvement/Unsuccessful" shall not be eligible for any increase under the provisions of this rule.

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The following will replace existing Chapter 10 in its entirety.

Effective July 1, 2014

CHAPTER 10

Performance Evaluation System

10.1 Performance Evaluation System; Required Components.

The Performance Evaluation System is a tool used to measure individual performance and to develop employees into high-performing individuals. This Performance Evaluation System is effective July 1, 2014, and applies to all classified employees. The performance evaluation year shall be July 1st through June 30th of each year. The Performance Evaluation System shall consist of at least the following components:

AN EQUAL OPPORTUNITY EMPLOYER

1. A performance plan that lists the performance factors on which the employee's overall performance will be evaluated,
2. A planning session at which the evaluating supervisor and the employee discuss the performance plan,
3. A standard planning and evaluation form approved by the Director,
4. A three-level evaluation system, and
5. A planning and evaluation instruction manual that is accessible to all employees.

The appointing authority may make variations to the performance planning and evaluation form or instructions with prior written approval from the Director.

10.2 Evaluating Supervisor & Second Level Supervisor.

- a) The Evaluating Supervisor shall be the employee's immediate supervisor or someone in the employee's supervisory chain of command unless unavailable, in which case, the appointing authority or his designee shall designate a person most familiar with the employee's performance. The Evaluating Supervisor shall be responsible for administering the performance evaluation system for his designated employees in accordance with these Rules and any applicable agency policies.
- b) The Second Level Supervisor for each employee shall be the immediate supervisor's supervisor. If unavailable, the appointing authority or his designee shall designate a person most familiar with the employee's performance. The Second Level Supervisor must approve the performance plan and the performance evaluation prepared by the Evaluating Supervisor before they are given to the employee for signature. The Second Level Evaluator shall be responsible for administering the performance evaluation system in accordance with these Rules and any applicable agency policies.

10.3 Performance Factors to be Rated.

(a) Each employee shall be evaluated on his overall performance based on work tasks and behavior standards determined by the evaluating supervisor to be requirements of the employee's job.

(b) Additionally, each supervisory employee shall be evaluated on his administration of the performance evaluation system as required by these rules.

10.4 Performance Plan and Performance Planning Session.

(a) The Evaluating Supervisor shall prepare a performance plan at the beginning of each evaluation period. The performance plan shall list work tasks and behavior standards on which the employee's overall performance will be evaluated. These shall be recorded on the planning and evaluation form.

(b) The Evaluating Supervisor shall obtain the Second Level Supervisor's signature approval of the performance planning and evaluation form prior to presenting it to the employee for final signature.

(c) After obtaining the Second Level Supervisor's signature approval of the performance plan, the Evaluating Supervisor will conduct a performance planning session with the employee.

(d) During the planning session, the Evaluating Supervisor shall present the performance planning and evaluation form to the employee and discuss the performance work tasks and behavior standards on which he will be evaluated and the performance that will be expected of him during the coming evaluation period.

(e) The Evaluating Supervisor and the employee shall sign and date the performance planning and evaluation form to document the planning session. The employee shall be given a copy of the form. Should the employee decline to sign the performance planning and evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the planning session occurred. An employee cannot prevent the planning session from becoming official by refusing to sign the form.

(f) Planning sessions shall be conducted during the first three (3) calendar months following:

1. the appointment of a new employee;
2. the permanent movement of an employee into a position having a different position number with significantly different duties;
3. the beginning of the new performance evaluation year (no later than 9/30).

(g) A performance planning session may be conducted when:

1. the employee gets a new Evaluating Supervisor,
2. performance expectations change, or
3. the Evaluating Supervisor deems a performance planning session is appropriate.

10.5 Overall Performance Evaluation

(a) At the end of the performance evaluation period, the Evaluating Supervisor shall assign one of the three values listed below to the employee's overall performance based upon the work tasks and behavior standards established in the performance plan.

Exceptional: Work and behavior consistently exceeded the performance criteria.

Successful: Work and behavior met the performance criteria.

Needs Improvement/Unsuccessful: Work and/or behavior did not meet the performance criteria.

(b) An Evaluating Supervisor may elect to assign an employee who worked less than three calendar months within the performance evaluation year a default overall evaluation of "Not Evaluated." An overall evaluation of "Not Evaluated" shall have the same effect as an evaluation of "Successful." "Not Evaluated" evaluations may be given only when:

1. the employee is active as of June 30th, the end of the performance year, and
2. the employee has worked less than three (3) months at the evaluating agency within the performance year, and
3. the appointing authority determines that not enough time has elapsed to create an evaluation for the employee.

(c) When an evaluation is in violation of these rules, the employee shall receive an overall evaluation of "Unrated." "Unrated" evaluations shall have the same effect as an evaluation of "Successful."

10.6 Official Performance Evaluations and Evaluation Sessions

(a) Official performance evaluations are required for all classified employees. The Evaluating Supervisor shall base the official evaluation of the employee's performance on the work tasks and behavior standards as stated on the performance planning and evaluation form.

(b) Official evaluations shall be made after the performance year has ended and must be rendered no later than August 31st. All official overall evaluations will be recorded with an effective date of July 1st.

(c) Evaluations become official on the date they are rendered. No evaluations shall be rendered after August 31st. To render an official evaluation, the Evaluating Supervisor shall:

1. complete a performance evaluation form after June 30th of the evaluation year,
2. provide documentation to support an evaluation of "Needs Improvement/Unsuccessful" or "Exceptional,"
3. obtain the Second Level Supervisor's signed approval of the evaluation form prior to discussion with the employee,
4. discuss the evaluation with the employee and present the evaluation form to the employee to be signed and dated, and
5. give the employee a copy of the evaluation form with his official overall evaluation noted.

(d) When an employee is not available, the provisions of this rule shall be satisfied when notification to the employee is made by mail. If the employee is notified by mail, the notification shall be deemed timely if it was mailed to the employee's most recent address on or before August 31st, as evidenced by official proof of mailing. The agency must maintain documentation that the employee was notified on or before August 31st.

(e) Should the employee decline to sign the performance evaluation form, the Evaluating Supervisor shall note this on the form and record the date that the evaluation session occurred. An employee cannot prevent the evaluation from becoming official by refusing to sign the form.

(f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form by the Evaluating Supervisor, Second Level Supervisor, or Human Resources officer. An employee shall be notified when he has been assigned an official overall evaluation of "Unrated".

10.7 Effects of “Needs Improvement/Unsuccessful” Rating or Re-Rating.

(a) An evaluation of “Needs Improvement/Unsuccessful” is not a disciplinary action.

(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall not be:

1. eligible for a performance adjustment, a promotion or permanent status, or
2. detailed to a higher level position unless approved in advance by the Director of the State Police Commission.

(c) An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be separated or disciplined in accordance with the rules applicable to the employee’s status.

10.8 Effects of Absence of Official Evaluation

An employee who is not evaluated in accordance with the provisions of these rules shall have an official overall evaluation of "Unrated" on the evaluation effective date of July 1st. Permanent employees shall have a right to request a review in accordance with the provisions of rule 10.9.

10.9 Agency Review

(a) A permanent employee who receives an overall performance evaluation of "Unrated" or "Needs Improvement/Unsuccessful" may request an official review of that evaluation by an Agency Reviewer(s).

(b) The appointing authority shall designate the Agency Reviewer or an Agency Review Panel. The Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who signed the evaluation being reviewed.

(c) The official overall evaluation may only be changed by the Agency Reviewer(s).

(d) A request for review must be submitted in writing and be postmarked or received in the employing agency’s Human Resources office no later than September 15th following the evaluation year. In the request for review, the employee must explain and provide supporting documentation for the request for review.

(e) If the request for review is timely, the Agency Reviewer(s) must review the employee’s request, the evaluation given and any supporting documentation provided. The contested evaluation must be discussed with the employee and the Evaluating Supervisor.

(f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human Resources office written notice of the results of their review. This notification shall be provided no later than October 15th. Any change in evaluation shall be retroactive to July 1st.

(g) The performance evaluation form, the employee's request for review, the Agency Reviewer(s)' decision, and the supporting documentation attached to the performance evaluation, as well as any documents requested from the employee or supervisor during the review, shall be maintained in the employee's official personnel file or other secured performance file maintained in Human Resources.

(h) The agency's grievance process shall not be used to review or reconsider evaluations or a procedural violation of these rules.

10.10 Exceptions

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

10.11 Record Keeping Requirements

Each completed performance evaluation form shall be kept in the agency Human Resource office or other designated, secure location not accessible to the public, and shall not be considered a public record. Completed forms must be available upon request to the State Police Commission for auditing purposes, to other agencies of the State of Louisiana for purposes of checking employment references and to the employee.

Please review this proposal and furnish, in writing, by August 1, 2013 any comments which you consider pertinent. If you would like to appear before the Commission and present your comments orally, you are invited to do so. You must notify this office by August 1, 2013 of your intention to address the Commission in order to be placed on the agenda.

Please post this General Circular in a prominent place, so that all employees will receive notice of this public meeting. If any special accommodations are needed, please notify us prior to the meeting date.

Sincerely,



Cathy Derbonne
Director