

# PERFORMANCE EVALUATIONS

**SOURCE:** AGENCY ADMINISTRATION; OHIO REVISED CODE 124.34; OHIO ADMINISTRATIVE CODE 123:1-29; 123:3-1-01: OCSEA Contract, Article 22

**CONTACT: OFFICE OF EMPLOYEE SERVICES**

## **Performance Evaluations Policy:**

Effective January 28, 2013, the State of Ohio transitioned from the Ohio Performance Review System (OPRS) paper evaluation forms to the electronic Human Capital Management module (HCM) ePerformance application (ePerformance). Managers and Supervisors are responsible for ensuring that performance evaluations are completed in a timely fashion and comply with state and federal laws. All information entered into the ePerformance application is potentially a public record, and is subject to public records laws.

## **Exempt Employees**

As part of the transition, the Ohio EPA placed classified exempt employees into ***annual performance evaluation cycles***. The Agency has established two performance evaluation cycles for Exempt employees (**April or October**). Chiefs will determine and notify OES of the evaluation cycle for exempt employees. Chiefs will also notify the employee of the date selected for their annual performance review. Performance evaluations for exempt employees must be completed within a sixty (60) day window, which opens 30 days before a cycle and concludes 30 days after the cycle begins. For example, in an April cycle, the window opens on March 2 and closes on May 1. Exempt employee step dates are not affected by the transition into the ePerformance system or implementation of the annual performance evaluation cycle. If an employee reports to a position that is vacant, the supervisor of the vacant position will ensure the evaluations are complete.

## **Bargaining Unit Employees**

Managers and supervisors will use ePerformance for bargaining unit employee performance evaluations and must continue to follow the appropriate collective bargaining agreement provisions (OCSEA Contract, Article 22) regarding timelines for conducting performance evaluations for bargaining unit employees. Bargaining unit employee evaluation due dates will coincide with their anniversary date each year according to the appropriate collective bargaining agreement provisions. Managers and supervisors are responsible for completing performance evaluations on all of their direct reports. This aligns with the agency Table of Organization which is reflected in OAKS. If an employee reports to a position that is vacant, the supervisor of the vacant position will ensure the evaluations are complete.

## **Probationary Evaluations**

All employees either newly hired, promoted, demoted, or laterally moved shall serve a probationary period or trial period in accordance with the union contract or Ohio Revised Code. The final probationary evaluation shall be completed before the probationary period expires.

Employees will be evaluated mid-way through their probationary period or trial period and again at the completion of their probationary period or trial period. The mid evaluation is due on the exact half way mark of the evaluation (e.g., if mid point is established as December 10, mid evaluation is due December 10). Upon successful completion of the initial probationary period, classified exempt employees will fall into the agency-wide evaluation cycle and bargaining unit employees will receive an evaluation on or before their anniversary date. Exempt employees' successfully completing the initial probationary period will have a first annual review cycle including no less than 6 months but no more than 17 months in order to synch probationary evaluations with annual review cycles.

## **Ad Hoc Evaluations**

Ad hoc evaluations may be completed based on the supervisor's discretion. However, in the event that a probationary period is extended or another evaluation is deemed necessary based on a Performance Improvement Plan (PIP), an Ad Hoc evaluation must be completed.

## **Competencies**

The Agency will use the Statewide Competency of **Customer Focus** for all employees. The Customer Focus competency centers on the employee interaction with the customer. It can be either an internal or external customer. It must be demonstrated that the employee understands the need(s) of the customer. The demonstration should include the employee level of knowledge, the tone and the timeliness of the employee responses. The employee should know when to seek assistance to ensure the customer has an overall positive experience. The evaluation should include examples that the employee evaluates his/her practices based on customer feedback.

The Agency will use the Agency Competencies of **Communicating with Supervisors, Peers, and Subordinates** (Provides information to supervisors, coworkers (peers), and subordinates (staff) by telephone, in written form (electronic or hard copy), or in person.) and **Making Decisions and Solving Problems** (Analyzing information and evaluating results to choose the best solution and solve problems.) for all employees.

The Agency will use the Classification Competencies of **Guiding, Directing and Motivating Subordinates** (Providing guidance and direction to subordinates (staff), including setting performance standards and monitoring performance) for Supervisors and above; and **Resolving Conflicts and Negotiating with Others** (Handles

complaints, settles disputes, and resolves grievances and conflicts, or otherwise negotiates with others) for Managers and above.

Supervisors may establish additional competencies related to a specific classification appropriate to the approved position description on file for the employee being evaluated. Supervisors should consult with their Manager to determine if Classification competencies have been established by their Division/Office/District Chief.

### **ePerformance Process Flow**

The following process is followed when completing a Performance Evaluation in ePerformance:

- Supervisor and Employee Establish Performance Criteria
- Supervisor Creates the Performance Document
- Supervisor enters Performance Criteria
- Employee can view criteria
- Supervisor monitors employee progress, makes revisions, documents process, etc.
- Supervisor evaluates employee performance on the Performance Review (occurs at the end of the period)
- Supervisor submits Evaluation for Approval
  - Reviewer (Manager) reviews the evaluation and Approves/Denies
  - ePerformance System Administrator (HR Admin)/Designated Appointing Authority reviews the evaluation and Approves/Denies
- Supervisor makes the evaluation “Available for Review”
- Employee can review/comment
- Supervisor conducts face-to-face evaluation with employee and updates the Status of the Performance Document to “Review Held”
- Employee logs in through myOhio to acknowledge the document
- Supervisor completes the evaluation by updating the Status to “Complete”
- If the Employee’s overall rating is less than “Meets Expectations”, a Performance Improvement Plan (PIP) will need to be initiated.

### **Conducting Performance Review Meeting**

The primary purpose of a performance review is to facilitate the face-to-face meeting between the supervisor and the employee. The review should be focused on the employee’s specific job functions and responsibilities and how the employee has performed that job. It should focus not only on the past performance, but also on future goals and objectives. Supervisors should be cautious about making subjective judgments, and should base performance ratings on objective facts that can be documented and are consistent with disciplinary or other performance records.

A documentation file should be kept throughout the rating period and brought to the meeting. The documentation file should include materials related to the job

performance (e.g., position descriptions, last performance review form, work product files, written observations of job performance, significant job-related incidents, job-related observations of individuals who work closely with the employee, goals, objectives or unplanned tasks or accomplishments, certificates, awards and thank you notes.)

It is not appropriate to mention medical leaves of absences or information concerning health limitations within the performance evaluations. Evaluations will be rejected if such comments are included within the evaluation.

### **Self-Evaluation Tool**

The use of the Self-Evaluation tool in ePerformance is optional. If a manager requires a self-evaluation of one employee, he/she must require the same of all employees. If employees are asked to use the Self-Evaluation tool, supervisors should consider the information provided by the employee when completing the employee's performance evaluation and when conducting the performance review meeting with the employee. The Self Evaluation portion of the performance evaluation provides an employee with an opportunity to share with their supervisor how well they did throughout the year towards meeting the criteria that was predefined for each competency and goal and performance expectation. The Employee will be able to rate their performance on every individual criteria for each section. Each section will have an overall section summary rating and a comments box where the employee can enter their overall performance rating for the specific section.

### **Third Party Nomination Tool**

It is within the Supervisor's discretion to use the Third Party Nomination tool. The nominating tool enables other Supervisors (other than the immediate Reports To Supervisor) to provide direct feedback into an Employee's performance or development document, while still being able to supply their input. The Supervisor requesting the nomination is still responsible for conducting the face-to-face performance evaluation with the employee. Feedback from peers of the employee being evaluated is not permitted.

### **Performance Improvement Plan (PIP)**

A PIP is required if an Employee is rated below "Meets Expectations" on their Overall Performance Review summary on an annual or ad-hoc evaluation. The PIP shall be used to identify a performance issue(s) and improve employee performance. The supervisor (rater) initiates a PIP in the ePerformance system by 1) defining the problem; 2) identifying the duties or areas where improvements are needed; 3) establishing the priorities of the duties; 4) identifying the standards upon which performance will be measured; and, 5) establishing short-range and long range measurable and specific goals and timetables. The supervisor will establish a plan for reviewing the employee's

progress as identified in the PIP and provide feedback to the employee for the duration of the PIP. The supervisor submits the PIP through the approval process.

### **Career Development Plan (CDP)**

A Career Development Plan can be used when an employee identifies Education, Experience, Licensure, and/or Certification suggested for Career Enhancement, along with personal learning goals and developmental objectives. Employees may create a CDP to request new or additional training in a certain area related to their current position or to learn an additional skill set to better themselves in an area that they were rated low in conjunction with an existing evaluation or PIP. The creation of an employee initiated CDP does not obligate the Agency to any funding for the requested training and the employee and supervisor must obtain Chief's approval for the use of training funds. The employee and supervisor should consult training sessions offered through DAS and the Enterprise Learning System in OAKS. A CDP may be initiated any time during the Performance Management process. The CDP has an evaluation period (start and end date) based upon what is agreed upon between the Supervisor and Employee.

### **Electronic Signature**

Performance evaluations will be authenticated with an electronic signature using the employee's OAKS employee ID. The employee's signature merely indicates an acknowledgement that the employee has reviewed a copy of the completed evaluation; it does not indicate agreement with its contents.

### **Employees' refusal to sign a Performance Evaluation**

If an employee refuses to authenticate the evaluation with their electronic signature, the Supervisor must document the fact that the employee was afforded an opportunity to review the performance evaluation, but refused to acknowledge it. Documentation is critical because a refusal to sign the performance evaluation results in a waiver of the employee's right to appeal the performance evaluation rating. In the event of a refusal to acknowledge the performance evaluation, the rater must click the acknowledge button on behalf of the employee and document that the employee refused to sign.

### **Evaluation Timeline**

- a. Raters (Supervisors) should submit the evaluation for approval by the Reviewer (Manager) thirty (30) calendar days prior to the evaluation due date. The Reviewer (Manager) will then have one (1) business week (five (5) business days) to review the evaluation and approve or deny the evaluation. If denied, the Rater (Supervisor) will then have two (2) business days to make the appropriate corrections and return it to the Reviewer (Manager) for approval.

- b. An employee who receives an overall rating of Does Not Meet expectations shall be denied step advancement and be placed on a Performance Improvement Plan (PIP). It is mandatory for the Rater to provide justification to support the overall rating.
- c. Once a step has been denied, the employee's indicator will be set to "0." The employee will not be eligible for step advancement until the next annual rating period.
- d. Once all approvals are completed, the Rater (Supervisor) will have two (2) business days to make the evaluation available to employee. The Rater (Supervisor) will have a one-on-one discussion with the employee within seven (7) business days of releasing the evaluation for review. Therefore, evaluations must be marked "complete" in OAKS within 7 calendar days following the last day of the rating period to be considered timely.

### **FMLA, Disability or other Extended Leave**

Employees out on FMLA, disability or other extended leave programs during the timeframe their evaluation is due will receive their evaluation within five (5) business days upon their return.

### **Goals**

The supervisor must establish goals for the employee on every rating period. Goals can either be maintenance goals (i.e., goals that are in support of the unit or section) or breakthrough goals (i.e., goals that have a dramatic impact on the way the organization conducts its business).

### **Appeal Process:**

- a. An employee who receives one or more Does Not Meet ratings on an evaluation and is unsatisfied may file an appeal request with the management designee (other than the Employer representative who performed the evaluation) within seven (7) days after the employee received the completed form for signature.
- b. A conference shall be scheduled within seven (7) working days and a written response submitted within seven (7) working days after the conference.
- c. The appeal request will consist of a written explanation and/or supporting documentation as to why the evaluation is viewed as inaccurate.
- d. If the employee is still not satisfied with the response, the employee may appeal his/her performance evaluation to the Agency designee (HR Administrator). The Agency designee may hold a conference or do a paper review of the performance evaluation. A written response will be issued within fourteen (14) calendar days after the appeal is requested.

Bargaining Unit employees cannot grieve either the management or agency designee's written decision, unless a step increase is denied.

- a. The employee may appeal such an action directly to Step Three (3) of the Grievance Procedure.
- b. If the grievance is unresolved at Step Three (3), appeal may be taken to Step Four (4) of the Grievance Procedure.
- c. No further appeal shall be taken.

Exempt employees who do not agree with the decision made in the appeal meeting may appeal to the Director of the Department of Administrative Services for a performance evaluation review, in accordance with OAC 123:1-29-03. The director's designee, in this instance, is the Office of the Chief Legal Counsel.

- a. The director's designee must receive the request for review within fifteen (15) days of disposition by the appointing authority designee.
- b. Any decisions made in this review will be final.

## **Resources**

Supervisors should consult available resources and training opportunities on the OAKS, DAS, MyOhio website. DAS Office of Learning and Professional Development, <http://trainreg.das.ohio.gov> and [ePerformance Toolkit](#).