

# Chapter 10: Performance Evaluation System

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## Overview

A good performance evaluation system provides a mechanism for an employer to evaluate the talent, skills and abilities of staff. It also provides an opportunity for the employee and manager to have a one-on-one discussion of expected job performance, where the employee stands and what it takes to get to the next step. In December 2011, the Commission adopted new rules in Chapter 10 establishing a new 3-tiered Performance Evaluation System (PES) for state classified employees.

All employees are evaluated on their individual performance goals and standards each fiscal year on a “focused” evaluation date, July 1. Each employee is assigned an “evaluating supervisor” who sets out the expectations in a performance plan that is used to evaluate the employee’s performance. “Second level evaluators” are designated to ensure performance plans and evaluations are appropriate and align to the overall mission of the agency.

Employees are evaluated based on a 3-tier evaluation level of “Exceptional,” “Successful,” or “Needs improvement/Unsuccessful.” Other evaluation options exist for when an employee has not worked long enough for a meaningful evaluation and when an evaluation is not rendered properly. A permanent employee may appeal a “Needs Improvement/Unsuccessful” evaluation to an agency reviewer or panel designated by the appointing authority, and if unsatisfied with the findings, the employee may request a review by the Director. Specific timelines have been established within the rule to allow for:

- A performance year based on a fiscal year basis (July 1 – June 30)
- Performance evaluations to be conducted after the completion of the performance year and completed by August 31st of each year
- Review of “Needs Improvement/Unsuccessful” evaluations must be requested by September 15th and completed by the agency by October 15th
- Director reviews must be requested within 10 days from the receipt of the agency's review decision
- Director reviews will be completed within 30 days of receipt, and
- Performance plans to be conducted at the start of a new performance year and completed by September 30th of each year

## HR Impact

HR professionals are critical to the integrity and management of the Performance Evaluation System, its process and timelines. This ensures managers and supervisors are provided the appropriate training, tools and resources for managing and documenting employee performance. Administrators, supervisors and employees each have assigned roles and responsibilities in the performance management process and must adhere to their responsibilities in establishing and measuring

employee performance as it contributes to the success of their organizations. Agencies may also establish individual policies as to how the performance management process should be conducted within the individual agency as long as they comply with the rules in Chapter 10.

## Rule-By-Rule Review

### Rule 10.1 Performance Evaluations System; Required Components

This rule defines the components of the Performance Evaluation System. The main focus of this rule is to ensure that each classified employee receives a performance plan at the beginning of each performance year on which he will be evaluated after the performance year has ended.

(a) The Performance Evaluation System is the method that all agencies must use to assess the individual performance of their classified employees each year, except Classified WAEs. The standard evaluation period is the state fiscal year, i.e. July 1 to June 30th. The system requires the following components:

1. Employees to be given a plan that lists the basis on which their performance will be evaluated during the year.
2. The supervisor to meet with the employee in a "planning session" to discuss the plans for evaluating his performance.
3. The use of a standard state form on which both the performance plan and the evaluation are documented.
4. The use of three standard terms to describe an employee's overall level of performance.
5. That all employees have access to instructions on how the Performance Evaluation System works.

(b) The Director can give an appointing authority permission to use an alternate form or instructions, instead of the statewide standard PES form and training.

### Rule 10.2 Evaluating Supervisor

This rule sets out the requirements and responsibilities for the evaluating supervisor.

(a) This rule requires the appointing authority to designate an evaluating supervisor for each employee who will observe, document and evaluate the employee's performance.

**NOTE:** This is typically the employee's immediate supervisor, but it may be anyone the appointing authority deems appropriate for the task, especially if a direct supervisor is not available. In some agencies, contracted personnel supervise state employees; however contracted personnel cannot conduct PES evaluations of state employees. In that situation, the appointing authority may designate a state supervisor who will serve as the immediate supervisor for performance evaluation purposes, and that individual may collaborate with the contractor for performance information.

(b) The role of the evaluating supervisor includes developing a performance plan for the employee stating the expected activities and goals for that performance year. The evaluating supervisor also

documents that the planning occurred, provides performance feedback throughout the performance year and evaluates the overall performance after the performance year has ended. To assist in performing these tasks correctly, the evaluating supervisor is required to take the mandatory PES training for supervisors since PES impacts not only the employee's success but the supervisor's success.

### **Rule 10.3 Second Level Evaluator**

This rule sets out the requirements and responsibilities for the second level evaluator.

(a) The appointing authority is required to designate a Second Level Evaluator for each employee. This person must review the PES documents prepared by the employee's Evaluating Supervisor prior to the employee receiving them to ensure they are appropriate and objective. The second level evaluator is often the evaluating supervisor's boss, but it may be anyone the appointing authority deems appropriate.

(b) The role of the second level evaluator includes approving the performance plan and evaluation created by the evaluating supervisor before it is discussed with the employee. This provides the second level evaluator the ability to assess if performance plans and performance evaluations are developed and carried out by their subordinate supervisors in accordance with the agency's mission. It allows for consistency and less subjectivity when managing performance.

**NOTE:** Some agencies have difficulty in administering the PES due to structural challenges, specifically, the designation of a Second Level Evaluator due to a small number of employees and/or the reporting relationships with a Board or Commission. In order to assist agencies in successfully administering the PES, the Director of State Civil Service has approved a statewide exception to Rule 10.3, per [General Circular 2014-026](#), whereby classified positions that report to an unclassified Executive Director or Agency Head are not required to have a second level Evaluator approval on their official PES planning or evaluation.

### **Rule 10.4 Performance Evaluations**

(a) Every employee shall be evaluated on his overall performance based upon work tasks and behavior standards that are set by the evaluating supervisor.

**NOTE:** While the rule only requires evaluation on the employee's overall performance, it does not prohibit the individual agency from evaluating on more specific or individual factors and it does not prohibit the supervisor from having periodic evaluations throughout the performance year. The overall evaluation is the rating that becomes official and valid on the employee's record. The evaluating supervisor, on behalf of the appointing authority, determines expectations for employee performance and the choice of expectations is based on the vision of the appointing authority and how he wishes to manage the agency. A guide to the PES Evaluation Process can be found in [Job Aids and Resources: PES Evaluation Process](#).

(b) Each supervisor shall be evaluated on his administration of the PES, as well as on the other tasks and behaviors required for the job.

**NOTE:** Each evaluating supervisor and second level evaluator must perform his responsibilities and comply with provisions of the Civil Service Rules. Chapter 10 rule violations are indicated within the Chapter 10 rules, however, a chart is provided in [Job Aids and Resources: PES Rule Violations](#).

## **Rule 10.5 Performance Plan and Performance Planning Session**

This rule describes the process and requirements for creating the performance plan and conducting the planning session with the employee. Each performance year, evaluating supervisors are required by this rule to prepare a performance plan for classified subordinates. The process is described below in each part of the rule.

The rule requires:

- the performance plan be discussed with the employee;
- the supervisor obtain a signature from the employee; and
- the supervisor delivers a copy of the plan to the employee.

(a) The evaluating supervisor will prepare a performance plan for each employee at the beginning of the performance year listing the work tasks and behavior standards for which the employee will be evaluated during the performance year. The work tasks and behavior standards will be written on the planning documents.

(b) The evaluating supervisor will seek and receive approval from the second level evaluator before presenting the planning documents to the employee.

(c) After receiving second level approval, the evaluating supervisor will conduct a planning session with the employee to discuss the expectations and gain feedback from the employee. If changes are required after discussion with the employee, the evaluating supervisor can make necessary changes after ensuring the second level evaluator is aware of the change. Further notification to the second level evaluator is dictated by agency policies and procedures.

(d) During the planning session, the evaluating supervisor will deliver the planning documents to the employee and discuss the expectations for employee's performance for the upcoming performance year.

(e) The supervisor and the employee will sign and date the planning document. The employee is to be given a copy of the planning document. Should the employee refuse to sign the planning document, the supervisor will note this on the form with the date to indicate the date the planning session occurred. An employee cannot prevent the planning session from occurring by refusing to sign the form.

(f) Planning sessions are required to be conducted within three months of the following:

1. The **appointment** of a new employee.
2. The **permanent movement** of an employee into a different position, with a different position number and significantly different job duties.

3. The **beginning of the new performance year**.

(g) Planning sessions may be conducted, but are not required, when:

1. The employee receives a new evaluating supervisor.
2. Performance expectations change.
3. The evaluating supervisor believes a new planning session is necessary.

**NOTE:** The agency has discretion in determining specifically when performance plans are required over and above that which is required in the rule, by its own policy and direction.

### **Rule 10.6 Overall Performance Evaluation**

(a) At the end of the performance period, the supervisor determines the overall performance of an employee. The value assigned will be one of the following:

- 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) A supervisor may assign an employee who works less than three calendar months in the evaluation year a rating of “Not Evaluated.” The effect of a rating of “Not Evaluated” will be equivalent to an evaluation of “Successful.” “Not Evaluated” may only be given when:

1. The employee is an active employee on June 30th, and
2. The employee has worked less than three 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 of the employee’s performance.

(c) When it is determined that an evaluation was given in violation of these rules, the employee will receive an evaluation of “Unrated.” “Unrated” will have the same effect as an evaluation of “Successful.”

**NOTE:** The overall evaluation, as well as what is determined to be appropriate documentation to support such an evaluation, is determined by each appointing authority. If your agency needs guidance, training is available through the [Comprehensive Public Training Program \(CPTP\)](#) on how to document performance. Civil Service Rules do not prohibit the documentation of such performance to exist on the PES Form itself or otherwise.

### **Rule 10.7 Official Performance Evaluations and Evaluation Sessions**

This rule sets forth the criteria and process for creating the official performance evaluation and conducting the performance evaluation session with the employee.

(a) Official evaluations are required for all classified employees, excluding Classified WAE's, and the evaluation is based on the work tasks and behavior standards as stated in the planning session documents.

(b) Official evaluations will be made after the performance year and must be issued to the employee by August 31st. The effective date of the evaluation will be July 1st.

(c) Evaluations are official the day they are given to the employee. No evaluations shall be given after August 31st. To issue an official evaluation, the supervisor must:

1. Complete the evaluation form after June 30th each performance year;
2. Provide documentation to support an evaluation of "Needs Improvement/Unsuccessful" or "Exceptional";
3. Obtain the second level evaluator's approval of the evaluation prior to issuing the evaluation to the employee;
4. Discuss the evaluation with the employee and present the documentation to the employee for signature and date; and
5. Give a copy to the employee.

(d) If the employee is unavailable, the requirements of this rule are met by mailing the documentation to the employee's last known address on or before August 31st. The agency must maintain proof of mailing.

**NOTE:** The agency has discretion in how proof of mailing is retained, such as via proof of first class mailing certificate, certified receipt, FedEx, etc. This rule is not intended to satisfy delivery when the absence is a normal absence day or period, i.e., vacation.

(e) If the employee refuses to sign the evaluation form, the supervisor will document this on the form and date it. The employee's refusal to sign the evaluation form does not prevent the evaluation from becoming official.

(f) Evaluations of "Unrated" will be indicated on the final overall evaluation form by the evaluating supervisor, second level reviewer or human resources officer. The employee must be notified when assigned an official evaluation of "Unrated."

### **Rule 10.8 Effects of Needs Improvement/Unsuccessful Evaluation**

This rule provides for the effects or consequences of a "Needs Improvement/Unsuccessful" evaluation.

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

(b) Any employee who receives an official evaluation of "Needs Improvement/Unsuccessful" shall not be:

1. Eligible for a promotion or permanent status; or

2. Eligible to be detailed to a higher level position without prior approval of the Director of Civil Service.

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

(d) Permanent employees will have a right to request a review in accordance with Rules 10.11 and 10.12.

**NOTE:** While the "Needs Improvement/Unsuccessful" performance rating itself is not a disciplinary action, the documentation of poor performance may support a disciplinary action.

### **Rule 10.9 Effect of the Absence of an Official Evaluation**

An employee who does not receive an evaluation in accordance with these rules will have an official overall evaluation of “Unrated” on the evaluation effective date of July 1st. Permanent employees will have a right of review in accordance with Rule 10.11.

### **Rule 10.10 Record Keeping and Reporting Requirements**

(a) Each completed performance evaluation document must be kept in the agency’s HR office or other designated secure location not accessible to the public. An employee’s performance evaluation documentation is confidential and not a public record. Documents must be produced if requested by the Department of State Civil Service for auditing purposes, to other agencies of the State of Louisiana for purposes of checking employment references and to the employee.

(b) The Director will require annual reporting of evaluations given to employees. The Director may request more frequent reporting.

### **Rule 10.11 Agency Review**

(a) A permanent employee who received an overall evaluation of “Unrated” or “Needs Improvement/Unsuccessful” may request an official review of that evaluation by the agency reviewer(s).

(b) The appointing authority shall designate an agency reviewer or agency review panel. The reviewer may not be the evaluating supervisor or the second level evaluator who signed the evaluation under review.

(c) The official evaluation may only be changed by the agency reviewer.

**NOTE:** The agency reviewer cannot change a rating of "Unrated" unless he finds a rule violation did not occur.

(d) A request for review must be submitted in writing and postmarked or received in the employee's human resource office by September 15th. In the request for review, the employee must explain and provide supporting documentation for the request.

(e) If the request is timely, the agency reviewer must review the employee's request, the evaluation given and any supporting documentation. The contested evaluation must be discussed with both the employee and the evaluating supervisor.

(f) The reviewer must give the employee, the evaluating supervisor, and the human resource office written notice of the results of the review. This notification must be provided by October 15th. Any changes in the evaluation will be retroactive to July 1st.

(g) The performance evaluation form, the employee's request for review, the agency reviewer(s)' decision, the supporting documentation attached to the performance evaluation, and any documentation requested during the review will be maintained in the employee's personnel file or other secure location.

### **Rule 10.12 Request for Review by the Director of Civil Service**

(a) A permanent employee who received an official evaluation of "Needs Improvement/Unsuccessful" following an agency review may request a review of his evaluation from the Director.

(b) A request for review must be postmarked or received by the Director no later than ten (10) calendar days following the date the employee received the agency's review decision. In the request, the employee must explain why he is contesting the decision of the agency reviewer.

(c) If the request is timely, the Director or his designee will obtain and review the employee's performance file. The Director may either affirm the overall evaluation or change the evaluation to "Unrated." The Director's decision is final.

(d) The Director will issue a written decision to the employee, evaluating supervisor and human resource office no later than thirty (30) calendar days after the request for review was received.

### **Rule 10.13 Exceptions**

The Director may approve exceptions to these rules.

### **Rule 10.14 Grievance Process**

The agency's grievance process shall not be used to review or reconsider evaluations or procedural violations of these rules.



## Rules 10.15-10.18 Repealed

### Job Aids and Resources

- [PES Guidelines](#)
- **PES Process**
  - [PES Planning Process](#)
  - [PES Evaluation Process](#)
- [PES Roles](#)
- [PES Suggestions](#)
- [PES Rule Violations](#)
- **PES Toolbox**
  - [PES On-line Training](#)
  - [Web-based Bank of Expectations](#)
  - [PES Form \(Planning and Evaluation\)](#)
  - [PES Interim Discussion Form \(Optional\)](#)
  - [PES Agency Transfer Form](#)
  - [PES Request for Review](#)
  - [PES Performance Development Tool](#)
  - [PES Performance Notes](#)
- [PES Frequently Asked Questions](#)