

STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
BATON ROUGE, LOUISIANA

General Circular No. 001279

To: Heads of State Agencies and Human Resource Directors

Subject: Performance Planning And Review System Rules

Issue Date: April 14, 1997

The State Civil Service Commission will hold a public hearing on May 7, 1997 to consider the following rule proposals. The hearing will begin at 9:00 a.m. and will be held in the Department of Civil Service Second Floor Hearing Room, DOTD Annex Building, 1201 Capitol Access Road, Baton Rouge, Louisiana.

The following will be considered at the meeting:

AMEND RULE 1.14.2

1.14.2 'Efficiency Rating' means the official overall rating assigned to an employee in accordance with Chapter 10 of these rules.

ADD NEW RULE 1.20.1.1

1.20.1.1 'New Employee,' only for purposes of the performance planning and review system, means any employee who receives a new anniversary date upon entering or reentering the classified service.

EXPLANATION

The proposed amendment to Civil Service Rule 1.14.2 and addition of Civil Service Rule 1.20.1.1 result from the changes to Chapter 10 described in the following paragraph. The amendment causes the wording in the definition of "efficiency rating" to be consistent with the wording in proposed Chapter 10. The addition of 1.20.1.1 creates a definition for the term "new employee" for the purposes of the performance planning and review system described in proposed Chapter 10.

CHAPTER 10 IN ITS ENTIRETY IS RE-ENACTED TO READ AS FOLLOWS:

10.1 Performance Planning and Review System; Required Components.

Each department shall use a performance planning and review system that complies with this Chapter and consists of at least 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.

10.2 Rating Supervisor; Reviewer.

The appointing authority shall designate a rating supervisor and a reviewer for each employee. Generally, the rating supervisor should be the person who, in the appointing authority's judgment, is in the best position to observe and document the employee's performance. The reviewer should be someone in the rating supervisor's supervisory chain of command.

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 performance factors (or their equivalents): Work group management and leadership; and Performance planning and review.
- (c) An employee may be rated on any additional performance factor(s) that the appointing authority considers applicable to the employee's job.

10.4 Ratings.

- (a) The rating supervisor shall rate the employee on each applicable performance factor, using the following ratings (or their equivalents) and points :

1. Outstanding = 5 points
2. Very Good = 4 points
3. Satisfactory = 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. Satisfactory = 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 movement 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 gets a new rating supervisor or when performance expectations change due to changes in work.

10.6 Rating Process.

(a) The rating supervisor shall complete the performance planning and review form and shall provide documentation to support any rating of "Needs Improvement" or "Poor;" shall discuss the rating with the employee; shall sign the form; shall present the form to the employee for his or her signature; and shall give the employee a copy of the form. The reviewer shall sign the form either after the rating supervisor has completed it or after the employee has signed it.

(b) For a new employee, the steps prescribed in subsection (a) shall take place within the 45 calendar days before the employee first becomes eligible for a merit increase.

(c) For a current employee, the steps prescribed in subsection (a) shall take place within the 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. Unless the employee has already been separated, the steps prescribed in Rule 10.6(a) shall take place between 3 and 6 months after the employee's anniversary date.

10.8 When a Rating or Re-rating Becomes Official.

A rating or re-rating that complies with Rules 10.6 and 10.7 becomes official when a copy of the performance planning and review form is given to the employee. A copy is considered given under the circumstances listed in Rule 12.8(d).

10.9 Employee's Refusal to Sign Form.

An employee cannot prevent a rating or re-rating from becoming official by refusing to sign the performance planning and review form. If an employee refuses to sign any part of the form, the rating supervisor shall note on the form that the employee 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) Until he or she achieves an official overall rating or re-rating of "Satisfactory" or better, an employee whose official overall rating or re-rating is "Needs Improvement" or "Poor" is ineligible for merit increases, promotion, and in the case of a probational employee, permanent status.

(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.

An employee who is not rated in accordance with the provisions of this Chapter shall be considered as having a "Satisfactory" rating on the employee's anniversary date, or in the case of a re-rating, on the date that falls 6 months after the employee's anniversary date.

10.12 Record-keeping and Reporting Requirements.

(a) Each completed performance planning and review form shall be kept in the department's personnel office, but it 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 promptly after a copy of the performance planning and review form has been given to the employee.

(c) By July 31 of each year, each 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.

The grievance process shall not be used to review ratings. Instead, ratings and re-ratings are subject to review only as follows:

(a) A permanent employee who disagrees with an official overall rating or re-rating of "Satisfactory" or better and a non-permanent employee who disagrees with any rating or re-rating may present a written response to the rating supervisor. A copy of the response shall be attached to each copy of the performance planning and review form that is maintained by the department. The rating supervisor and the reviewer shall consider the response and may raise a rating, if they deem it appropriate.

(b) A permanent employee who disagrees with an official overall rating or re-rating of "Needs Improvement" or "Poor" may present a written request to the appointing authority for a review of the rating or re-rating, as follows:

1. The request for review must be postmarked or received by the appointing authority within 30 calendar days following the day the employee received a copy of the performance planning and review form. In the request, the employee must list the performance factor ratings that are in dispute and, for each factor listed, must explain why he or she contends a higher rating was earned. The employee may attach written documentation to support his or her contentions.

2. Upon receipt of a timely request for review, the appointing authority shall review the employee's request (including any attachments) and the official performance planning and review form (including the documentation that was attached to it). The appointing authority may reach a decision based on this review or may schedule an informal meeting at which the employee and the rating supervisor and any other people the appointing authority deems appropriate may be heard.

3. No later than 60 calendar days after receiving a request for review, the appointing authority shall give the employee written notice of the outcome of the review. Notice is considered given under the circumstances listed in Rule 12.8(d).

4. The appointing authority may designate another person or persons to conduct the review, so long as the person has not participated in the rating or re-rating in dispute.

(c) If an appointing authority fails to comply with subsection (b) of this rule, upon timely appeal, and absent compelling reasons, the employee shall be considered as having no rating and Rule 10.11 shall apply.

10.14 Appeal of Ratings and Re-ratings.

Notwithstanding Rule 13.10(c), ratings and re-ratings shall only be appealable to the Commission as follows:

(a) A permanent employee whose official overall rating or re-rating remains "Needs Improvement" or "Poor" after the appointing authority's review may appeal the rating or re-rating

to the Commission. To be timely, the appeal must be filed within 30 calendar days after the date on which the employee was given written notice of the outcome of the review.

(b) Any other rating or re-rating is only appealable to the Commission on the basis of discrimination. To be timely, the appeal must be filed within 30 calendar days after the date on which the employee was given a copy of the performance planning and review form.

10.15 Effective date.

This Chapter shall become effective on July 1, 1997.

10.16 Transition.

The Director shall establish and publish procedures to effect an orderly transition to the performance planning and review system established in this Chapter.

EXPLANATION

If approved, the proposed new rules will replace the current Chapter 10 of the Civil Service Rules. The main purpose of the proposed rules will be to establish a system to ensure communication to classified employees of what will be required and expected of them for the coming rating period and then informing them at the end of the rating period how well they met those requirements and expectations.

The proposed Chapter 10 will establish and mandate use of a performance planning and review system under which each classified state employee shall participate in at least an annual planning session and an annual performance review session tied to his anniversary date. The proposed rules will require that the performance of each classified employee must be rated on at least six required factors and that the performance of each classified supervisor must be evaluated on at least two specific additional factors. Under the proposed rules, the rating supervisor must choose from one of five specified levels on which to rate the employee's performance on each factor and on which to calculate the employee's overall performance rating.

AMEND RULE 13.10(C) AND (J)

13.10 Appeals to the Commission.

An appeal may be made to this Commission by

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(c) Except as is provided in Rule 10.14, any person in the Classified Service who alleges that he has been adversely affected by the violation of the Article or any Rule of this Commission.

...

(j) Any permanent employee whose official overall rating remains "Needs Improvement" or "Poor" after the appointing authority's review of the rating under Rule 10.13.

...

REPEAL RULE 13.10(K)

AMEND RULE 13.20(A)

13.20 Referees.

(a) The Commission may appoint a referee to hear and decide any appeal pending before the Commission.

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EXPLANATION

The proposed amendments to Civil Service Rules 13.10(c) and (j) also result from the changes to Chapter 10 described in the preceding paragraph. The amendments cause the wording in these subsections of Rule 13.10 to be consistent with the wording in the proposed Chapter 10. The proposed repeal of Rule 13.10(k) results from clarified information in the proposed Chapter 10 eliminating the need for the subsection in Chapter 13. The proposed amendment to Civil Service Rule 13.20(a) brings the wording of the subsection in compliance with current practice of the State Civil Service Commission.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to the Director of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana 70804-9111.

If any accommodations are needed, please notify us prior to this meeting.

Sincerely,

Allen H. Reynolds

Director