

**SECTION 11. PERFORMANCE PLANNING AND EVALUATION**

(As amended January 18, 2005, February 14, 2006, December 11, 2007, October 21, 2008, June 30, 2015 and July 17, 2018)

**11-1. Definitions.**

- (a) **Coaching:** The ongoing process used by a supervisor to provide guidance and direction to the employee to maximize the employee's knowledge, skills, and abilities and enhance the employee's career development.
- (b) **Competency:** A performance success criteria listing a cluster of the knowledge, skills, abilities, and job-related behaviors that collectively contribute to successful performance of one or more job functions. A competency includes a definition and collection of observable behavior statements or behavioral indicators grouped together under a central theme, and represents successful performance for that theme.
- (c) **Conduct:** For this section only, "conduct" is defined as job-related behaviors that are necessary for maintaining an orderly, safe, and productive work environment. This may include behaviors such as attentiveness to work during duty hours, safe and considerate work habits, compliance with procedures and supervisory instructions, and ethical practices. Repeated tardiness or unscheduled absences, frequent personal calls or conversations during work hours, rude or abusive treatment of others, inappropriate language or behavior, and compromising the safety of employees or others are examples of inappropriate conduct.
- (d) **Interim evaluation:** A performance evaluation conducted by a supervisor at a time between annual performance evaluations to:
  - (1) monitor a probationary employee; or
  - (2) address a situation where an employee's current job performance is not at an acceptable level of competence.
- (e) **Multi-source feedback:** Information from more than one source about the performance of an individual or team. It may include self-appraisal or input from a peer, team member, supervisor, individual supervised, or other person having reliable knowledge of the employee's or team's work product or service.
- (f) **Performance objectives and success criteria:** The criteria by which an employee or team is rated. A performance objective or success criteria is a written description of the quality, quantity, or characteristics of the work performance or results that the employee or team is expected to accomplish.
- (g) **Performance management:** The systematic process by which an organization

involves its employees in improving the organization's effectiveness and accomplishing the organization's mission and goals. It covers the entire process of establishing objectives, monitoring progress, and providing employees and teams with feedback and ratings on the level of performance achieved.

- (h) **Performance plan:** The document that records performance objectives and success criteria and is the basis for assessment of the employee's job performance.
- (i) **Performance planning and evaluation:** The total process in which a supervisor develops performance objectives and success criteria; observes, reviews and appraises individual work performance; recognizes exceptional performance; and identifies areas for improvement.
- (j) **Progress discussion:** A supervisor's verbal assessment of an employee's performance in relation to the objectives in the performance plan.
- (k) **Reviewing official:** The individual who must review the evaluation and ensure that appropriate performance planning and evaluation procedures were followed by the employee's immediate supervisor. A reviewing official should help to resolve disagreements between the supervisor and employee on the plan or evaluation and ensure that:
  - (1) the plan and evaluation are consistent with this regulation; and
  - (2) the overall rating is consistent with the individual elements of the plan.
- (l) **Team:** A directed or self-directed work group with one or more formally assigned and shared work objectives for which all members of the group are responsible.
- (m) **Team member or peer:** An individual who works with an employee or group of employees in a non-supervisory capacity and who has direct or reliable knowledge of the work performed by the employee or team.
- (n) **Team rating:** A rating given to all members of a team on one or more formally assigned and shared work objectives for which all members of the group are held responsible.

**11-2. Objectives of performance planning and evaluation.** The objectives of performance planning and evaluation are to:

- (a) improve the management of human resources by maximizing the use of an employee's capabilities;
- (b) foster an effective working relationship between a supervisor and an employee;

- (c) inform an employee about performance objectives and success criteria for the job;
- (d) provide an assessment by the employee's supervisor as to whether the employee is meeting those objectives;
- (e) develop an ongoing record of an employee's work performance to support personnel decisions; and
- (f) identify and meet an employee's training and career development needs.

**11-3. Responsibility for performance planning and evaluation.**

- (a) The CAO must:
  - (1) establish mandatory performance objectives for the MLS and PLS; and
  - (2) establish and administer a performance planning and evaluation process for other employees.
- (b) Each department director must:
  - (1) plan for and ensure that the performance of each full-time, part-time, term, or probationary employee who works in the department is evaluated at least annually;
  - (2) ensure that each supervisor in the department is evaluated on the supervisor's:
    - (A) administration of the performance evaluation process; and
    - (B) compliance with anti-discrimination and equal employment opportunity requirements.
  - (3) ensure that the department's internal performance management directive or program is consistent with these Regulations and the appropriate collective bargaining agreement;
  - (4) ensure that department supervisors use a performance planning and evaluation form that includes the following:
    - (A) employee's name;
    - (B) employee's identification number;
    - (C) department;

- (D) division/team;
  - (E) employee's job title;
  - (F) supervisor's name;
  - (G) reviewing official's name;
  - (H) review period beginning and ending dates;
  - (I) list or indication of additional feedback sources, if applicable;
  - (J) signatures or electronic acknowledgements of supervisor and employee, as applicable, to establish plan;
  - (K) signatures or electronic date stamps to document progress discussion, as applicable;
  - (L) signatures or electronic date stamps by supervisor and employee to finalize performance appraisal;
  - (M) signature or electronic date stamps of the reviewing official
  - (N) list of performance objectives, ratings, and narrative comments;
  - (O) career development goal;
  - (P) overall rating;
  - (Q) employee comments, as applicable; and
- (5) ensure that a copy of each completed performance evaluation for a department employee is sent to the OHR Director.
- (c) A department director may use multi-source feedback as part of the department's performance evaluation program with prior CAO approval.
- (d) An immediate supervisor must:
- (1) initiate the annual performance planning and evaluation process;
  - (2) give each employee and, if appropriate, each team an opportunity to review and contribute to the plan;
  - (3) determine the content of the plan and amend the plan as appropriate;

- (4) sign or electronically acknowledge the plan and evaluation to indicate approval;
- (5) take appropriate action to improve the employee's and, if appropriate, the team's performance, such as additional coaching, counseling, or establishing a plan to improve the employee's or team's work;
- (6) give periodic feedback to the employee or team on performance and conduct progress discussions with the employee or team;
- (7) allow the reviewing official to review the written performance evaluation before giving the evaluation to the employee or team;
- (8) give each employee a written evaluation of the employee's individual performance at least annually;
- (9) if appropriate, give a written performance evaluation of a team to each team member at least annually; and
- (10) give the employee an opportunity to review, discuss, comment on, and sign or electronically acknowledge the evaluation.

**11-4. Performance management.** Performance management is the responsibility of the supervisor and includes:

- (a) developing the performance objectives for an employee or team at the beginning of a review period;
- (b) establishing and including on the *Performance Planning and Evaluation Form* (Appendix G) at least one career development goal for the employee, if appropriate;
- (c) ongoing monitoring of the employee's or team's performance with periodic verbal or written feedback, coaching, training, or other action to enhance performance;
- (d) conducting at least one progress discussion with the employee, as described in Section 11-7(b);
- (e) preparing an interim evaluation as described in Section 11-7(c) if required for a probationary employee or for an employee with performance problems;
- (f) developing plans to improve employee performance as needed; and
- (g) evaluating an employee or team on performance of the elements of the performance plan and awarding an overall rating.

**11-5. The performance plan.**

- (a) ***Frequency and timing of performance planning.*** A performance plan should be established within 45 days after an employee begins work in a new position. A new plan should be established for the next review period within 45 days after the review period begins.
  
- (b) ***Annual review period.***
  - (1) The period covered by the performance plan must be 12 months or less.
  - (2) The review period may be linked to an employee's increment date, the anniversary of the employee's hire date if the employee does not receive increments, or the fiscal year.
  - (3) The annual review period for an MLS or PLS employee begins July 1 and ends June 30.
  
- (c) ***Substance of a performance plan.***
  - (1) Each employee's performance plan must state the performance objectives and success criteria for the employee or team during the review period. Performance objectives and success criteria must describe, at a minimum, the performance level of "Successful Performance" in terms that allow reasonably objective assessment.
  - (2) Performance objectives and success criteria may be stated as a goal, outcome or result expected, numerical criteria, competency to be demonstrated, task to be accomplished or performed, acceptable conduct, or other expectation appropriate to the job classification and position.
  - (3) The performance plan for a supervisor must include an objective that the supervisor must:
    - (A) conduct performance planning and evaluation for subordinate employees; and
    - (B) comply with anti-discrimination and equal employment opportunity requirements.
  - (4) A performance plan must be consistent with department work programs and class specifications.
  - (5) A performance objective or success criteria may be developed for an individual, a team, or both.

- (6) If feedback from team members, employees supervised, or peers is used as part of an employee's performance evaluation, this must be stated in the performance plan at the start of the evaluation period.
- (7) A supervisor must establish at least one career development goal for a subordinate employee.
- (8) An employee in a Management Leadership Service position and the employee's supervisor together must develop at least one career development goal for the fiscal year.
- (9) If an employee receives a multilingual pay differential, the employee's supervisor must include a performance objective that the employee will provide multilingual services as required.

#### **11-6. Performance planning process.**

##### **(a) *Establishing the plan.***

- (1) A supervisor and employee formally establish the performance plan by signing it or by electronic acknowledgement. The employee's signature or electronic acknowledgement indicates only that the employee has seen the plan, and does not indicate that the employee agrees with the plan.
- (2) If more than one individual directly supervises an employee, each should participate fully in the performance planning responsibilities. The supervisors should share this responsibility in a manner consistent with their roles in directing the employee's work.
- (3) A supervisor must give an employee a copy of the employee's performance plan within 30 calendar days after the plan is established.

##### **(b) *Employee refusal to sign the plan.***

- (1) If an employee refuses to sign or date stamp a performance plan, the supervisor must refer the plan to the reviewing official.
- (2) The reviewing official must review the plan and consult with the employee and the supervisor to determine why the employee refused to sign the plan.
- (3) If the employee still refuses to sign the plan after this consultation, the supervisor must note on the plan that the employee saw the plan but refused to sign it.

- (c) ***Revision of the performance plan.***
- (1) A supervisor may revise the performance plan, but must give prompt notice to the employee that the plan was changed.
  - (2) An employee may request that the supervisor change the plan, but the supervisor does not have to change the plan unless the supervisor agrees that the plan should be changed as the employee requested.
  - (3) A supervisor must give an employee a copy of the employee's performance plan within 30 calendar days after the plan is revised.

### **11-7. Performance evaluation.**

- (a) ***Supervisor's responsibilities.*** A supervisor should frequently track an employee's performance, and give timely and specific feedback, coaching, and counseling as needed throughout the review period.
- (b) ***Progress discussion.*** After approximately half of the review period has passed, a supervisor should conduct a comprehensive progress discussion with the employee that covers all elements of the performance plan. The supervisor and employee should sign and date or electronically date stamp the evaluation form to document a comprehensive progress discussion. The supervisor must document the substance of the progress discussion if the discussion resulted in a change to the performance plan or if specific performance issues were brought to the employee's attention.
- (c) ***Interim evaluation.*** A supervisor may give one or more interim evaluations to an employee before the supervisor prepares the annual performance evaluation. It is appropriate for a supervisor to prepare an interim evaluation for a probationary employee or for an employee with performance problems.
- (d) ***Multiple supervisors.*** If more than one individual directly supervises an employee, each should participate in the performance evaluation. The supervisors should share this responsibility in a manner consistent with their roles in directing the employee's work.
- (e) ***Changed supervisors.*** If an employee's supervisor changes during the review period but the employee is still performing the same duties and responsibilities covered in the performance plan, the prior supervisor may participate in the performance evaluation. If the employee changes jobs and assumes different duties and responsibilities, the prior supervisor should evaluate the employee's performance under the prior plan for the period that the employee was under the plan.

**(f) *Reviewing official.***

- (1) An employee's second level supervisor is the reviewing official and must review the employee's performance evaluation.
- (2) The CAO or, for legislative branch employees, a legislative branch supervisor designated by the County Council must review a performance evaluation conducted by a department director if the employee or the department director requests it.
- (3) The reviewing official may not change an evaluation but may, under exceptional circumstances, withdraw authority to evaluate the employee's performance from the immediate supervisor and reassign the responsibility for conducting a performance evaluation for the employee. In that case, the reviewing official must notify the department director of the action taken.

**(g) *Frequency and timing of performance evaluation.***

- (1) A supervisor must give each subordinate employee at least one written performance evaluation in every 12-month period.
- (2) A supervisor must conduct the annual evaluation within 60 days after the review period ends.
- (3) An annual or interim evaluation may be conducted for an employee who has been working under a performance plan for a reasonable period of time.
- (4) A supervisor may conduct an interim evaluation between annual evaluations.
- (5) If a supervisor conducts an interim evaluation, the supervisor must also conduct an annual evaluation for the employee at the appropriate time.

**(h) *Substance of a performance evaluation.***

- (1) A supervisor must record in the written performance evaluation the performance rating of the employee in relation to the performance objectives and success criteria established in the performance plan.
- (2) If a performance objective was assigned but not made a part of the employee's established performance plan, the supervisor should assess the employee's accomplishment of the performance objective as part of the

performance evaluation. A supervisor must document that the employee was given adequate notice of the objective or success criteria.

- (3) A supervisor must include in the performance evaluation written comments about the employee's actual performance.
  - (4) A supervisor may consider feedback from the employee's team members or peers as detailed in the performance plan.
  - (5) If performance objectives are jointly shared by members of a team, the supervisor may give each member sharing the objective a team rating. A supervisor must apply competency or job-related behavior ratings only to an individual employee.
  - (6) Accomplishment or progress toward a career development goal must be noted by the supervisor on the *Performance Planning and Evaluation Form*.
- (i) **Overall rating.** The supervisor must give an employee an overall rating using one of the following 5 rating categories as indicated below:
- (1) **Exceptional Performance.**
    - (A) This rating indicates that the employee:
      - (i) consistently achieved additional, significant results beyond established targets;
      - (ii) achieved a higher level of quality than required;
      - (iii) was a role model in the demonstration of competencies; and
      - (iv) was rated "Exceptional Performance" on the majority of performance objectives and success criteria.
    - (B) Performance at this level is rare. A supervisor must use this rating only if the employee performed at a higher level relative to most other employees performing comparable work.
    - (C) A supervisor must not give an overall rating of "Exceptional Performance" to an employee who received a rating of "Does Not Meet Expectations" on any single objective.
  - (2) **Highly Successful Performance.**

- (A) This overall rating category indicates that the employee:
  - (i) achieved all critical results at or beyond established targets;
  - (ii) achieved a high level of quality;
  - (iii) consistently and effectively demonstrated the competencies; and
  - (iv) was rated as having “Highly Successful Performance” on the majority of performance objectives and success criteria.
- (B) A supervisor must not give an overall rating of “Highly Successful” to an employee who received a rating of “Does Not Meet Expectations” on any single objective.

(3) ***Successful Performance.***

- (A) This overall rating category indicates that the employee:
  - (i) met the majority of performance success criteria and objectives;
  - (ii) achieved a majority of results and demonstrated most competencies successfully; and
  - (iii) may occasionally exceed expectations.
- (B) A supervisor must give an overall rating of “Successful Performance” to an employee with good, solid performance. This rating is appropriate for most employees.

(4) ***Below Expectations***

- (A) This overall rating category indicates that the employee has met some job requirements but needs improvement in other job requirements listed in the performance plan.
- (B) The performance of an employee who receives this rating is below the level of “Successful Performance: but above that of “Does Not Meet Expectations.”
- (C) An employee who receives a rating of “Below Expectations” may request that the supervisor provide the employee with a written work improvement plan.

(5) ***Does Not Meet Expectations.***

- (A) This overall rating category indicates that the employee has not met the basic requirements of the job as evidenced by:
  - (i) receiving a rating of “Does Not Meet Expectations” on a majority of the performance objectives and success criteria listed in the performance plan; or
  - (ii) failing to produce one or more key results, demonstrating competencies infrequently or ineffectively, or both
- (B) An employee who receives this rating has failed to perform the assigned duties on an on-going basis in an acceptable and competent manner.
- (C) If the supervisor gives an employee this rating, the supervisor must counsel the employee on what corrective action to take and allow the employee adequate time to improve or correct performance.

(j) ***Performance evaluation procedures.***

- (1) Before conducting a performance evaluation, a supervisor must give an employee a reasonable time to demonstrate performance under a performance plan.
- (2) An immediate supervisor must allow an employee to sign or electronically date stamp and comment on the evaluation.
- (3) The employee's signature or electronic date stamp indicates only that the employee has seen the evaluation and does not indicate that the employee agrees with the evaluation.
- (4) If an employee refuses to sign or electronically date stamp a performance evaluation, the supervisor must make a notation on the evaluation to indicate that the employee refused to sign the evaluation.
- (5) (A) An employee may request that the department director, or other appropriate management official who was not directly involved in the rating, reconsider the evaluation given by the employee’s supervisor.
- (B) The employee must submit the request in writing to the department director or other appropriate management official within 15

calendar days after the employee receives the completed evaluation form signed or electronically date stamped by the reviewing official. The employee must indicate the specific areas of the performance evaluation that the employee does not agree with.

- (C) The decision of the department head or other appropriate management official regarding the reconsideration of an evaluation is final.

**(k) Retention of performance evaluations.**

- (1) Performance evaluations must be kept in an employee's official personnel file for 5 years.
- (2) Performance evaluations and supporting documentation may be kept in a department's operating file for 5 years.
- (3) After an employee is transferred to a new department, the former department should give the new department copies of the employee's performance evaluations for the last 2 years.

**11-8. Use of performance evaluation rating.** A supervisor should consider an employee's performance evaluation rating when making a personnel decision involving the employee on merit system status, selection in a competitive process, compensation, performance awards, reduction-in-force, work assignment, training, termination, demotion, or other adverse actions to resolve performance problems.

**11-9. Performance-based pay.** An employee whose position is on the general salary schedule and who receives an annual overall performance rating of *Exceptional Performance* or *Highly Successful Performance* may receive performance-based pay under Section 10-10 of these Regulations.

**11-10. Appeals of performance ratings.**

- (a) An employee may not grieve or appeal the employee's performance plan.
- (b) An employee may not grieve the employee's performance rating or any other element of the performance evaluation process unless:
  - (1) the employee received the lowest overall performance rating; and
  - (2) the supervisor who rated the employee failed to follow established procedures.
- (c) The CAO may dismiss a grievance if the supervisor's failure to follow the established procedures did not affect the employee's overall performance rating.
- (d) The CAO's decision on a grievance over an employee's performance rating may

not be appealed to the MSPB.

**Editor’s note** – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

<b>Bargaining unit</b>	<b>Articles of current agreements with references to performance planning and evaluation</b>
Firefighter/Rescuer	5, Management Rights
OPT/SLT	2, Management Rights 6, Service Increments 24, Demotion 26, Termination 40, Performance Evaluations  Appendix IX, Performance Planning and Evaluation for Bargaining Unit Members
Police	11, Chronic Incapacity 53, Performance Evaluation 54, Demotion