



PERFORMANCE EVALUATION FOR POLICE EMPLOYEES

FUNCTION CODE: 370

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I. Policy

It is the policy of this department for supervisors to evaluate employees' work performance at least annually. Supervisors are accountable for the performance of their employees. (CALEA 11.4.2, 35.1.2, 35.1.5)

II. Objectives (CALEA 35.1.1)

- A. Provide a continuing record of employee development and work performance. (CALEA 35.1.2)
- B. Provide a basis for informed decisions on career status, promotions, pay increases, work assignments, training, awards, reductions-in-force, and disciplinary actions.
- C. Keep employees informed of what is expected of them and how well they are meeting those expectations. (CALEA 35.1.4)
- D. Encourage improved work performance and total involvement and commitment to established goals.
- E. Provide a basis for meeting employee needs for training and career development.

- F. Improve use of personnel resources through optimum utilization of each employee's capabilities.
- G. Foster an effective working relationship between supervisors and employees.
- H. Ensure that managers and supervisors are evaluated on their administration of the performance evaluation system. Raters are to be evaluated by their supervisors regarding the quality of ratings given employees using the following factors:
 1. Fairness and impartiality.
 2. Their participation in counseling rated employees.
 3. Their ability to carry out the role of the rater in the performance evaluation system.
 4. The rater's ability to apply ratings uniformly to all subordinates.

This written evaluation of the rater will be included in the "Supervisors/Managers Only" section of the performance planning and appraisal form. (CALEA 11.4.2)

III. Raters' Responsibilities

Raters shall be familiar with appropriate sections of the Personnel Regulations for Merit System Employees, Administrative Procedures, departmental directives, and Montgomery County Department of Police Planning Appraisal Program (PPAP) Manual pertaining to performance evaluations. (CALEA 35.1.2)

A. Performance Planning

Supervisors will develop work performance plans including job responsibilities and performance expectations for each employee based upon the appropriate job class specification. It is essential that an employee fully understand the specific duties, responsibilities, and performance expectations of the employee's position. Supervisors should conduct at least one counseling session with the employee during the appraisal period. The purpose of this session is to apprise the employee as to the employee's progress in meeting performance expectations. (CALEA 35.1.7)

B. Supervisory Files

The purpose of supervisory files is to encourage supervisors to maintain an informal record on a continuing basis which will provide substantiation for performance ratings or other performance or conduct related actions. (CALEA 35.1.2)

1. Supervisors will maintain a file for each employee under their supervision which contains notes concerning the employee's job performance or conduct; notes made in performance review or other

counseling sessions; copies of completed work assignments; drafts of work in progress; and informal written communications between the employee and the supervisor concerning performance or conduct issues.

2. Materials in supervisory files are valid for a period of 12 months and may be used only during that time or during a rating period covered to support official personnel actions. These materials become a part of an employee's official or operating record only if they are incorporated in or attached to related personnel actions within 12 months from the date they were originated. Material in a supervisory file which is not used to support a formal personnel action within 12 months of their inception cannot serve as the basis for any further personnel actions and shall be removed from the file.
3. No information shall be placed in any employee personnel file (including the supervisory file) unless the employee receives a copy of the information and is provided an opportunity to submit a rebuttal, if desired, to be included in the file.
4. A supervisory file is reviewable by the subject employee upon request, and is to be safeguarded from review by any other individual.

C. Rating Procedure

Supervisors will conduct an annual written evaluation of the work performance over a 12 month period for each employee under their supervision. The evaluation will only be based upon performance during the designated evaluation period. The evaluation must be completed at least two weeks prior to the employee's increment/anniversary date. The evaluation will be signed by the supervisor (rater) on the appropriate form. The employee being evaluated will be given the opportunity to review, discuss, sign, and comment in writing on the supervisor's evaluation. When an employee has been under the rater's supervision less than six months, the rater will confer with the employee's previous supervisor for input and include appropriate comments received from that supervisor. Specific instructions for rating procedures may be found in the PPAP manual. (CALEA 35.1.4, 35.1.5, 35.1.9, 35.1.10)

D. Unsatisfactory Work Performance

Supervisors shall review each assigned employee's work performance at least four months prior to the end of the evaluation period. If this preliminary review indicates performance deficiencies, the supervisor shall conduct a counseling session with the employee to identify deficiencies and recommend ways in which the employee may improve. The results of the counseling session will be documented and a copy given to the employee. If the employee's performance does not improve, a second counseling session will be held at least 90 days prior to the end of the evaluation period. During this session, the employee shall be advised in writing of the specific unsatisfactory performance and the possibility that if performance improvements are not made, the employee's service increment will be delayed or the evaluation will

be unacceptable. If, after this second counseling session, the employee's performance is still unsatisfactory, the supervisor will document the deficiencies on the employee's evaluation form and initiate procedures regarding delay of service increment. (CALEA 35.1.2, 35.1.6)

E. Service Increment Delay

Supervisors recommending a service increment delay shall submit a properly documented and completed performance evaluation in advance of the affected employee's increment/ anniversary date to allow sufficient lead time for processing. The evaluation form must include the recommended period of time for the delay of increment (e.g., 90 days, 6 months, etc.). The Chief of Police must notify the employee of the decision to delay the service increment prior to the effective date of the personnel action. Normally, documentation is needed by the Police Personnel Division at least three weeks prior to the employee's increment date in order to process the personnel action on a timely basis.

IV. Review Process (CALEA 35.1.2)

A. All performance evaluations will be completed by the assigned suspense date and forwarded to the appropriate bureau chief via the chain of command. Bureau chiefs will review performance evaluations to ensure compliance with the requirements of this directive prior to submission to the Personnel Division for processing.

B. Rater Review

The rater's supervisor shall review the performance evaluation to ensure fairness and impartiality, the rater's participation in counseling and guiding the employee, and that the evaluation itself adequately outlines the job responsibilities and performance expectations regarding the employee. The rater's supervisor will make appropriate comments, if applicable, and sign the evaluation. (CALEA 35.1.8, 35.1.14)

C. Rating Appeals (CALEA 35.1.12)

1. Non-Bargaining Unit Employees and MCGEO Bargaining Unit Employees - the substance of a performance evaluation is not grievable. Employees alleging violations of procedures in the evaluation process may grieve under the County Grievance Procedure, AP 4-4.

2. FOP Bargaining Unit Employees - the substance of a performance evaluation is not grievable except in cases of failure to follow established procedure. Employees alleging violations of procedures in the evaluation process may grieve under Article 8, "Contract Grievance Procedure," of the Collective Bargaining Agreement (CBA). In instances where a service increment is

delayed, the employee must receive prior notification by the Chief of Police, in writing, and be informed of a right to grieve under the CBA.

D. Annual Review

The Police Personnel **Division** shall conduct an annual review of performance evaluations and make a written report to the Chief of Police. This report should identify extreme or contested evaluations with reasons cited as well as other pertinent factors.

- E. Retention and Use of Performance Evaluations The department will maintain performance evaluations and other documentation in accordance with the Personnel Regulations for Merit System Employees and Montgomery County Administrative Procedures. These evaluations can be used to assist management in assessing an employee's suitability for a change in assignment or promotion to a higher rank. (CALEA 35.1.13)

V. **Probationary Employees**
(CALEA 35.1.2)

A. Purpose and Length

Newly appointed non-sworn employees shall serve a minimum probationary period of six months in order to provide them with an opportunity to demonstrate proper attitude and ability for the positions for which they were hired. Police officers shall serve a one year probationary period which begins upon the attainment of sworn status. The Chief of Police may extend the probationary period of an employee up to a maximum of 50% of the original length of time to provide a marginal employee an opportunity to improve, if deemed reasonable and appropriate. (CALEA 32.2.10)

B. Evaluation/Counseling

Supervisors shall observe a probationary employee's work performance and shall counsel a probationary employee whose work performance is marginal or inadequate. All probationary employees, except Police Officer Candidates, shall be given bimonthly performance counseling sessions. The counseling sessions can be done as part of a formal training program. Supervisors should document the counseling session on the appropriate training program form or on the MCP 30, "Supervisor's Documentation Form." The employee will review the counseling documentation, be given the opportunity to comment, and be given a copy of the documentation before it is placed in the supervisor's file in accordance with the FOP contract. The employee must be notified in writing of the actions necessary to achieve an acceptable level of work performance. Additionally, newly appointed police officers will be given weekly evaluations during their field training phase via the Montgomery County Police FTO Daily Observation Report. (CALEA 35.1.3)

C. Extension of Probationary Period

A supervisor who recommends an extension of the probationary period (merit status delay) for an employee must submit a properly documented performance rating form in advance of the affected employee's normal merit status date to allow sufficient time for processing. The rating form should indicate the recommended amount of time for the extension, not to exceed 50% of the original probationary period. The department must notify the employee of its intention to delay merit status prior to the effective date. The Police Personnel Division must receive documentation at least three weeks prior to the employee's merit date in order to process the delay properly.

D. Termination

A probationary employee whose work performance continues to be inadequate after counseling will be subject to termination.

VI. Employee File Review Form

All employee files will contain an MCP 336, "Employee File Review Form." (Refer to Appendix A.) Whenever the file is reviewed, the MCP 336 must be filled out with the reviewer's name and the date of the review. Employee files include:

- 1. Official Personnel Files,***
- 2. Official Medical Files,***
- 3. Department Operating Files,***
- 4. Unit Operating Files,***
- 5. Restricted Duty Unit Files, and***
- 6. Supervisor's Files.***

VII. Proponent Unit: Personnel Division

VIII. Cancellation

This directive cancels Function Code 370, dated 03-24-97, and Headquarters Memorandum 98-24.

Signed by: Carol A. Mehrling, Chief of Police