



OFFICE OF THE COUNTY SHERIFF
Montgomery County, Maryland
Darren M. Popkin, Sheriff



GENERAL ORDERS/PERSONNEL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Performance Planning and Evaluation	2.17	11/12/20

Purpose: It is the policy of the Sheriff's Office to maintain a Performance Planning & Evaluation (PPE) Program which provides an objective and fair process for measuring and recognizing individual employee performance. This program will also identify employee training needs and other performance related trends. Ultimately, this program is intended to assist *all* employees in improving their effectiveness and efficiency in support of the mission of the Sheriff's Office.

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I. Definitions

- A. Annual Performance Review Cycle – A twelve (12) month review period of employment, beginning on the anniversary of the employee's date of hire.
- B. Abbreviated Review Cycle – A complete review cycle encompassing less than twelve (12) months.
- C. Performance Planning Session – The first step in the performance review cycle. During this session, a supervisor discusses with the employee, their expectations regarding the employee's performance during the upcoming review cycle.
- D. Interim Evaluation – An evaluation used during the required review sessions. These are used to monitor probationary employees, employees who are assuming new duties or responsibilities, employees with demonstrated deficiencies in work performance, or during abbreviated review cycles.
- E. Mid-Cycle Progress Discussion – A progress discussion with the employee used as a current assessment of performance.

- F. Performance Evaluation Session – An evaluation of the employee’s work performance during the review cycle. This evaluation is conducted by the employee’s direct supervisor. The employee is rated on individual expectations related to their specific duties as well as general expectations such as punctuality and maintenance of equipment.
- G. Rater - The supervisor responsible for the formulation of the performance plan, conducting mid-cycle progress discussions and completion of performance evaluations.
- H. Reviewing Official - The immediate supervisor of the rater.

II. Performance Management Goals

Performance management is the systematic process by which the Sheriff's Office involves its employees in improving the Office's effectiveness while accomplishing the mission and goals of the Office. Performance management is a supervisory responsibility which includes the following steps:

- A. Develop the performance expectations for each employee at the beginning of their review cycle.
- B. Throughout the employee’s review cycle, provide verbal and written feedback, counseling, training and general guidance to enhance their overall performance.
- C. Conduct at least one (1) mid-cycle progress discussion with the employee.
- D. If deemed necessary, conduct an interim evaluation with the employee.
- E. Develop plans to enhance the employee’s performance as needed.
- F. Annually evaluate the employee based upon the established general, individual, and, if applicable, supervisory performance expectations.

III. Performance Management Process

- A. Performance Planning Session:

The purpose of this session is to set forth an employee's responsibilities and expectations for work accomplishments. The supervisor establishes this plan in consultation with the employee. The plan establishes the performance expectations to be utilized as a basis for evaluating the employee. A performance expectation is a written description of the type of work that the employee is expected to accomplish, qualities and characteristics of various tasks, and expected results.

- (1) The performance plan must be consistent with Sheriff’s Office duties and the employee’s specific class specifications. The performance plan of each supervisor must include an expectation that the supervisor conducts performance planning and evaluations for subordinate employees while complying with anti-discrimination and equal employment opportunity requirements.

- (2) If feedback from other section members, employees supervised, or peers, is used to develop an employee's performance plan, this must be stated in the performance plan at the start of the evaluation cycle.
- (3) Each employee's performance plan must state the performance expectations for the employee during the evaluation cycle. Performance expectations and standards may be stated as a goal, outcome, an expected result, numerical criteria, competency to be demonstrated, tasks to be accomplished or performed, acceptable conduct, or other expectation appropriate to the job classification and position. A performance expectation or standard may be developed for an individual employee, a section, or both.
- (4) Performance expectations must be described in terms that allow a reasonably objective assessment of the desired performance.
- (5) The performance plan must include at least one (1) career development goal along with strategies for accomplishment. This goal should be mutually developed by the supervisor and employee.
- (6) The performance planning session must be initiated by the supervisor in a manner that provides an evaluation session approximately one (1) month prior to the employee's increment/anniversary date.
- (7) The performance plan must be thoroughly discussed with the employee in an informal session. The employee must be given an opportunity to review the supervisor's expectations and contribute to the plan. After the planning session discussion, the supervisor must determine the content of the plan and amend the plan as appropriate.
- (8) Individual expectations must be listed on the PPE form that is applicable to the employee based on their current membership status in the bargaining unit as well as any supervisory responsibilities.
- (9) Performance plans are formally established when the supervisor and the employee sign the PPE form. The employee's signature indicates only that they have reviewed the plan and does not indicate agreement. If an employee refuses to sign a performance plan, the plan must be referred to the reviewing official. The reviewing official must review the plan, then consult with the employee and the supervisor to determine why the employee refused to sign the plan. If the employee refuses to sign following this consultation and any resulting changes in the plan, the supervisor must make a notation on the plan that the employee saw the plan and any reasons given by the employee for their refusal to sign. This notation will be accepted in lieu of the employee's signature.

- (10) Once established, a supervisor may revise a performance plan only after prior notification and consultation with the employee. Employees are entitled to an explanation regarding any changes to the original plan. Employees may also, at any time, request that a supervisor change the plan. Supervisors are not required to accept the employee's proposal, but the supervisor must provide a timely response to the employee's request. Employees must receive a copy of the revised performance plan within ten (10) calendar days after any revisions are established.

B. Mid-cycle Progress Discussion:

Supervisors must conduct a mid-cycle progress discussion with each employee for whom they have an assigned evaluation responsibility. This is a comprehensive progress discussion with the employee covering all elements of the established performance plan. Supervisors should provide positive reinforcement to those employees who have performed in an outstanding or exceptional manner. Likewise, supervisors must encourage employees to correct any unsatisfactory performance. If specific performance issues were brought to the employee's attention or the performance plan was changed, this discussion must be documented.

- (1) Employees must be advised in writing when their performance is deemed to be unsatisfactory. Supervisors should provide this notification at least ninety (90) days prior to the end of the evaluation cycle. Supervisors must document both outstanding and unsatisfactory performance on a continuing basis by utilizing the *Performance Documentation Forms* (MCSO90 and *MCSO110*).
- (2) Each employee must receive at least one (1) mid-cycle progress discussion in each evaluation cycle. The progress discussion should be conducted approximately six (6) months prior to the employee's scheduled evaluation date.
- (3) A space is provided on the PPE form for the signatures of the supervisor and the employee. The employee's signature indicates only that a progress discussion has been conducted and does not indicate they agree with the substance of the discussion. If an employee refuses to sign, the mid-cycle discussion must be referred to the reviewing official. The reviewing official must review the mid-cycle discussion and consult with the employee and the supervisor to determine why the employee refused to sign. If the employee refuses to sign following this consultation and any resulting changes made, the supervisor must make a notation on the mid-cycle discussion notes that the employee participated in the discussion and document any reasons given by the employee for their refusal to sign. This notation will be accepted in lieu of the employee's signature.

C. Interim Evaluations:

- (1) An interim evaluation is an additional evaluation conducted during the performance evaluation cycle. The intent of an interim evaluation is to refocus an employee on their established performance plan and to provide an additional documented opportunity for the supervisor to increase the employee's performance through coaching.
- (2) Interim evaluations are required during:
 - (a) An employee's initial probationary period of employment, or
 - (b) When an employee has been promoted to a rank which requires a period of promotional probation.
- (3) If an interim evaluation is conducted, it is not necessary for the supervisor to conduct a mid-cycle progress discussion. Supervisors should document the interim evaluation in the comments section of the evaluation form.

D. Performance Evaluation:

- (1) A performance evaluation is the supervisor's written assessment of an employee's performance in relation to the expectations in the employee's performance plan as well as an assessment of the employee's overall performance during the evaluation cycle. The performance evaluation is the last step in the performance review cycle. At the conclusion of the performance review cycle, the cycle begins again with the establishment of a new performance plan.
- (2) A supervisor may consider feedback from the employee's section members or peers if this was detailed in the performance plan.
- (3) ***Scheduled and approved*** absences may not be documented on the employee's performance evaluation or otherwise used for the purposes of evaluating an employee's performance.
- (4) Supervisors must document in the "Narrative Comments Section" of the PPE form, the reasons they feel an employee's performance met the assigned rating category. This requirement applies to each individual expectation and the employee's overall rating category.
- (5) The accomplishment of, or progress made towards the attainment of the employee's career development goal must be noted on the PPE form.
- (6) Prior to the end of the evaluation cycle, the rater must prepare the employee's PPE form and submit it to the reviewing official for their approval and signature. The reviewing official must inspect the PPE form for compliance with the program's objectives and ensure that the overall rating is consistent with the established performance plan. If approved, the reviewing official must sign the form.

- (7) After the supervisory review is completed, the rater must conduct the performance evaluation session with the employee.

E. Performance Evaluation Session:

- (1) The rater must thoroughly discuss the employee's performance during the evaluation cycle.
- (2) Following this discussion, if the rater makes any modifications which they have deemed to be warranted, they must consult with the reviewing official before finalizing the evaluation.
- (3) Performance evaluations must include the signatures of the rater and the employee. Additionally, the employee must be given the opportunity to make written comments on the PPE form. The employee's signature indicates only that a performance evaluation session has been conducted and does not indicate they agree with the evaluation. If an employee refuses to sign, the evaluation must be referred to the reviewing official. The reviewing official must review the evaluation and consult with the employee and the supervisor to determine the reasoning for the employee's refusal to sign the evaluation. If the employee refuses to sign following this consultation, the supervisor must make a notation on the PPE form indicating that the employee saw the evaluation and list any reasons given by the employee for their refusal to sign. This notation will be accepted in lieu of the employee's signature.
- (4) The employee must be provided a copy of their PPE form once the evaluation is finalized.
- (5) Each employee, who has attained merit system status, must receive at least one performance evaluation in each twelve (12) month period. The performance evaluation session must be conducted approximately one (1) month prior to the anniversary of the employee's original date of hire.

IV. **Performance Expectation Rating Categories**

This section of the PPE form reflects the supervisor's determination of how well an employee has performed during the evaluation cycle. The individual rating categories must be used to describe each individual expectation, and the employee's overall rating. There are separate rating categories for non-represented employees and bargaining unit members.

A. **Non-represented Employees**

- (1) **Exceptional Performance:** This rating indicates that the employee consistently achieved additional, significant results beyond established targets; achieved a higher level of quality than required; was a role model in the demonstration of competencies; and was rated "Exceptional Performance" on the majority of performance expectations and standards. 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. 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 expectation.

- (2) **Highly Successful Performance:** This overall rating category indicates that the employee achieved all critical results at or beyond established targets; achieved a high level of quality; consistently and effectively demonstrated the competencies; and was rated as having “Highly Successful Performance” on the majority of performance expectations and standards. 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 expectation.
- (3) **Successful Performance:** This overall rating category indicates that the employee met the majority of performance standards and expectations; achieved a majority of results and demonstrated most competencies successfully; and may occasionally exceed expectations. 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:** 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. The performance of an employee who receives this rating is below the level of “Successful Performance” but above that of “Does Not Meet Expectations.” 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:** This overall rating category indicates that the employee has not met the basic requirements of the job as evidenced by: receiving a rating of “Does Not Meet Expectations” on a majority of the performance expectations and standards listed in the performance plan; or failing to produce one or more key results, demonstrating competencies infrequently or ineffectively, or both. An employee who receives this rating has failed to perform the assigned duties on an on-going basis in an acceptable and competent manner. 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.

B. Bargaining Unit Members

- (1) **Outstanding:** This rating applies to performance that consistently exceeds the requirements of the job identified in the performance standards outlined in the performance plan.
- (2) **Above Expectations:** This rating applies to performance that has met, and occasionally exceeds the requirements of the job identified in the performance standards outlined in the performance plan.
- (3) **Met Expectations:** This rating applies to performance that has met the requirements of the job identified in the performance standards outlined in the performance plan.

- (4) Below Expectations: This rating category indicates that the employee has met some job requirements but needs improvement in other job requirements outlined in the performance plan.
- (5) Does Not Meet Expectations: This rating applies to performance that has not met the basic requirements of the job outlined in the performance standards outlined in the performance plan. A rating at this level would be considered unsatisfactory performance.

V. Forms

There are separate rating categories for bargaining unit employees and non-represented employees. The following lists the appropriate form based on the employment status of the employee being rated.

- A. PPE Form 1: Probationary Non-Sworn Employees (Used until the completion of the employee's probationary period).
- B. PPE Form 2: Probationary Deputy Sheriffs (Used until the completion of the deputy's probationary period).
- C. PPE Form 3: Bargaining Unit Members including:
 - (1) Deputy Sheriff I, II, and III,
 - (2) Non - Sworn Employees (not including supervisory employees).
- D. PPE Form 4: Unrepresented Non-Sworn Employees.
- E. PPE Form 5: Bargaining Unit Members (deputies the rank of sergeant only).
- F. PPE Form 6: Unrepresented Supervisory Employees.

VI. Frequency of Evaluations

- A. Probationary non-sworn employees:
 - (1) The employee's supervisor must conduct and document a performance planning session on PPE Form 1 *within the first seven (7) business days of hire*.
 - (2) An interim evaluation must be conducted and documented by the supervisor, after the employee has completed three (3) months of employment.
 - (3) A performance evaluation session must be conducted and documented by the supervisor, after the new employee has completed five (5) months of employment. If appropriate, based on the new employee's performance, a recommendation for merit status should be made and documented by the supervisor at this time.
 - (4) If merit status is granted, the probationary period will end six (6) after the employee's date of hire.

- (a) The employee's supervisor must conduct and document a performance planning session utilizing PPE Form 4 Within thirty (30) days of the conclusion of the probationary period.
- (b) This review cycle will be abbreviated to six (6) months in order to bring the employee's review cycle in line with their original date of hire.
- (c) Approximately five (5) months after the performance planning session, the supervisor must conduct and document a performance evaluation session, rating the employee on their performance during the preceding five (5) month period.
- (d) Within thirty (30) days of the conclusion of this abbreviated performance evaluation cycle, a new performance planning session must be conducted and documented. This planning session will set the employee on their permanent twelve (12) month review cycle.

B. Probationary Sworn Employees:

Upon completion of the Montgomery County Public Safety Training Academy, newly sworn deputies must complete a fourteen (14) week Field Training and Evaluation Program (FTEP). Deputies who have been hired as a lateral employee must also successfully complete FTEP. During the FTEP period, the deputy's performance is evaluated daily.

- (1) Upon successful completion of FTEP, the newly sworn deputy will be assigned to a section. The deputy's supervisor must conduct and document a performance planning session on PPE Form 2 ***within the first seven (7) business days of assignment.***
- (2) The first interim evaluation must be conducted and documented after the newly sworn deputy has completed two (2) months in a section.
- (3) The second interim evaluation must be conducted and documented after the newly sworn deputy has completed five (5) months in a section.
- (4) A performance evaluation session must be conducted and documented after the newly sworn deputy has completed approximately eight (8) months in a section. If appropriate, based on the newly sworn deputy's performance, a recommendation for merit system status should be made and documented by the supervisor at this time.
- (5) If merit system status is granted, the deputy's probationary period will conclude at that time. The time frame for this phase is approximately one (1) year after their academy graduation date and approximately eighteen (18) months from the newly sworn deputy's original date of hire.
 - (a) The employee's supervisor must conduct and document a performance planning session utilizing PPE Form 3 within thirty (30) days of the conclusion of the probationary period, unless an extension is granted by the reviewing official.

- (b) This performance evaluation cycle will be abbreviated to six (6) months in order to bring the newly sworn deputy's review cycle in line with their original date of hire.
- (c) Approximately five (5) months after the performance planning session, the supervisor must conduct and document a performance evaluation session, rating the deputy on their performance during the preceding five (5) month period.
- (d) Within thirty (30) days of the end of the current evaluation cycle, a new performance planning session must be conducted and documented, unless an extension is granted by the reviewing official. This planning session will set the deputy on their permanent twelve (12) month review cycle.

C. Non- Probationary Employees:

- (1) At the beginning of the evaluation cycle, the supervisor must conduct and document a performance planning session with each employee under their direct supervision.
- (2) Approximately six (6) months following the planning session, the supervisor must conduct and document a mid-cycle progress discussion.
- (3) Approximately eleven (11) months from the planning session, the supervisor must conduct and document a performance evaluation session.
- (4) Within thirty (30) days of the conclusion of the performance evaluation cycle, the supervisor must conduct and document a new performance planning session. This new planning session will begin the next year's performance review cycle.

D. Transferred Employees:

- (1) If an employee is transferred, a performance evaluation session must be conducted for the employee if the employee has worked under a performance plan for three (3) or more months. This evaluation session must be conducted no later than two (2) weeks after the employee's date of transfer.
- (2) ***Within seven (7) days of transfer***, the new supervisor must conduct and document a new performance planning session with the employee based on the change in duties and responsibilities.
- (3) If, based on the employee's individualized performance evaluation cycle, more than six (6) months will pass between the performance planning session and the next scheduled performance evaluation session, the supervisor must conduct a mid-cycle progress discussion at the approximate "halfway" point in the current performance evaluation cycle.

- (4) The employee's supervisor must conduct and document a performance evaluation session within one (1) month of the anniversary of the employee's hire date. This will ensure that the employee stays on their individualized performance evaluation cycle.

E. Promoted Employees:

- (1) When an employee is promoted to a rank or position which requires a period of promotional probation, the supervisor must:
 - (a) Conduct a new planning session within seven (7) *business days of promotion* if the employee's job duties or assignment have changed and; conduct an interim evaluation (30) thirty days prior to the conclusion of the promotional probation, making a recommendation for the conclusion or extension of the promotional probation, as appropriate.
 - (b) If the employee's performance plan remains unchanged, the supervisor must conduct an interim evaluation (30) thirty days prior to the conclusion of the promotional probation, making a recommendation for the conclusion or extension of the promotional probation, as appropriate.
 - (c) The employee's next evaluation will be their performance evaluation, which must be conducted within one (1) month of the anniversary of their hire date. This will ensure that the employee stays on their individualized performance evaluation cycle.

F. Supervisor Retires or is transferred

- (1) If a supervisor retires or is transferred out of a section, that supervisor must conduct and document an interim evaluation for each employee under their direct supervision who has worked under a performance plan for six (6) months or longer. This evaluation must be completed prior to the date of retirement or transfer. The purpose of this evaluation is to ensure that the incoming supervisor has the most updated information regarding the current performance of each employee under the direct supervision of the outgoing supervisor, and to maintain each of the employee's individualized performance evaluation cycles.
- (2) The incoming supervisor must review all PPE related documentation from the previous supervisor while conducting their performance evaluations during the remainder of the employee's current performance evaluation cycle.

VII. Contested Evaluations

A. Bargaining unit members

- (1) In accordance with Article 40.5 of the collective bargaining agreement, performance standards and evaluations are non-grievable and non-arbitrable.

- (2) An employee may request that the Sheriff reconsider an evaluation given by the employee's supervisor.
 - (3) The employee must submit the request in writing to the Sheriff within fifteen (15) calendar days after the employee receives the completed evaluation form signed by the supervisor and the reviewer. The employee must indicate the specific areas of the performance evaluation they do not agree with.
 - (4) The Sheriff may personally review the evaluation or direct a supervisor, not directly involved with the performance evaluation, to conduct a review.
 - (5) The decision of the Sheriff or the Sheriff's designee is final.
- B. For non-represented employees;
- (1) An employee may not grieve or appeal their performance plan.
 - (2) An employee may not grieve their performance evaluation unless:
 - (a) The employee received the lowest overall performance rating; and
 - (b) The supervisor who rated the employee failed to follow established procedures.
 - (3) The *Sheriff* may dismiss a grievance if the supervisor's failure to follow established procedures did not affect the employee's overall performance rating.
 - (4) The *Sheriff's* decision may not be appealed to the Merit System Protection Board.

VIII. Uses of Performance Evaluations

- A. Performance evaluations may be considered in decisions regarding attainment of merit system status, merit increases, promotion, demotion, removal or other adverse administrative actions used to resolve performance problems.
- B. Performance Evaluations may be used for career counseling relative to advancement, specialized assignments, or training appropriate for the employee's position, when discussion of such issues is deemed necessary.

IX. Records Maintenance

Completed Performance Evaluations must be maintained and distributed as follows:

- A. The original must be forwarded, via the chain of command, to the Chief Deputy for inclusion in the Sheriff's Office personnel file for a period not to exceed five (5) years.

- B. A copy must be placed in the employee's Performance Planning and Evaluation File and maintained by the section Supervisor for a period not to exceed one (1) year.
- C. A copy must be provided to the employee.
- D. If the employee transfers to another county agency, copies of the employee's performance evaluations for the last two (2) years must be forwarded to the new agency.

X. Supervisory Files

The purpose of supervisory files is to encourage supervisors to maintain records, which will provide substantiation for performance ratings or, other performance or conduct related actions. Supervisors must document any performance issue for employees under their supervision. This documentation is useful in determining the quality of performance for the entire evaluation cycle, as well as providing documentation of specific incidents. This documentation must be maintained as follows:

- A. Supervisors may maintain a separate supervisory file for each employee under their supervision or utilize the employee's performance planning and evaluation file. Documentation contained in the files may include but is not limited to informal notes by the supervisor concerning the employee's job performance or conduct, copies of completed work assignments, written communications between the employee and the supervisor concerning performance or conduct issues and Supervisor's Documentation Forms (MCSO90). Supervisory Files may not include any information regarding an employee's physical or psychological condition.
- B. Supervisors are required to provide employees copies of any documents placed in either file and must permit the employee an opportunity to provide a rebuttal to any document placed in the file. The employee may, upon request, review their supervisory and performance planning and evaluation files. The files must be safeguarded from review by any other individual except on a need-to-know basis.
- C. Documentation of an adverse nature placed in either file is valid for a period of up to twelve (12) months and may be used to support official personnel actions. Documentation of an adverse nature may become a part of an employee's official or operating record only if incorporated in or attached to related personnel actions within twelve (12) months from the date they originated. Documentation of an adverse nature placed in either file, not used to support a formal personnel action, must be destroyed after twelve (12) months from the date they originated.
- D. Supervisors may maintain informal notes regarding the performance or other information concerning employees under their supervision. Informal supervisory notes are not considered official employee records and as such:
 - (1) Are not subject to review by employees or others.
 - (2) Are not subject to a retention period.

- (3) May not be the basis for any adverse action against the employee unless incorporated into a document for which the employee receives notice.

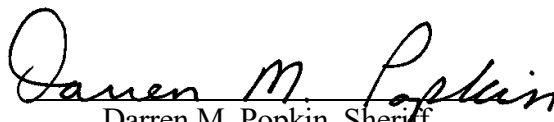
XI. Training

If an employee is promoted or transferred to a position with performance planning and evaluation responsibilities, the employee's section supervisor must conduct a training session with the employee regarding these responsibilities. This training session must include a review of this directive; Training Module 99-01, Performance Planning and Evaluation Program and the applicable sections of the collective bargaining agreement and Montgomery County Personnel Regulations. This training must be documented on a Performance Planning & Evaluation Rater Training Memorandum (MCSO12) and the memorandum must be forwarded to the Accreditation Manager.

XII. Cancellation

This directive cancels and replaces General Orders/Personnel Procedures, 2.17 Effective Date: 11/30/01.

AUTHORITY:


Darren M. Popkin, Sheriff
11/12/2020