

EMPLOYEE PERFORMANCE REVIEW PROGRAM

22.01 PURPOSE

The purpose of this regulation is to establish policies and procedures for evaluating the performance of personnel. The performance evaluation process assists management in determining the effectiveness of individuals, Troops, Stations, Bureaus, Offices, and the Department. Performance evaluations help identify an individual's work-related strengths and weaknesses. They also provide standards personnel can use to gauge their own development and their contribution to the Department. Accordingly, performance evaluation is not just a once-a-year project, but an ongoing process which requires supervisors to communicate expectations, document performance, and provide feedback to subordinates.

22.02 POLICY

- A. Annual Evaluations: Supervisors shall complete an Employee Performance Review (EPR) using Form 363L at least annually for each subordinate under their command. Instructions for completing the form are contained in Appendage A. The EPR shall evaluate a specific period of time and shall be based upon criteria specific to the assignment of the individual during the rating period. Supervisors are exempt from the requirement to complete the first annual EPR for probationary Troopers due to bimonthly Probationary Trooper Evaluations already being conducted during the probationary period. When rating supervisory personnel on Factor 7, SUPERVISION/MANAGEMENT, particular attention shall be paid to the EPRs those supervisory personnel complete for their subordinates, including the accuracy of the ratings as they relate to actual performance and the documentation supporting the ratings.
- B. Probationary Evaluations: Supervisors shall prepare EPRs during a subordinate's probationary period to monitor performance during their transition into a new position. When personnel receive a rating of UNSATISFACTORY on any one factor or an overall rating of NEEDS IMPROVEMENT or UNSATISFACTORY on an EPR during the probationary period, interim EPRs shall be prepared on a monthly basis until overall performance becomes satisfactory.

1. Members assigned to specialized positions on or after January 1, 2005, shall be given quarterly EPRs during their 12-month probationary period. The 12-month probationary period shall begin on the date the member is assigned to the specialized position. Supervisors shall write "Specialized Position" under Class Title at the top of the form. The completed quarterly EPR shall then be forwarded, under separate cover, to the Human Resource Management Division, ATTN: Labor Relations Section.
 2. Evaluations for probationary Troopers and Liquor Enforcement Officer Trainees shall be completed as specified in the applicable regulations and directives.
 3. Entry-level probationary employees shall receive bi-monthly EPRs until successful completion of their probationary period. Entry-level employees are defined as newly hired Commonwealth employees, except those in Non-Civil Service management positions who do not serve a probationary period.
 4. Employees in Non-Civil Service management positions who do not serve a probationary period shall receive an EPR upon the completion of six months in their position.
 5. All other probationary employees shall receive a performance progress review by the end of the first three months, and an EPR at least four weeks before the end of the probationary period.
- C. Interim Evaluations: An interim EPR may be prepared at any time during the rating period. Reasons may include a notable improvement or decline in performance. When a subordinate's performance is perceived as unsatisfactory, supervisors shall provide prompt, written notification through an interim EPR. When possible, notification shall be given at least 90 calendar days prior to the end of the annual rating period. The notification shall document the perceived unsatisfactory performance and include actions the subordinate should take to improve their performance. Interim EPRs shall be prepared for all individuals who receive a rating of UNSATISFACTORY on any one factor on their EPR. Interim EPRs shall also be prepared for individuals who receive an overall rating of NEEDS IMPROVEMENT or UNSATISFACTORY on their EPR. Any time an interim EPR is prepared, all factors shall be rated,

with particular attention given to documentation in the Comments Section(s) of the factor(s) rated as UNSATISFACTORY. Interim EPRs shall continue for these individuals until, at the discretion of the supervisor, their performance becomes satisfactory.

- D. Semiannual Progress Reviews: Supervisors shall conduct a semiannual progress review with personnel for whom they complete an EPR. The progress review provides the supervisor and subordinate an opportunity to reaffirm the standards and expectations the supervisor will use in evaluating the subordinate's performance and to discuss the subordinate's work performance to date. For civilian employees, the date and any noteworthy discussion of the semiannual progress review shall be documented in the supervisory file. A Supervisor's Notation, Form SP 3-352, shall be utilized for members, with a copy retained in the supervisory file (refer to Appendage B). The progress review may be conducted in conjunction with other reviews of performance, as long as the reviews are held approximately halfway through the evaluation period.

22.03 PROCEDURES

- A. Preparation: At the beginning of the evaluation period, the supervisor shall ensure that an accurate and active Position Description exists in the Online Position Description Application for the person being evaluated. Refer to AR 4-38, Position Descriptions, for additional information and instructions.
- B. Expectations or Standards: Supervisors are required to convey to subordinates in writing the expectations or standards upon which they will be evaluated. Expectations or standards should establish the levels of performance required to achieve a rating of SATISFACTORY on the performance evaluation factors. Where possible, the expectations or standards should include the quality, quantity, and time frames of assigned work. At locations with personnel having the same or very similar position responsibilities and different supervisors, expectations or standards should be jointly prepared for personnel by those supervisors, or by the reviewing officer with the input of the supervisors, to ensure consistency and fairness.
- C. Dissemination: The Director, Bureau of Human Resources shall disseminate a list each month indicating those individuals

whose EPRs are due. Supervisors shall access the EPR template on the PSPiNet (refer to Appendage A).

- D. Supervisors: Commanders and Directors shall ensure a supervisor is assigned to evaluate each person under their command. The supervisor who rates a subordinate shall be sufficiently knowledgeable of the subordinate's work performance, and shall have supervised the subordinate for at least 90 calendar days.
1. Promotion, Transfer, or Retirement of Supervisor: Supervisors having advanced notice who are to promote, transfer, or retire shall prepare a draft EPR for all the personnel of their supervision who have not received an EPR within the last 90 calendar days, or whose current evaluation period will not expire within the next 90 calendar days. These drafts shall be submitted to his or her supervisor who shall furnish the drafts to the new supervisor. The draft EPR shall serve as advisory information on the subordinate's performance and shall be incorporated by the new supervisor into the next EPR. Promoted and transferred supervisors shall be responsible for EPRs of former subordinates whose evaluation periods expire fewer than 90 calendar days from the date of their promotion or transfer. The rating interview may be completed by telephone with the ratee, or the reviewing officer may hold the interview with the ratee. In both instances, the supervisor completing the EPR shall incorporate any information provided by the current supervisor into the rating. In the event that the former supervisor is not available because of retirement, etc., the reviewing officer shall complete the EPR as the rater, with his or her supervisor functioning as the reviewing officer. Circumstances which prevent completing the EPR in accordance with this regulation should be reported to the Human Resource Management Division, Bureau of Human Resources. This situation should be acknowledged in the Additional Rater's Comments Section of the EPR.
 2. Training: All supervisors shall be trained in the performance evaluation process. Training shall be accomplished through the Basic Supervision Course offered by the Bureau of Training and Education. Commanders and Bureau/Office Directors, or designees, may also contact the Bureau of Human Resources to

request training for personnel of their command who have not received training through the Basic Supervision Course.

- E. Promotion or Transfer of Subordinates: Personnel transferred/promoted fewer than 90 calendar days before the end of their performance evaluation period shall be rated by the supervisor at their previous location/previous rank. If personnel are transferred/promoted more than 90 calendar days following the completion of their last EPR and more than 90 calendar days before the end of the next evaluation period, the supervisor at their previous location/previous rank shall prepare a draft EPR and forward it, through channels, to the individual's new supervisor. The draft EPR shall serve as advisory information on the individual's performance at the previous assignment and shall be incorporated into the individual's next EPR.
- F. Detached Members: If a member is on detached duty, the Troop, Bureau, or Office where the detached member is assigned shall complete the detached member's EPR.
- G. Deadlines: Supervisors shall complete a subordinate's EPR within 30 days of the end of the evaluation period of the subordinate. Where unusual situations prevent completion of the EPR within that time frame, an additional month may be granted to complete the EPR. However, the EPR should be received in the Bureau of Human Resources no later than two months after the end of the rating cycle.
- H. Rating Interview: After a supervisor completes a subordinate's EPR, the supervisor shall conduct a rating interview. The following steps are to be taken sequentially:
 - 1. The supervisor shall discuss the rating with his or her supervisor, the reviewing officer. Where the supervisor is the Commissioner, there is no reviewing officer and references to the reviewing officer do not apply. Reviewing officers who agree with assigned ratings shall place their signature in the appropriate space. The reviewing officer and supervisor shall attempt to resolve any disagreement in an individual's rating. If the reviewing officer and supervisor cannot agree, the rating will be resolved in a discussion with the reviewing officer's supervisor. Reviewing officers shall not change

an individual's rating. If changes are to be made, a new EPR shall be prepared by the supervisor.

2. The supervisor shall provide the subordinate with a copy of his or her EPR at least two days before the rating interview.
3. The supervisor and the subordinate shall discuss the subordinate's performance strengths and weaknesses in a rating interview. The supervisor shall also conduct career counseling relative to such topics as advancement, specialization, and training appropriate for the subordinate's position. Specific courses need not be identified.
4. If the supervisor and subordinate mutually agree upon a change in an EPR rating, the supervisor shall complete a new EPR, checking the appropriate boxes, including the documentation, signatures, etc., or the supervisor shall draw a horizontal line through the item to be changed and insert the new rating. The supervisor and subordinate shall then initial any changes on the EPR, and the supervisor shall apprise the reviewing officer of the changes.
5. The supervisor and subordinate shall review and discuss the Position Description, and expectations, standards, or goals required for the subordinate to achieve SATISFACTORY ratings during the current and the next evaluation period. This discussion shall include, but not be limited to:
 - a. Tasks of the position.
 - b. Level of performance expected.
 - c. Evaluation rating criteria, e.g., how the supervisor will be evaluating actual performance in relation to the standards and expectations in each rating category.
6. At the conclusion of the rating interview, the individual rated shall check the appropriate boxes, be given the opportunity to make written comments as desired, and sign and date the form in the appropriate spaces. If the individual rated refuses to sign the form, the supervisor

shall print in the space for employee signature "Individual refuses to sign." Supervisors shall remind individuals who refuse to sign the form that their signature is for the purpose of acknowledging the fact that they reviewed the form with their supervisor. Their signature does not constitute approval of the rating.

- I. Appeal Process: Personnel may request a review of the EPR rating with a reviewing officer by checking the appropriate box on the form. The reviewing officer shall be the supervisor of the person who rated the subordinate. Reviewing officers shall schedule a meeting with the ratee as soon as practicable. Upon request, union-covered employees have the right to union representation when discussing their EPR with the reviewing officer. After reviewing the EPR rating with the requester, the reviewing officer shall meet with the rater. If it is determined that a change on the EPR should be made, the supervisor shall complete a new EPR form which reflects the changes; or they may draw a horizontal line through the item(s) to be changed and insert the new rating. *Do not make erasures.* The changes shall be initialed by the reviewing officer, the rater, and the ratee. If it is determined that no changes will be made, the reviewing officer shall notify the ratee of this determination. Personnel may dispute a rating either through a written rebuttal of the rating under Employee's Comments on the EPR, or by attaching a written statement to the EPR. The written statement should be objective and respond only to that information contained in the EPR. If applicable, the written rebuttal shall be included in the individual's official personnel folder.
- J. Second Appeal Process: There is no second appeal process available to anyone for whom the second appeal would be made to a position higher than Bureau Director, Office Director, or Area Commander. Other personnel may appeal an EPR rating after a review of the EPR with the reviewing officer. The appeal must be made in writing and shall specifically list all information that refutes the disputed rating factor(s). The appeal shall be directed to the Area or Troop Commander or Bureau/Office Director, as the appeal officer. Appeal officers shall determine if the EPR rating, interview, and review were conducted in conformance with this regulation. A finding by an appeal officer that the regulation was not adhered to shall result in an order requiring the rating to be redone. The decision of the appeal officer shall be final in this case. The appeal officer may also review appeals on the ratings and discuss these with

the reviewing officer and rater to determine if a change is appropriate. However, the decision of the rater on rating levels is final.

22.04 DOCUMENTATION

Supervisors shall maintain a supervisory file for each subordinate. Supervisory files enable the supervisor to provide positive and negative feedback to the subordinate regarding their performance. Supervisory files shall contain supervisory notes documenting counseling sessions, commendations, disciplinary actions, performance or conduct relative to specific work assignments, correspondence from the Department or the public regarding the subordinate's performance or conduct, and the most recent EPR. Supervisory notes shall be confidential and maintained by the evaluating supervisor in a supervisory file. The notes shall not be kept in the Troop/Bureau/Office personnel file. Supervisors shall report positive or negative work performance of personnel they do not directly supervise to the proper supervisor for consideration in creating a supervisory note. The supervisory file shall not contain confidential information, such as medical information, information which is irrelevant to performance or is illegal, or information which is discriminatory. Supervisors are the exclusive custodians of their supervisory files and shall maintain them in a secure location. Access to information from the supervisory file shall be at the discretion of the supervisor; however, subordinates shall be provided with documentation pertinent to their performance. Documentation pertinent to supervisory action, including, but not limited to, counseling, recommendation for commendation, and performance evaluations, shall be provided to the reviewing officer upon request.

22.05 DISTRIBUTION AND RETENTION

- A. One copy of the EPR shall be furnished to the ratee at least two days prior to the rating interview. The ratee should review this copy and bring it to discuss at the rating interview. The ratee retains this copy at the end of the rating interview. The original form shall be forwarded, through channels, to the Bureau of Human Resources and filed in the ratee's official personnel folder. One copy shall be retained in the Troop/Bureau/Office personnel file. One copy shall be retained by the supervisor and filed in the ratee's supervisory file. EPRs shall be kept in the official personnel folder and the Troop/Bureau/Office personnel file for three years.

- B. Supervisory file information shall be retained for one year after the EPR is completed, or as long as necessary to address particular problems, e.g., ongoing disciplinary situations or performance problems. It shall then be purged and the information destroyed or given to the subordinate.