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GENERAL CIRCULAR NUMBER 2024-037

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TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Proposed Changes to Chapter 10 of the Civil Service Rules

The State Civil Service Commission will consider proposed changes to Chapter 10 of the State Civil Service Rules at its regularly scheduled business meeting on Wednesday, September 4, 2024. The meeting will be held in the Louisiana Purchase Room of the Claiborne Building, 1201 North Third Street, Baton Rouge Louisiana, at 9 a.m. Individuals who wish to comment should provide feedback prior to the meeting in writing to the Director of the Department of State Civil Service at Post Office Box 94111, Baton Rouge, Louisiana, 70804-9111. Comments may also be directed to the attention of the civilservicecommission@la.gov.

Please see the attachment for details of the changes to Chapter 10. Note that for your convenience, both a marked-up copy and a clean copy of the proposed Chapter 10 are attached.

For more information on Continuous Performance Management, please visit our [Resource Page](#).

Sincerely,

s/Byron P. Decoteau, Jr.
SCS Director



STATECIVILSERVICE

Proposed Changes to State Civil Service Rules

Chapter 10

The State Civil Service Commission will consider the following changes to Chapter 10 of the Civil Service Rules at its regularly scheduled business meeting on Wednesday, September 4, 2024. Please refer to [General Circular No. 2024-037](#) for more information.

Proposed Effective Date: January 1, 2025

Reason for the Changes:

The changes to Chapter 10 reflect the implementation of Continuous Performance Management (CPM) as the proposed method to evaluate classified state employees. CPM is a tool used to measure performance and to continually develop individuals into high-performing employees. CPM does not apply to those employees serving in a classified When Actually Employed (WAE) appointment.

The proposed performance evaluation year shall be January 1 through December 31 of each year.

1 Chapter 10: Performance Evaluation System Continuous Performance Management

2
3 ~~10.1 Performance Evaluation System; Required Components~~

4 ~~(a) The Performance Evaluation System is a tool used to measure individual performance and to~~
5 ~~develop employees into high performing individuals. This Performance Evaluation System is~~
6 ~~effective July 1, 2012, and applies to all classified employees except for those serving as~~
7 ~~classified When Actually Employed (WAE) employees. The performance evaluation year shall be~~
8 ~~July 1st through June 30th of each year. The Performance Evaluation System shall consist of at~~
9 ~~least the following components:~~

- 10 ~~1. A performance plan that lists the performance factors on which the employee's~~
11 ~~overall performance will be evaluated,~~
12 ~~2. A planning session at which the evaluating supervisor and the employee discuss the~~
13 ~~performance plan,~~
14 ~~3. A standard planning and evaluation form approved by the Director,~~
15 ~~4. A three level evaluation system, and~~
16 ~~5. A planning and evaluation instruction manual that is accessible to all employees.~~

17
18 ~~(b) An appointing authority may make variations to the performance planning and evaluation~~
19 ~~form or instructions with prior written approval from the Director.~~

20
21 **10.1 Continuous Performance Management**

22 **Continuous Performance Management is a tool used to measure performance and to**
23 **continually develop individuals into high-performing employees. Continuous Performance**
24 **Management is effective January 1, 2025, and applies to all classified employees except those**
25 **serving in a classified When Actually Employed (WAE) appointment. The performance**
26 **evaluation year shall be January 1 through December 31 of each year.**

27
28 ~~10.2 Evaluating Supervisor~~

29 ~~(a) The Appointing Authority shall designate an Evaluating Supervisor for each employee.~~
30 ~~Generally, the Evaluating Supervisor should be the person who, in the Appointing Authority's~~
31 ~~judgment, is in the best position to observe and document the employee's performance. Failure~~
32 ~~to designate an Evaluating Supervisor shall be a violation of these rules.~~

33
34 ~~(b) The Evaluating Supervisor shall be responsible for administering the performance evaluation~~
35 ~~system for his designated employees in accordance with these Rules and any applicable agency~~
36 ~~policies.~~

37
38 **10.2 Continuous Performance Management Required Components**

39 **(a) Continuous Performance Management shall consist of a minimum of the following**
40 **components:**

- 41 **1. A performance planning form approved by the Director which is comprised of a**
42 **minimum of three performance-based goals;**

- 43 2. A performance planning session during which the Evaluating Supervisor and the
- 44 employee discuss the employee's performance planning form;
- 45 3. A performance evaluation form approved by the Director;
- 46 4. A performance evaluation session during which the Evaluating Supervisor and the
- 47 employee discuss the employee's performance evaluation form;
- 48 5. An overall performance evaluation resulting in one of five possible ratings;
- 49 6. Performance planning and evaluation trainings that are accessible to all employees.

50
51 **(b) An Appointing Authority may make variations to the performance planning form and/or**

52 **the performance evaluation form with prior written approval from the Director.**

53
54 **10.3 Second Level Evaluator**

55 ~~(a) The Appointing Authority shall designate a Second Level Evaluator for each employee.~~

56 ~~Generally, the Second Level Evaluator is the Evaluating Supervisor's supervisor. The Second~~

57 ~~Level Evaluator must approve the performance plan and the performance evaluation prepared~~

58 ~~by the Evaluating Supervisor before they are given to the employee for signature.~~

59
60 ~~(b) The Second Level Evaluator shall be responsible for administering the performance~~

61 ~~evaluation system in accordance with these Rules and any applicable agency policies.~~

62
63 **10.3 Evaluating Supervisor**

64 **(a) The Evaluating Supervisor shall be a person who is in the position to observe and**

65 **document the employee's performance.**

66
67 **(b) The Evaluating Supervisor shall be responsible for the administration of Continuous**

68 **Performance Management for designated employees in accordance with these rules and any**

69 **applicable agency policies.**

70
71 **10.4 Performance Evaluations**

72 ~~(a) Each employee shall be evaluated on his overall performance based on work tasks and~~

73 ~~behavior standards determined by the evaluating supervisor to be requirements of the~~

74 ~~employee's job.~~

75
76 ~~(b) Additionally, each supervisory employee shall be evaluated on his administration of the~~

77 ~~performance evaluation system as required by these rules.~~

78
79 **10.4 Second Level Evaluator**

80 **(a) The Second Level Evaluator shall be a person who is in the position to approve the**

81 **performance planning form and the performance evaluation form prepared by the Evaluating**

82 **Supervisor.**

84 **(b) The Second Level Evaluator shall be responsible for the administration of Continuous**
85 **Performance Management for designated employees in accordance with these rules and**
86 **applicable agency policies.**

87
88 **(c) If the Second Level Evaluator position is vacant, the Evaluating Supervisor may be required**
89 **to perform both roles.**

90
91 **10.5 Performance Plan and Performance Planning Session**

92 ~~(a) The Evaluating Supervisor shall prepare a performance plan at the beginning of each~~
93 ~~evaluation period. The performance plan shall list work tasks and behavior standards on which~~
94 ~~the employee's overall performance will be evaluated. These shall be recorded on the planning~~
95 ~~and evaluation form.~~

96
97 ~~(b) The Evaluating Supervisor shall obtain the Second Level Evaluator's signature approval of~~
98 ~~the performance planning and evaluation form prior to presenting it to the employee for final~~
99 ~~signature.~~

100
101 ~~(c) After obtaining the Second Level Evaluator's signature approval of the performance plan, the~~
102 ~~Evaluating Supervisor will conduct a performance planning session with the employee.~~

103
104 ~~(d) During the planning session, the Evaluating Supervisor shall present the performance~~
105 ~~planning and evaluation form to the employee and discuss the performance work tasks and~~
106 ~~behavior standards on which he will be evaluated and the performance that will be expected of~~
107 ~~him during the coming evaluation period.~~

108
109 ~~(e) The Evaluating Supervisor and the employee shall sign and date the performance planning~~
110 ~~and evaluation form to document the planning session. The employee shall be given a copy of~~
111 ~~the form. Should the employee decline to sign the performance planning and evaluation form,~~
112 ~~the Evaluating Supervisor shall note this on the form and record the date that the planning~~
113 ~~session occurred. An employee cannot prevent the planning session from becoming official by~~
114 ~~refusing to sign the form.~~

115
116 ~~(f) Planning sessions shall be conducted during the first three (3) calendar months following:~~
117 ~~1. the appointment of a new employee;~~
118 ~~2. the permanent movement of an employee into a position having a different position~~
119 ~~number with significantly different duties;~~
120 ~~3. the beginning of the new performance evaluation year (no later than 9/30).~~

121
122 ~~(g) A performance planning session may be conducted when:~~

- 123 ~~1. the employee gets a new Evaluating Supervisor,~~
124 ~~2. performance expectations change, or~~
125 ~~3. the Evaluating Supervisor deems a performance planning session is appropriate.~~

126
127 **10.5 Performance Evaluations**

128 **(a) Each employee shall be evaluated on the individual’s overall performance based on goals**
129 **as determined by the Evaluating Supervisor.**

130
131 **(b) The performance-based goals on the performance evaluation form shall match the goals**
132 **on the performance planning form.**

133
134 **10.6 Overall Performance Evaluation**

135 ~~(a) At the end of the performance evaluation period, the Evaluating Supervisor shall assign one~~
136 ~~of the three values listed below to the employee’s overall performance based upon the work~~
137 ~~tasks and behavior standards established in the performance plan.~~

138 ~~—Exceptional: Work and behavior consistently exceeded the performance criteria.~~

139 ~~—Successful: Work and behavior met the performance criteria.~~

140 ~~—Needs Improvement/Unsuccessful: Work and/or behavior did not meet the performance~~
141 ~~criteria.~~

142
143 ~~(b) An Evaluating Supervisor may elect to assign an employee who worked less than three~~
144 ~~calendar months within the performance evaluation year a default overall evaluation of “Not~~
145 ~~Evaluated.” An overall evaluation of “Not Evaluated” shall have the same effect as an~~
146 ~~evaluation of “Successful.” “Not Evaluated” evaluations may be given only when:~~

147 ~~1. the employee is active as of June 30th, the end of the performance year, and~~

148 ~~2. the employee has worked less than three (3) months at the evaluating agency within the~~
149 ~~performance year, and~~

150 ~~3. the appointing authority determines that not enough time has elapsed to create an~~
151 ~~evaluation for the employee.~~

152
153 ~~(c) When an evaluation is in violation of these rules, the employee shall receive an overall~~
154 ~~evaluation of “Unrated.” “Unrated” evaluations shall have the same effect as an evaluation of~~
155 ~~“Successful.”~~

156
157 **10.6 Performance Planning Form and Performance Planning Session**

158 **(a) The Evaluating Supervisor shall prepare a performance planning form at the beginning of**
159 **each performance evaluation year. The performance planning form shall include a list of**
160 **performance-based goals on which the employee’s overall performance will be evaluated.**
161 **The performance planning form shall include a minimum of three goals.**

162
163 **(b) Prior to conducting a performance planning session with the employee, the Evaluating**
164 **Supervisor shall obtain approval from the Second Level Evaluator on the performance**
165 **planning form.**

166
167 **(c) During the performance planning session, the Evaluating Supervisor shall present and**
168 **discuss the performance planning form with the employee.**

169

170 **(d) The Evaluating Supervisor shall sign and document the date of the performance planning**
171 **session. The employee shall be given documentation of and an opportunity to acknowledge**
172 **receipt of the performance planning form.**

173
174 **(e) An employee cannot prevent the performance planning form from becoming official by**
175 **refusing to acknowledge receipt of the form.**

176
177 **(f) A performance planning session shall be conducted during the first two calendar months**
178 **following:**

- 179 **1. The appointment of a new employee;**
180 **2. The permanent movement of an employee into a position having a different**
181 **position number with significantly different duties;**
182 **3. The beginning of the new performance evaluation year (no later than March 1).**

183
184 **(g) A performance planning session may be conducted when:**
185 **1. The Evaluating Supervisor of an employee changes;**
186 **2. The Evaluating Supervisor deems a new performance planning session is appropriate.**

187
188 **(h) When an employee is not available, the provisions of this rule shall be satisfied when**
189 **notification to the employee is made by mail or email. When the employee is notified by**
190 **mail or email, the notification shall be deemed timely if it was mailed to the employee's**
191 **most recent address as evidenced by official proof of mailing or emailed to the employee's**
192 **customarily used email address as evidenced by copy of the dated email.**

193
194 ~~10.7 Official Performance Evaluations and Evaluation Sessions~~
195 ~~(a) Official performance evaluations are required for all classified employees except those~~
196 ~~serving as classified WAE employees. The Evaluating Supervisor shall base the official evaluation~~
197 ~~of the employee's performance on the work tasks and behavior standards as stated on the~~
198 ~~performance planning and evaluation form.~~

199
200 ~~(b) Official evaluations shall be made after the performance year has ended and must be~~
201 ~~rendered no later than August 31st. All official overall evaluations will be recorded with an~~
202 ~~effective date of July 1st.~~

203
204 ~~(c) Evaluations become official on the date they are rendered. No evaluations shall be rendered~~
205 ~~after August 31st. To render an official evaluation, the Evaluating Supervisor shall:~~

- 206 ~~1. complete a performance evaluation form after June 30th of the evaluation year,~~
207 ~~2. provide documentation to support an evaluation of "Needs Improvement/Unsuccessful"~~
208 ~~or "Exceptional,"~~
209 ~~3. obtain the Second Level Evaluator's signed approval of the evaluation form prior to~~
210 ~~discussion with the employee,~~
211 ~~4. discuss the evaluation with the employee, after which the Evaluating Supervisor and the~~
212 ~~employee shall sign and date the evaluation form to document the evaluation session,~~

213 5. ~~give the employee a copy of the evaluation form with his official overall evaluation~~
214 ~~noted.~~

215
216 ~~(d) When an employee is not available, the provisions of this rule shall be satisfied when~~
217 ~~notification to the employee is made by mail. If the employee is notified by mail, the~~
218 ~~notification shall be deemed timely if it was mailed to the employee's most recent address on~~
219 ~~or before August 31st, as evidenced by official proof of mailing. The agency must maintain~~
220 ~~documentation that the employee was notified on or before August 31st.~~

221
222 ~~(e) Should the employee decline to sign the performance evaluation form, the Evaluating~~
223 ~~Supervisor shall note this on the form and record the date that the evaluation session occurred.~~
224 ~~An employee cannot prevent the evaluation from becoming official by refusing to sign the form.~~

225
226 ~~(f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form~~
227 ~~by the Evaluating Supervisor, Second Level Evaluator, or Human Resources officer. An employee~~
228 ~~shall be notified when he has been assigned an official overall evaluation of "Unrated."~~

229

230 **10.7 Performance Evaluation Ratings**

231 **(a) Following the performance evaluation year, the Evaluating Supervisor shall assign one of**
232 **the five ratings listed below based on the employee's overall performance, including**
233 **professionalism and adherence to the agency's mission.**

234

235 **Exceptional: Overall level of performance and quality and/or quantity of work consistently**
236 **exceed the requirements of the position.**

237

238 **Exceeds Expectations: Overall level of performance and quality and/or quantity of work**
239 **exceed the requirements of the position on more than just an occasional basis.**

240

241 **Successful: Overall level of performance and quality and/or quantity of work meet the**
242 **requirements of the position.**

243

244 **Needs Improvement: Overall level of performance and quality and/or quantity of work fail to**
245 **meet the requirements of the position on more than just an occasional basis. Further**
246 **development and/or improvement are necessary to be successful in this position.**

247

248 **Unsuccessful: Overall level of performance and quality and/or quantity of work consistently**
249 **fail to meet the requirements of the position. Employment is at risk and significant**
250 **improvement is necessary for retention.**

251

252 **(b) An employee who is appointed on or after October 1 of the performance evaluation year**
253 **shall be assigned a "Not Evaluated" rating.**

254

255 (c) When an employee transfers between January 1 and March 1, the gaining agency shall be
256 responsible for assigning a rating of “Not Evaluated” to an employee who has not been rated
257 by the losing agency as of the effective date of the transfer.

258

259 (d) A “Not Evaluated” rating shall have the same effect as a “Successful” rating.

260

261 (e) When an evaluation is in violation of these rules, the employee shall be assigned an
262 “Unrated” rating. “Unrated” ratings shall have the same effect as a “Successful” rating.

263

264 ~~10.8 Effects of the Needs Improvement/Unsuccessful Evaluation~~

265 ~~(a) An evaluation of “Needs Improvement/Unsuccessful” is not a disciplinary action.~~

266

267 ~~(b) Any employee whose official overall evaluation is “Needs Improvement/Unsuccessful” shall~~
268 ~~not be:~~

269 ~~1. granted a market adjustment, a promotion or permanent status, or~~

270 ~~2. detailed to a higher level position unless approved in advance by the Director of Civil~~

271 ~~Service.~~

272

273 ~~(c) An employee whose official overall evaluation is “Needs Improvement/Unsuccessful” may~~
274 ~~be separated or disciplined in accordance with the rules applicable to the employee’s status.~~

275

276 ~~(d) Permanent employees shall have a right to request a review in accordance with the~~
277 ~~provisions of rules 10.11 and 10.12.~~

278

279 10.8 Performance Evaluations and Performance Evaluation Sessions

280 (a) Performance evaluations shall be required for all classified employees except those
281 -serving in a classified WAE appointment.

282

283 The Evaluating Supervisor shall base the evaluation of the employee’s performance on the
284 goals as stated on the performance planning form.

285

286 (b) Performance evaluations shall be conducted after the performance year has ended and
287 rendered no later than March 1. All performance ratings shall be recorded with an effective
288 date of January 1.

289

290 (c) To render a performance evaluation, the Evaluating Supervisor shall:

291 1. Complete a performance evaluation form between January 1 and March 1, inclusive of
292 comments to sufficiently support the performance evaluation rating on the
293 performance evaluation form;

294 2. Maintain and provide sufficient documentation to support a performance evaluation
295 rating of “Unsuccessful”;

296 3. Obtain the Second Level Evaluator’s approval and/or signature on the performance
297 evaluation form prior to discussion with the employee;

- 298 4. The Evaluating Supervisor shall discuss the evaluation with the employee. Following
299 the discussion, the Evaluating Supervisor and the employee shall acknowledge the
300 performance evaluation form to document the performance evaluation session;
301 5. Provide the employee with a copy of the completed performance evaluation form and
302 any supporting documentation.

303
304 (d) When an employee is not available, the provisions of this rule shall be satisfied when
305 notification to the employee is made by mail or email. If the employee is notified by mail or
306 email, the notification shall be deemed timely if it was mailed to the employee's most recent
307 address or emailed to the employee's customarily used email address on or before March 1,
308 as evidenced by official proof of mailing or copy of dated email sent. The agency shall
309 maintain documentation that the employee was notified on or before March 1.

310
311 (e) An employee cannot prevent the performance evaluation form from becoming official by
312 refusing to attend the performance evaluation session and/or refusing to acknowledge the
313 performance evaluation form. Should the employee decline to attend the performance
314 evaluation session and/or acknowledge the performance evaluation form, the Evaluating
315 Supervisor shall document the refusal on the performance evaluation form.

316
317 (f) When a violation of Chapter 10 occurs, Human Resources shall use the rating replacement
318 form to assign a performance rating of "Unrated." The employee shall be notified when a
319 performance evaluation rating of "Unrated" has been assigned.

320
321 ~~10.9 Effect of the Absence of an Official Evaluation~~

322 ~~An employee who is not evaluated in accordance with the provisions of these rules shall have~~
323 ~~an official overall evaluation of "Unrated" on the evaluation effective date of July 1st.~~

324
325 ~~Permanent employees shall have a right to request a review in accordance with the provisions~~
326 ~~of rule 10.11.~~

327
328 10.9 Effects of a Performance Evaluation Rating of Needs Improvement

329 (a) A performance evaluation rating of "Needs Improvement" is not discipline.

330
331 (b) In addition to any other limitations set forth in these rules, an employee who receives a
332 performance evaluation rating of "Needs Improvement" shall not be eligible for:

- 333 1. Promotion;
334 2. Detail to special duty to a higher-level position;
335 3. Attainment of permanent status;
336 4. Reallocation;
337 5. Placement on a DPRL.
338

339 **(c) An employee who received a performance evaluation rating of “Needs Improvement” in**
340 **the previous performance evaluation year shall not receive a consecutive rating of “Needs**
341 **Improvement.”**
342

343 ~~10.10 Record Keeping and Reporting Requirements~~

344 ~~(a) Each completed performance evaluation form shall be kept in the agency Human Resource~~
345 ~~office or other designated, secure location not accessible to the public, and shall not be~~
346 ~~considered a public record. Completed forms must be available upon request to the~~
347 ~~Department of Civil Service for auditing purposes, to other agencies of the State of Louisiana for~~
348 ~~purposes of checking employment references and to the employee.~~

349
350 ~~(b) Each Appointing Authority shall annually report to the Director of Civil Service, in such~~
351 ~~manner as the Director prescribes, information about evaluations given during the previous~~
352 ~~year ending June 30th. The Director of Civil Service may require more frequent reporting as~~
353 ~~needed.~~

354
355 **10.10 Effects of a Performance Evaluation Rating of Unsuccessful**

356 **(a) A performance evaluation rating of “Unsuccessful” is not discipline.**

357
358 **(b) A permanent employee who receives a performance evaluation rating of “Unsuccessful”**
359 **may seek review of that rating in accordance with Rule 10.13. A rating is not considered**
360 **confirmed until the review process has been completed or the time to request a review has**
361 **expired.**

362
363 **(c) An employee who receives a performance evaluation rating of “Unsuccessful” shall be**
364 **provided with written notice that their employment is at risk and shall be recommended for**
365 **non-disciplinary removal if they receive a consecutive rating of “Unsuccessful.” For purposes**
366 **of this rule, written notice may be included on the performance evaluation form.**

367
368 **(d) The non-disciplinary removal of an employee who receives consecutive, confirmed**
369 **performance evaluation ratings of “Unsuccessful” shall be proposed in accordance with Rule**
370 **12.6(a)6.**

371
372 **(e) In addition to any other limitations set forth in these rules, an employee who receives a**
373 **performance evaluation rating of “Unsuccessful” shall not be eligible for:**

- 374 **1. Market adjustment;**
375 **2. Promotion;**
376 **3. Detail to special duty to a higher-level position;**
377 **4. Attainment of permanent status;**
378 **5. Reallocation;**
379 **6. Placement on a DPRL.**

380
381 **(f) For purposes of paragraph (b) of this rule, the following shall not be considered:**

- 382 1. Any performance evaluation rating for a period prior to January 1, 2025;
383 2. A transitional period evaluation rating;
384 3. Any performance evaluation rating after January 1, 2025 for which a permanent
385 employee, by rule, may not seek a review under Rule 10.13 (i.e. emergency rules for
386 performance evaluation ratings adopted responsive to disasters, emergencies, etc.).

387
388 10.11 Agency Review

389 ~~(a) A permanent employee who receives an overall performance evaluation of "Needs~~
390 ~~Improvement/Unsuccessful" may request an official review of that evaluation by an Agency~~
391 ~~Reviewer(s).~~

392
393 ~~(b) The appointing authority shall designate the Agency Reviewer or an Agency Review Panel.~~
394 ~~The Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who~~
395 ~~signed the evaluation being reviewed.~~

396
397 ~~(c) The official overall evaluation may only be changed by the Agency Reviewer(s).~~

398
399 ~~(d) A request for review must be submitted in writing and be postmarked or received in the~~
400 ~~employing agency's Human Resources office no later than September 15th following the~~
401 ~~evaluation year. In the request for review, the employee must explain and provide supporting~~
402 ~~documentation for the request for review.~~

403
404 ~~(e) If the request for review is timely, the Agency Reviewer(s) must review the employee's~~
405 ~~request, the evaluation given and any supporting documentation provided. The contested~~
406 ~~evaluation must be discussed with the employee and the Evaluating Supervisor.~~

407
408 ~~(f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human~~
409 ~~Resources office written notice of the results of their review. This notification shall be provided~~
410 ~~no later than October 15th. Any change in evaluation shall be retroactive to July 1st.~~

411
412 ~~(g) The performance evaluation form, the employee's request for review, the Agency~~
413 ~~Reviewer(s)' decision, and the supporting documentation attached to the performance~~
414 ~~evaluation, as well as any documents requested from the employee or supervisor during the~~
415 ~~review, shall be maintained in the employee's official personnel file or other secured~~
416 ~~performance file maintained in Human Resources.~~

417
418 10.11 Effect of the Absence of a Performance Evaluation

419 In the absence of a performance evaluation, the employee shall be assigned a performance
420 evaluation rating of "Unrated" with an effective date of January 1.

421
422 10.12 Request for Review by the Director of Civil Service

423 ~~(a) A permanent employee who receives an overall evaluation of "Needs~~
424 ~~Improvement/Unsuccessful" following an Agency Review may request to have his performance~~
425 ~~file reviewed by the Director or the Director's designee.~~

426
427 ~~(b) A request for review under this rule must be postmarked or received by the Director no~~
428 ~~later than 10 calendar days following the date the employee received the Agency Review~~
429 ~~decision. In the request, the employee must explain why he is contesting the decision of the~~
430 ~~Agency Reviewer(s).~~

431
432 ~~(c) If the request for review is timely, the Director or his designee shall obtain and review the~~
433 ~~employee's performance file. The Director may either affirm the overall evaluation or change~~
434 ~~the overall evaluation to "Unrated". The Director's decision shall be final.~~

435
436 ~~(d) The Director shall provide a written decision to the employee, the Evaluating Supervisor,~~
437 ~~and the Human Resources Officer no later than thirty (30) calendar days following the date the~~
438 ~~request for review was received.~~

439

440 **10.12 Record Keeping and Reporting Requirements**

441 **(a) Each completed performance planning form and performance evaluation form shall be**
442 **kept in the agency Human Resources office or other designated, secure location not**
443 **accessible to the public, and shall not be considered a public record. Completed forms shall**
444 **be available upon request to State Civil Service for auditing purposes and to the employee.**

445

446 **(b) Each Appointing Authority shall annually report to the Director, in such manner as the**
447 **Director prescribes, information about performance evaluation ratings given during the**
448 **previous year ending December 31. The Director may require more frequent reporting as**
449 **needed.**

450

451 **10.13 Exceptions**

452 ~~The Director may approve exceptions to these Rules.~~

453

454 **10.13 Agency Review**

455 **(a) A permanent employee who receives a performance evaluation rating of " Unsuccessful"**
456 **may request a review by an Agency Review Panel.**

457

458 **(b) The request for review and any supporting documentation shall be postmarked or**
459 **received in the employing agency's Human Resources office no later than March 16 following**
460 **the performance evaluation year.**

461

462 **(c) If the request for review is timely, the Appointing Authority shall designate an Agency**
463 **Review Panel consisting of at least three members who shall not be the employee's**
464 **Evaluating Supervisor or Second Level Evaluator.**

465

466 (d) The Agency Review Panel shall review the employee’s request, the performance planning
467 form, the performance evaluation form and any supporting documentation provided. The
468 evaluation under review shall be discussed with the employee, the Evaluating Supervisor and
469 the Second Level Evaluator separately.

471 (e) The Agency Review Panel may request and shall be provided any additional
472 documentation deemed necessary to make a determination.

474 (f) After a review of the documents and discussions described in (d) and (e) above, the Agency
475 Review Panel by a majority vote shall have the option to:

- 476 1. Uphold the “Unsuccessful” performance evaluation rating given by the Evaluating
477 Supervisor;
- 478 2. Overturn the performance evaluation rating to “Unrated” due to a rule violation;
- 479 3. Assign a performance evaluation rating of “Needs Improvement” or “Successful”
480 based on the merits of the review.

481
482 The Agency Review Panel’s decision shall be final, except as provided in paragraph (h) below.

483
484 (g) The Agency Review Panel shall give the employee, the Evaluating Supervisor, the Second
485 Level Evaluator and the Human Resources office written notice of the results of their review.
486 This notification shall be provided no later than April 16.

487
488 (h) The agency’s Human Resources office shall ensure that the agency review process is
489 conducted in accordance with these rules. Any violation therein shall result in a performance
490 evaluation rating of “Unrated.”

491
492 (i) Any change in the performance evaluation rating shall be recorded by the agency’s Human
493 Resources office on the rating replacement form with an effective date of January 1.

494
495 (j) The following shall be maintained in a secure file in the agency’s Human Resources office,
496 or other designated secure location:

- 497 1. The performance planning form and performance evaluation form
- 498 2. The employee’s request for review
- 499 3. The completed review by the Agency Review Panel
- 500 4. All supporting documentation considered in the agency review

501
502 ~~10.14 Grievance Process~~

503 ~~The agency's grievance process shall not be used to review or reconsider evaluations or a~~
504 ~~procedural violation of these rules.~~

505
506 10.14 Exceptions

507 The Director may approve exceptions to these rules.

508
509 10.15 – 10.18 Repealed

510 **10.19 Grievance Process**

511 **An agency's grievance process shall not be used to review a performance evaluation rating,**
512 **reconsider the results of an agency's review or address a procedural violation of these rules.**

513

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Full Proposal without Strikethroughs and Additions

Chapter 10: Continuous Performance Management

10.1 Continuous Performance Management

Continuous Performance Management is a tool used to measure performance and to continually develop individuals into high-performing employees. Continuous Performance Management is effective January 1, 2025, and applies to all classified employees except those serving in a classified When Actually Employed (WAE) appointment. The performance evaluation year shall be January 1 through December 31 of each year.

10.2 Continuous Performance Management Required Components

(a) Continuous Performance Management shall consist of a minimum of the following components:

1. A performance planning form approved by the Director which is comprised of a minimum of three performance-based goals;
2. A performance planning session during which the Evaluating Supervisor and the employee discuss the employee's performance planning form;
3. A performance evaluation form approved by the Director;
4. A performance evaluation session during which the Evaluating Supervisor and the employee discuss the employee's performance evaluation form;
5. An overall performance evaluation resulting in one of five possible ratings;
6. Performance planning and evaluation trainings that are accessible to all employees.

(b) An Appointing Authority may make variations to the performance planning form and/or the performance evaluation form with prior written approval from the Director.

10.3 Evaluating Supervisor

(a) The Evaluating Supervisor shall be a person who is in the position to observe and document the employee's performance.

(b) The Evaluating Supervisor shall be responsible for the administration of Continuous Performance Management for designated employees in accordance with these rules and any applicable agency policies.

10.4 Second Level Evaluator

(a) The Second Level Evaluator shall be a person who is in the position to approve the performance planning form and the performance evaluation form prepared by the Evaluating Supervisor.

41 (b) The Second Level Evaluator shall be responsible for the administration of Continuous
42 Performance Management for designated employees in accordance with these rules and
43 applicable agency policies.

44

45 (c) If the Second Level Evaluator position is vacant, the Evaluating Supervisor may be required
46 to perform both roles.

47

48 **10.5 Performance Evaluations**

49 (a) Each employee shall be evaluated on the individual's overall performance based on goals as
50 determined by the Evaluating Supervisor.

51

52 (b) The performance-based goals on the performance evaluation form shall match the goals on
53 the performance planning form.

54

55 **10.6 Performance Planning Form and Performance Planning Session**

56 (a) The Evaluating Supervisor shall prepare a performance planning form at the beginning of
57 each performance evaluation year. The performance planning form shall include a list of
58 performance-based goals on which the employee's overall performance will be evaluated. The
59 performance planning form shall include a minimum of three goals.

60

61 (b) Prior to conducting a performance planning session with the employee, the Evaluating
62 Supervisor shall obtain approval from the Second Level Evaluator on the performance planning
63 form.

64

65 (c) During the performance planning session, the Evaluating Supervisor shall present and
66 discuss the performance planning form with the employee.

67

68 (d) The Evaluating Supervisor shall sign and document the date of the performance planning
69 session. The employee shall be given documentation of and an opportunity to acknowledge
70 receipt of the performance planning form.

71

72 (e) An employee cannot prevent the performance planning form from becoming official by
73 refusing to acknowledge receipt of the form.

74

75 (f) A performance planning session shall be conducted during the first two calendar months
76 following:

77

1. The appointment of a new employee;

78

2. The permanent movement of an employee into a position having a different position
79 number with significantly different duties;

79

80 3. The beginning of the new performance evaluation year (no later than March 1).

81

82 (g) A performance planning session may be conducted when:

83

1. The Evaluating Supervisor of an employee changes;

84 2. The Evaluating Supervisor deems a new performance planning session is appropriate.

85
86 (h) When an employee is not available, the provisions of this rule shall be satisfied when
87 notification to the employee is made by mail or email. When the employee is notified by mail
88 or email, the notification shall be deemed timely if it was mailed to the employee's most
89 recent address as evidenced by official proof of mailing or emailed to the employee's
90 customarily used email address as evidenced by copy of the dated email.

91
92 **10.7 Performance Evaluation Ratings**

93 (a) Following the performance evaluation year, the Evaluating Supervisor shall assign one of the
94 five ratings listed below based on the employee's overall performance, including
95 professionalism and adherence to the agency's mission.

96
97 Exceptional: Overall level of performance and quality and/or quantity of work consistently
98 exceed the requirements of the position.

99
100 Exceeds Expectations: Overall level of performance and quality and/or quantity of work exceed
101 the requirements of the position on more than just an occasional basis.

102
103 Successful: Overall level of performance and quality and/or quantity of work meet the
104 requirements of the position.

105
106 Needs Improvement: Overall level of performance and quality and/or quantity of work fail to
107 meet the requirements of the position on more than just an occasional basis. Further
108 development and/or improvement are necessary to be successful in this position.

109
110 Unsuccessful: Overall level of performance and quality and/or quantity of work consistently fail
111 to meet the requirements of the position. Employment is at risk and significant improvement is
112 necessary for retention.

113
114 (b) An employee who is appointed on or after October 1 of the performance evaluation year
115 shall be assigned a "Not Evaluated" rating.

116
117 (c) When an employee transfers between January 1 and March 1, the gaining agency shall be
118 responsible for assigning a rating of "Not Evaluated" to an employee who has not been rated by
119 the losing agency as of the effective date of the transfer.

120
121 (d) A "Not Evaluated" rating shall have the same effect as a "Successful" rating.

122
123 (e) When an evaluation is in violation of these rules, the employee shall be assigned an
124 "Unrated" rating. "Unrated" ratings shall have the same effect as a "Successful" rating.

125
126 **10.8 Performance Evaluations and Performance Evaluation Sessions**

127 (a) Performance evaluations shall be required for all classified employees except those serving
128 in a classified WAE appointment.

129
130 The Evaluating Supervisor shall base the evaluation of the employee's performance on the goals
131 as stated on the performance planning form.

132
133 (b) Performance evaluations shall be conducted after the performance year has ended and
134 rendered no later than March 1. All performance ratings shall be recorded with an effective
135 date of January 1.

136
137 (c) To render a performance evaluation, the Evaluating Supervisor shall:
138 1. Complete a performance evaluation form between January 1 and March 1, inclusive of
139 comments to sufficiently support the performance evaluation rating on the
140 performance evaluation form;
141 2. Maintain and provide sufficient documentation to support a performance evaluation
142 rating of "Unsuccessful";
143 3. Obtain the Second Level Evaluator's approval and/or signature on the performance
144 evaluation form prior to discussion with the employee;
145 4. The Evaluating Supervisor shall discuss the evaluation with the employee. Following the
146 discussion, the Evaluating Supervisor and the employee shall acknowledge the
147 performance evaluation form to document the performance evaluation session;
148 5. Provide the employee with a copy of the completed performance evaluation form and
149 any supporting documentation.

150
151 (d) When an employee is not available, the provisions of this rule shall be satisfied when
152 notification to the employee is made by mail or email. If the employee is notified by mail or
153 email, the notification shall be deemed timely if it was mailed to the employee's most recent
154 address or emailed to the employee's customarily used email address on or before March 1, as
155 evidenced by official proof of mailing or copy of dated email sent. The agency shall maintain
156 documentation that the employee was notified on or before March 1.

157
158 (e) An employee cannot prevent the performance evaluation form from becoming official by
159 refusing to attend the performance evaluation session and/or refusing to acknowledge the
160 performance evaluation form. Should the employee decline to attend the performance
161 evaluation session and/or acknowledge the performance evaluation form, the Evaluating
162 Supervisor shall document the refusal on the performance evaluation form.

163
164 (f) When a violation of Chapter 10 occurs, Human Resources shall use the rating replacement
165 form to assign a performance rating of "Unrated." The employee shall be notified when a
166 performance evaluation rating of "Unrated" has been assigned.

167
168 **10.9 Effects of a Performance Evaluation Rating of Needs Improvement**

169 (a) A performance evaluation rating of "Needs Improvement" is not discipline.

- 170
171 (b) In addition to any other limitations set forth in these rules, an employee who receives a
172 performance evaluation rating of "Needs Improvement" shall not be eligible for:
173 1. Promotion;
174 2. Detail to special duty to a higher-level position;
175 3. Attainment of permanent status;
176 4. Reallocation;
177 5. Placement on a DPRL.
178
179 (c) An employee who received a performance evaluation rating of "Needs Improvement" in the
180 previous performance evaluation year shall not receive a consecutive rating of "Needs
181 Improvement."

182
183 **10.10 Effects of a Performance Evaluation Rating of Unsuccessful**

- 184 (a) A performance evaluation rating of "Unsuccessful" is not discipline.
185
186 (b) A permanent employee who receives a performance evaluation rating of "Unsuccessful"
187 may seek review of that rating in accordance with Rule 10.13. A rating is not considered
188 confirmed until the review process has been completed or the time to request a review has
189 expired.
190
191 (c) An employee who receives a performance evaluation rating of "Unsuccessful" shall be
192 provided with written notice that their employment is at risk and shall be recommended for
193 non-disciplinary removal if they receive a consecutive rating of "Unsuccessful." For purposes
194 of this rule, written notice may be included on the performance evaluation form.
195
196 (d) The non-disciplinary removal of an employee who receives consecutive, confirmed
197 performance evaluation ratings of "Unsuccessful" shall be proposed in accordance with Rule
198 12.6(a)6.
199
200 (e) In addition to any other limitations set forth in these rules, an employee who receives a
201 performance evaluation rating of "Unsuccessful" shall not be eligible for:
202 1. Market adjustment;
203 2. Promotion;
204 3. Detail to special duty to a higher-level position;
205 4. Attainment of permanent status;
206 5. Reallocation;
207 6. Placement on a DPRL.
208
209 (f) For purposes of paragraph (b) of this rule, the following shall not be considered:
210 1. Any performance evaluation rating for a period prior to January 1, 2025;
211 2. A transitional period evaluation rating;

- 212 3. Any performance evaluation rating after January 1, 2025 for which a permanent
213 employee, by rule, may not seek a review under Rule 10.13 (i.e. emergency rules for
214 performance evaluation ratings adopted responsive to disasters, emergencies, etc.).
215

216 **10.11 Effect of the Absence of a Performance Evaluation**

217 In the absence of a performance evaluation, the employee shall be assigned a performance
218 evaluation rating of "Unrated" with an effective date of January 1.
219

220 **10.12 Record Keeping and Reporting Requirements**

221 (a) Each completed performance planning form and performance evaluation form shall be kept
222 in the agency Human Resources office or other designated, secure location not accessible to the
223 public, and shall not be considered a public record. Completed forms shall be available upon
224 request to State Civil Service for auditing purposes and to the employee.
225

226 (b) Each Appointing Authority shall annually report to the Director, in such manner as the
227 Director prescribes, information about performance evaluation ratings given during the
228 previous year ending December 31. The Director may require more frequent reporting as
229 needed.
230

231 **10.13 Agency Review**

232 (a) A permanent employee who receives a performance evaluation rating of " Unsuccessful"
233 may request a review by an Agency Review Panel.
234

235 (b) The request for review and any supporting documentation shall be postmarked or received
236 in the employing agency's Human Resources office no later than March 16 following the
237 performance evaluation year.
238

239 (c) If the request for review is timely, the Appointing Authority shall designate an Agency
240 Review Panel consisting of at least three members who shall not be the employee's Evaluating
241 Supervisor or Second Level Evaluator.
242

243 (d) The Agency Review Panel shall review the employee's request, the performance planning
244 form, the performance evaluation form and any supporting documentation provided. The
245 evaluation under review shall be discussed with the employee, the Evaluating Supervisor and
246 the Second Level Evaluator separately.
247

248 (e) The Agency Review Panel may request and shall be provided any additional documentation
249 deemed necessary to make a determination.
250

251 (f) After a review of the documents and discussions described in (d) and (e) above, the Agency
252 Review Panel by a majority vote shall have the option to:

- 253 1. Uphold the "Unsuccessful" performance evaluation rating given by the Evaluating
254 Supervisor;

- 255 2. Overturn the performance evaluation rating to “Unrated” due to a rule violation;
256 3. Assign a performance evaluation rating of “Needs Improvement” or “Successful” based
257 on the merits of the review.

258

259 The Agency Review Panel’s decision shall be final, except as provided in paragraph (h) below.

260

261 (g) The Agency Review Panel shall give the employee, the Evaluating Supervisor, the Second
262 Level Evaluator and the Human Resources office written notice of the results of their review.
263 This notification shall be provided no later than April 16.

264

265 (h) The agency’s Human Resources office shall ensure that the agency review process is
266 conducted in accordance with these rules. Any violation therein shall result in a performance
267 evaluation rating of “Unrated.”

268

269 (i) Any change in the performance evaluation rating shall be recorded by the agency’s Human
270 Resources office on the rating replacement form with an effective date of January 1.

271

272 (j) The following shall be maintained in a secure file in the agency’s Human Resources office, or
273 other designated secure location:

274

1. The performance planning form and performance evaluation form

275

2. The employee’s request for review

276

3. The completed review by the Agency Review Panel

277

4. All supporting documentation considered in the agency review

278

279 **10.14 Exceptions**

280 The Director may approve exceptions to these rules.

281

282 **10.15 – 10.18 Repealed**

283

284 **10.19 Grievance Process**

285 An agency's grievance process shall not be used to review a performance evaluation rating,
286 reconsider the results of an agency’s review or address a procedural violation of these rules.