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GENERAL CIRCULAR NUMBER 2024-039

DATE: September 6, 2024

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Proposed Changes to Chapter 10 of the Civil Service Rules
Supersedes General Circular No. 2024-037

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, October 2, 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 Note: At the Commission meeting on September 4, 2024, the original proposals outlined in General Circular No. 2024-037 were deferred at the Director's request in response to stakeholder feedback received during the promulgation period. The proposed rules have since been thoroughly revised and are now included in this General Circular.

Please see the attachment for details of the changes to Chapter 10.

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

Sincerely,

s/Chris Deer
SCS Deputy 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, October 2, 2024. Please refer to [General Circular No. 2024-039](#) 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 continuously 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**

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 classified~~
7 ~~When Actually Employed (WAE) employees. The performance evaluation year shall be July 1st~~
8 ~~through June 30th of each year. The Performance Evaluation System shall consist of at least the~~
9 ~~following components:~~

- 10 ~~1. A performance plan that lists the performance factors on which the employee's overall~~
11 ~~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 **10.2 Evaluating Supervisor**

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

26
27 ~~(b) The Evaluating Supervisor shall be responsible for administering the performance evaluation~~
28 ~~system for his designated employees in accordance with these Rules and any applicable agency~~
29 ~~policies.~~

30
31 **10.3 Second Level Evaluator**

32 ~~(a) The Appointing Authority shall designate a Second Level Evaluator for each employee.~~
33 ~~Generally, the Second Level Evaluator is the Evaluating Supervisor's supervisor. The Second Level~~
34 ~~Evaluator must approve the performance plan and the performance evaluation prepared by the~~
35 ~~Evaluating Supervisor before they are given to the employee for signature.~~

36
37 ~~(b) The Second Level Evaluator shall be responsible for administering the performance evaluation~~
38 ~~system in accordance with these Rules and any applicable agency policies.~~

39
40 **10.4 Performance Evaluations**

41 ~~(a) Each employee shall be evaluated on his overall performance based on work tasks and~~
42 ~~behavior standards determined by the evaluating supervisor to be requirements of the~~
43 ~~employee's job.~~

45 ~~(b) Additionally, each supervisory employee shall be evaluated on his administration of the~~
46 ~~performance evaluation system as required by these rules.~~

47

48 **10.5 Performance Plan and Performance Planning Session**

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

53

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

57

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

60

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

65

66 ~~(e) The Evaluating Supervisor and the employee shall sign and date the performance planning~~
67 ~~and evaluation form to document the planning session. The employee shall be given a copy of~~
68 ~~the form. Should the employee decline to sign the performance planning and evaluation form,~~
69 ~~the Evaluating Supervisor shall note this on the form and record the date that the planning~~
70 ~~session occurred. An employee cannot prevent the planning session from becoming official by~~
71 ~~refusing to sign the form.~~

72

73 ~~(f) Planning sessions shall be conducted during the first three (3) calendar months following:~~

74

~~1. the appointment of a new employee;~~

75

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

76

~~3. the beginning of the new performance evaluation year (no later than 9/30).~~

77

78

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

80

~~1. the employee gets a new Evaluating Supervisor,~~

81

~~2. performance expectations change, or~~

82

~~3. the Evaluating Supervisor deems a performance planning session is appropriate.~~

83

84 **10.6 Overall Performance Evaluation**

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

88

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

89 ~~—Successful: Work and behavior met the performance criteria.~~
90 ~~—Needs Improvement/Unsuccessful: Work and/or behavior did not meet the performance~~
91 ~~criteria.~~

92
93 ~~(b) An Evaluating Supervisor may elect to assign an employee who worked less than three~~
94 ~~calendar months within the performance evaluation year a default overall evaluation of “Not~~
95 ~~Evaluated.” An overall evaluation of “Not Evaluated” shall have the same effect as an evaluation~~
96 ~~of “Successful.” “Not Evaluated” evaluations may be given only when:~~

- 97 ~~1. the employee is active as of June 30th, the end of the performance year, and~~
- 98 ~~2. the employee has worked less than three (3) months at the evaluating agency within~~
99 ~~the performance year, and~~
- 100 ~~3. the appointing authority determines that not enough time has elapsed to create an~~
101 ~~evaluation for the employee.~~

102
103 ~~(c) When an evaluation is in violation of these rules, the employee shall receive an overall~~
104 ~~evaluation of “Unrated.” “Unrated” evaluations shall have the same effect as an evaluation of~~
105 ~~“Successful.”~~

106

107 **10.7 Official Performance Evaluations and Evaluation Sessions**

108 ~~(a) Official performance evaluations are required for all classified employees except those serving~~
109 ~~as classified WAE employees. The Evaluating Supervisor shall base the official evaluation of the~~
110 ~~employee’s performance on the work tasks and behavior standards as stated on the performance~~
111 ~~planning and evaluation form.~~

112
113 ~~(b) Official evaluations shall be made after the performance year has ended and must be~~
114 ~~rendered no later than August 31st. All official overall evaluations will be recorded with an~~
115 ~~effective date of July 1st.~~

116
117 ~~(c) Evaluations become official on the date they are rendered. No evaluations shall be rendered~~
118 ~~after August 31st. To render an official evaluation, the Evaluating Supervisor shall:~~

- 119 ~~1. complete a performance evaluation form after June 30th of the evaluation year,~~
- 120 ~~2. provide documentation to support an evaluation of “Needs~~
121 ~~Improvement/Unsuccessful” or “Exceptional,”~~
- 122 ~~3. obtain the Second Level Evaluator’s signed approval of the evaluation form prior to~~
123 ~~discussion with the employee,~~
- 124 ~~4. discuss the evaluation with the employee, after which the Evaluating Supervisor and~~
125 ~~the employee shall sign and date the evaluation form to document the evaluation~~
126 ~~session,~~
- 127 ~~5. give the employee a copy of the evaluation form with his official overall evaluation~~
128 ~~noted.~~

129
130 ~~(d) When an employee is not available, the provisions of this rule shall be satisfied when~~
131 ~~notification to the employee is made by mail. If the employee is notified by mail, the notification~~
132 ~~shall be deemed timely if it was mailed to the employee’s most recent address on or before~~

133 ~~August 31st, as evidenced by official proof of mailing. The agency must maintain documentation~~
134 ~~that the employee was notified on or before August 31st.~~

135
136 ~~(e) Should the employee decline to sign the performance evaluation form, the Evaluating~~
137 ~~Supervisor shall note this on the form and record the date that the evaluation session occurred.~~
138 ~~An employee cannot prevent the evaluation from becoming official by refusing to sign the form.~~

139
140 ~~(f) Evaluations of "Unrated" shall be indicated on the final overall performance evaluation form~~
141 ~~by the Evaluating Supervisor, Second Level Evaluator, or Human Resources officer. An employee~~
142 ~~shall be notified when he has been assigned an official overall evaluation of "Unrated."~~

143
144 **10.8 Effects of the Needs Improvement/Unsuccessful Evaluation**

145 ~~(a) An evaluation of "Needs Improvement/Unsuccessful" is not a disciplinary action.~~

146
147 ~~(b) Any employee whose official overall evaluation is "Needs Improvement/Unsuccessful" shall~~
148 ~~not be:~~
149 ~~1. granted a market adjustment, a promotion or permanent status, or~~
150 ~~2. detailed to a higher level position unless approved in advance by the Director of Civil~~
151 ~~Service.~~

152
153 ~~(c) An employee whose official overall evaluation is "Needs Improvement/Unsuccessful" may be~~
154 ~~separated or disciplined in accordance with the rules applicable to the employee's status.~~

155
156 ~~(d) Permanent employees shall have a right to request a review in accordance with the provisions~~
157 ~~of rules 10.11 and 10.12.~~

158
159 **10.9 Effect of the Absence of an Official Evaluation**

160 ~~An employee who is not evaluated in accordance with the provisions of these rules shall have an~~
161 ~~official overall evaluation of "Unrated" on the evaluation effective date of July 1st. Permanent~~
162 ~~employees shall have a right to request a review in accordance with the provisions of rule 10.11.~~
163

164 **10.10 Record Keeping and Reporting Requirements**

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

170
171 ~~(b) Each Appointing Authority shall annually report to the Director of Civil Service, in such manner~~
172 ~~as the Director prescribes, information about evaluations given during the previous year ending~~
173 ~~June 30th. The Director of Civil Service may require more frequent reporting as needed.~~

174
175 **10.11 Agency Review**

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

179
180 ~~(b) The appointing authority shall designate the Agency Reviewer or an Agency Review Panel. The~~
181 ~~Reviewer(s) shall not be either the Evaluating Supervisor or the Second Level Evaluator who~~
182 ~~signed the evaluation being reviewed.~~

183
184 ~~(c) The official overall evaluation may only be changed by the Agency Reviewer(s).~~

185
186 ~~(d) A request for review must be submitted in writing and be postmarked or received in the~~
187 ~~employing agency's Human Resources office no later than September 15th following the~~
188 ~~evaluation year. In the request for review, the employee must explain and provide supporting~~
189 ~~documentation for the request for review.~~

190
191 ~~(e) If the request for review is timely, the Agency Reviewer(s) must review the employee's~~
192 ~~request, the evaluation given and any supporting documentation provided. The contested~~
193 ~~evaluation must be discussed with the employee and the Evaluating Supervisor.~~

194
195 ~~(f) The Agency Reviewer(s) shall give the employee, the Evaluating Supervisor, and the Human~~
196 ~~Resources office written notice of the results of their review. This notification shall be provided~~
197 ~~no later than October 15th. Any change in evaluation shall be retroactive to July 1st.~~

198
199 ~~(g) The performance evaluation form, the employee's request for review, the Agency~~
200 ~~Reviewer(s)' decision, and the supporting documentation attached to the performance~~
201 ~~evaluation, as well as any documents requested from the employee or supervisor during the~~
202 ~~review, shall be maintained in the employee's official personnel file or other secured~~
203 ~~performance file maintained in Human Resources.~~

204
205 **10.12 Request for Review by the Director of Civil Service**

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

209
210 ~~(b) A request for review under this rule must be postmarked or received by the Director no later~~
211 ~~than 10 calendar days following the date the employee received the Agency Review decision. In~~
212 ~~the request, the employee must explain why he is contesting the decision of the Agency~~
213 ~~Reviewer(s).~~

214
215 ~~(c) If the request for review is timely, the Director or his designee shall obtain and review the~~
216 ~~employee's performance file. The Director may either affirm the overall evaluation or change the~~
217 ~~overall evaluation to "Unrated". The Director's decision shall be final.~~

218

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

222

223 **~~10.13 Exceptions~~**

224

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

226

227 **~~10.14 Grievance Process~~**

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

230

231 **~~10.15 – 10.18 Repealed~~**

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1 **Chapter 10: Continuous Performance Management**

2
3 **10.1 Continuous Performance Management**

4 **Continuous Performance Management is a tool used to measure performance and to**
5 **continuously develop individuals into high-performing employees. Continuous Performance**
6 **Management is effective January 1, 2025, and applies to all classified employees except those**
7 **serving in a classified When Actually Employed (WAE) appointment. The performance**
8 **evaluation year shall be January 1 through December 31 of each year.**
9

10 **10.2 Continuous Performance Management Required Components**

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

- 13 1. **A performance planning form approved by the Director which is comprised of a**
14 **minimum of two performance-based goals and one behavior-based goal;**
- 15 2. **A performance planning session during which the Evaluating Supervisor and the**
16 **employee discuss the employee’s planned goals for the performance evaluation year;**
- 17 3. **A performance evaluation form approved by the Director;**
- 18 4. **A performance evaluation session during which the Evaluating Supervisor and the**
19 **employee discuss the results of employee’s planned goals during the performance**
20 **evaluation year;**
- 21 5. **An overall performance evaluation resulting in one of five possible ratings.**

22
23 **(b) An Appointing Authority may make variations to the performance planning form and/or**
24 **the performance evaluation form, provided that the minimum requirements of these rules are**
25 **satisfied.**
26

27 **10.3 Evaluating Supervisor**

28 **(a) The Appointing Authority shall designate an Evaluating Supervisor for each employee who**
29 **shall be a person in the position to observe and document the employee's performance.**
30

31 **(b) The Evaluating Supervisor shall be responsible for the administration of Continuous**
32 **Performance Management for designated employees in accordance with these rules and any**
33 **applicable agency policies. Administration includes, but is not limited to, communicating with**
34 **subordinates throughout the performance evaluation year regarding both satisfactory and**
35 **unsatisfactory performance and behavior, need for improvement and need for additional**
36 **training. Such communications may be formal or informal.**
37

38 **10.4 Second Level Evaluator**

39 **(a) The Appointing Authority shall designate a Second Level Evaluator for each employee who**
40 **shall be a person in the position to concur with and approve the performance planning form**
41 **and the performance evaluation form prepared by the Evaluating Supervisor.**
42

43 (b) The Second Level Evaluator shall be responsible for the administration of Continuous
44 Performance Management for designated employees in accordance with these rules and
45 applicable agency policies. Administration includes, but is not limited to, periodically meeting
46 with their own subordinates and maintaining a general familiarity with the employees who
47 they will serve as Second Level Evaluator so that they can fulfill their responsibilities in a fair
48 and impartial manner.

49
50 **10.5 Performance Planning Form and Session**

51 (a) The Evaluating Supervisor shall prepare a performance planning form at the beginning of
52 each performance evaluation year.

53
54 (b) Prior to conducting a performance planning session with the employee, the Evaluating
55 Supervisor shall obtain the Second Level Evaluator’s concurrence and signature on the
56 performance planning form.

57
58 (c) During the performance planning session, the Evaluating Supervisor shall present and
59 discuss the performance planning form with the employee.

60
61 (d) The Evaluating Supervisor shall sign and document the date of the performance planning
62 session. The employee shall be given a copy of or access to the performance planning form. An
63 employee cannot prevent the performance planning form from becoming official by refusing
64 to acknowledge receipt of the form.

65
66 (e) A performance planning session shall be conducted during the first two calendar months
67 following:

- 68 1. The appointment of a new employee; or
69 2. The permanent movement of an employee into a position having a different position
70 number with significantly different duties; or
71 3. The beginning of the new performance evaluation year (no later than March 1).

72
73 (f) A performance planning session may be conducted when:

- 74 1. The Evaluating Supervisor of an employee changes; or
75 2. The Evaluating Supervisor deems a new performance planning session is appropriate.

76
77 **10.6 Performance Evaluation Ratings**

78 (a) Following the performance evaluation year, the Evaluating Supervisor shall assign one of
79 the five ratings listed below based on the employee’s overall satisfaction of position
80 requirements. Position requirements include, but are not limited to, performance, behavior,
81 and quality/quantity of work. While consistency is a consideration, an extraordinary outcome
82 or egregious conduct may cause a rating to be “Exceptional” or “Unsuccessful”.

- 83 1. Exceptional: Consistently exceeds position requirements
84 2. Exceeds Expectations: Occasionally exceeds the position requirements
85 3. Successful: Meets position requirements

86 4. Needs Improvement: Occasionally fails to meet position requirements

87 5. Unsuccessful: Consistently fails to meet position requirements

88 **(b) "Not Evaluated" Rating**

89 1. An employee who is appointed on or after October 1 of the performance evaluation
90 year shall be assigned a "Not Evaluated" rating.

91 2. When an employee transfers between January 1 and March 1, the gaining agency shall
92 be responsible for assigning a rating of "Not Evaluated" to an employee who has not
93 been rated by the losing agency as of the effective date of the transfer.

94 3. A "Not Evaluated" rating shall have the same effect as a "Successful" rating.

95
96 **(c) "Unrated" Rating**

97 1. When an evaluation is in violation of these rules, the Human Resources Office shall
98 assign an "Unrated" rating to the employee.

99 2. In the absence of a performance evaluation, the Human Resources Office shall assign
100 an "Unrated" rating to the employee.

101 3. An "Unrated" rating shall have the same effect as a "Successful" rating.

102
103 **10.7 Performance Evaluation Sessions**

104 **(a) Performance evaluations sessions shall be conducted after the performance evaluation**
105 **year has ended and rendered no later than March 1. All performance evaluation ratings shall**
106 **be recorded with an effective date of January 1.**

107
108 **(b) The Evaluating Supervisor shall base the evaluation of the employee's performance on**
109 **the goals as stated on the performance planning form.**

110
111 **(c) To render a performance evaluation, the Evaluating Supervisor shall:**

112 1. Complete a performance evaluation form and session between January 1 and March 1.

113 2. Sufficiently support the performance evaluation rating with comments and attach
114 supporting documentation as deemed appropriate. In the case of an "Unsuccessful"
115 rating, comments and documentation combined must be sufficient to support the
116 rating, any potential disciplinary action, and apprise the employee of deficiencies in
117 sufficient detail for the employee to provide defense/explanation in an agency review
118 or appeal setting.

119 3. Obtain the Second Level Evaluator's concurrence and signature on the performance
120 evaluation form prior to discussion with the employee.

121 4. Discuss the evaluation with the employee. Following the discussion, the Evaluating
122 Supervisor and the employee shall sign indicating the evaluation session occurred.

123 5. Provide the employee with a copy of or access to the completed performance
124 evaluation form and any supporting documentation.

125
126 **(d) An employee cannot prevent the performance evaluation form from becoming official by**
127 **refusing to attend the performance evaluation session and/or refusing to acknowledge the**

128 performance evaluation form. Should the employee refuse to attend the performance
129 evaluation session and/or acknowledge the performance evaluation form, the Evaluating
130 Supervisor shall document the refusal on the performance evaluation form.

131

132 10.8 Effects of a “Needs Improvement” Rating

133 (a) A performance evaluation rating of “Needs Improvement” is not discipline.

134

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

- 137 1. Promotion;
- 138 2. Detail to special duty to a higher-level position;
- 139 3. Attainment of permanent status;
- 140 4. Placement on a DPRL.

141

142 (c) An employee who received a confirmed performance evaluation rating of “Needs
143 Improvement” in the previous performance evaluation year shall not receive a consecutive
144 rating of “Needs Improvement.”

145

146 10.9 Effects of an “Unsuccessful” Rating

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

148

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

- 151 1. Promotion;
- 152 2. Detail to special duty to a higher-level position;
- 153 3. Attainment of permanent status;
- 154 4. Placement on a DPRL;
- 155 5. Market adjustment.

156

157 (c) A permanent employee who receives a performance evaluation rating of “Unsuccessful”
158 may seek review of that rating in accordance with Rule 10.10.

159

160 (d) An employee with a confirmed performance evaluation rating of "Unsuccessful" may be
161 disciplined in accordance with the rules applicable to the employee’s status. A rating is not
162 considered confirmed until the agency review process has been completed or the time to
163 request a review has expired.

164

165 10.10 Agency Review Process

166 (a) A permanent employee who receives a performance evaluation rating of “Unsuccessful”
167 may request a review by an Agency Review Panel.

168

169 (b) The request for review and any supporting documentation shall be postmarked or received
170 in the employing agency’s Human Resources Office no later than March 16 following the
171 performance evaluation year.

12

172
173 (c) If the request for review is timely, the Appointing Authority shall designate an Agency
174 Review Panel consisting of at least three members who are believed by the Appointing
175 Authority to be impartial and who shall not be the employee’s Evaluating Supervisor or Second
176 Level Evaluator.

177 1. Members of the Agency Review Panel shall not be subjected to retaliation or discipline
178 as result of their service on the panel or the outcome of the review.

179
180 (d) The agency’s Human Resources Office shall review the performance evaluation form for
181 compliance with these rules. If a rule violation is identified, the rating shall be changed to
182 “Unrated” and any agency review which has commenced shall cease.

183
184 (e) The Agency Review Panel shall review the employee’s request, the performance planning
185 form, the performance evaluation form and all supporting documentation provided for each.
186 The evaluation under review shall be discussed with the employee, the Evaluating Supervisor
187 and the Second Level Evaluator separately.

188
189 (f) The Agency Review Panel may request and shall be provided any additional documentation
190 deemed necessary to make a determination. The Evaluating Supervisor and employee shall be
191 provided a copy of any additional documentation requested and received by the Agency
192 Review Panel.

193
194 (g) The Agency Review Panel shall notify the Human Resources Office of any rule violation
195 identified in the review process and the rating shall be changed to “Unrated”. Otherwise, after
196 a review of the documents and discussions described in (e) and (f) above, the Agency Review
197 Panel by a majority vote shall have the option, based on the merits of the review, to:

- 198 1. Uphold the performance evaluation rating; or
199 2. Assign an overall performance evaluation rating of “Needs Improvement”.

200
201 (h) The Agency Review Panel’s decision shall be final, except as provided in paragraph (i)
202 below.

203
204 (i) The Agency Review Panel shall give the employee, the Evaluating Supervisor, the Second
205 Level Evaluator and the Human Resources Office written notice of the results of its review. This
206 notification shall be provided no later than April 16.

207
208 (j) The agency’s Human Resources Office shall ensure that the agency review process is
209 conducted in accordance with these rules. Any violation thereof shall result in a performance
210 evaluation rating of “Unrated.”

211
212 (k) Any change in the performance evaluation rating shall be recorded by the agency’s Human
213 Resources Office on the rating replacement form or the performance evaluation form with an
214 effective date of January 1.

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10.11 Planning and Evaluation Notification

(a) When an employee is not available, the provisions of these rules shall be satisfied by notifying the employee via mail or email. The notification shall be deemed timely if it was mailed to the employee’s most recent address, as evidenced by official proof of mailing, or emailed to the employee’s state issued email address as evidenced by a copy of the dated email together with a “read” receipt, reply email or other affirmative acknowledgment of receipt.

(b) For evaluation sessions, if the employee is notified by mail or email, the notification must be sent on or before March 1. The agency is required to maintain documentation that the employee was notified on or before this date.

10.12 Grievance Process

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

10.13 Record Keeping and Reporting

(a) The following shall be kept in the agency Human Resources Office or other designated, secure location not accessible to the public, and shall not be considered a public record.

- 1. Completed performance planning forms;**
- 2. Completed performance evaluation forms;**
- 3. Employee’s request for agency review under Rule 10.10, including the completed review by the Agency Review Panel and all supporting documentation considered during the agency review.**

(b) All records shall be available upon request to the employee and to State Civil Service for auditing purposes.

(c) In order to satisfy the requirements of Rule 10.14(b), the agency Human Resources Office shall provide a report to the Appointing Authority by April 30 identifying all employees with a confirmed performance evaluation rating of "Unsuccessful" following the end of the performance evaluation year. The report shall also indicate any previous performance evaluation ratings of “Unsuccessful” given to such employees.

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

10.14 Agency Appointing Authority Responsibilities

(a) Continuous Performance Management is a critical tool for ensuring that the agency meets its goals and objectives by aligning employee performance with the agency's strategic direction. The Appointing Authority plays a pivotal role in this process, ensuring that the

258 Continuous Performance Management system is implemented consistently and fairly across
259 the organization. By reviewing performance outcomes, the Appointing Authority can make
260 informed decisions that reinforce accountability and uphold the agency's standards of
261 excellence.

262
263 (b) Upon receiving a listing of employees with confirmed "Unsuccessful" ratings as provided
264 by Rule 10.13 (c), the Appointing Authority shall carefully review the circumstances
265 surrounding each rating. To maintain the integrity of the agency's performance standards and
266 to ensure that underperformance does not impede the agency's mission, the Appointing
267 Authority is responsible for determining whether disciplinary action, up to and including
268 dismissal, is warranted and supported by documentation.

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270 10.15-10.18 Repealed

271
272 10.19 Exceptions

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274 The Director may approve exceptions to these rules.