

Department of Correction
Personnel Manual

Section No. : 4
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Subject:

THE APPRAISAL PROCESS

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POLICY

It is the policy of the Department of Correction to provide a Performance Management System known as The Appraisal Process (TAP) to foster ongoing communication between managers and supervisors and especially between supervisors and employees to ensure that employees:

1. are aware of what is expected of them,
2. are provided with continuous feedback about their performance,
3. are provided with opportunities for education, training, and development, and
4. are rewarded in a fair and equitable manner.

This shall be accomplished by using a standard Work Plan, conducting at least one Interim Review of performance, and completing an Annual Appraisal. The TAP forms shall be used to document the standard Work Plan, Interim Review and Final Evaluation. These forms shall be important tools used in making decisions relative to employee career development, advancement, performance increases and any other salary adjustment.

Roles and Responsibilities

Employee Responsibilities:

1. Cooperate in a positive manner as supervisors explain the appraisal program.
2. Communicate with supervisor to:
 - a. Clarify questions about the process
 - b. Provide information concerning instances of performance/behavior demonstrated on the job that may warrant a notation in the performance log.
 - c. Contribute to the resolution of misunderstanding related to performance/behavior
 - d. Identify the need for additional assistance.
3. Meet the performance/behavior requirements of the position at the "Good" level.
4. Assist in providing information to the supervisor concerning demonstrated performance/behavior that may be above the "Good" performance level.

Supervisor Responsibilities:

1. Communicate in a positive manner with subordinate staff when describing the Performance Management Process and conducting performance discussions.
2. Maintain accurate and complete documentation of employee performance/behavior.

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3. Provide positive reinforcement and stand ready to assist the employee to correct unacceptable performance/behavior.
4. Offer subordinate staff a mechanism that allows the employee to provide information concerning performance/behavior that may be above the “Good” performance level.

Management Responsibilities:

1. Promote the appraisal process in a positive manner.
2. Stay abreast of policy and procedure changes and communicate to subordinate staff.
3. Ensure supervisors and reviewing managers administer the program correctly.
4. Comply with program requirements on subordinate staff.
5. Implement program enhancements.

PERFORMANCE MANAGEMENT STANDARDS

The North Carolina Department of Correction uses performance standards to evaluate employees. Each position classification is assigned to a corresponding performance standard. Performance standards are a pre-printed list of key responsibilities/results and results expectations, dimensions and behavioral expectations for the employee’s position. Each performance standard indicates examples of expectations that correspond to designated levels of performance in the North Carolina Rating Scale.

Performance standards and a list of corresponding position classifications assigned to each standard appear on the DOC Personnel Web Page: www.doc.state.nc.us/docper/. There are eight (8) performance standards available. Management is responsible for reviewing the position classification list and ensuring that employees are appraised on the **correct** performance standard and corresponding Review Form. Evaluations that are completed using the wrong performance standard and Review Form shall be **invalid**.

If a position classification has not been assigned to a performance standard, the manager is responsible for notifying the Performance Management Program Coordinator to determine the corresponding standard. Managers shall be consistent in the application of the performance standards across like positions.

If a reassignment or change in performance standard is necessary for an existing and/or new position classification, this shall be implemented statewide for all like positions. Requests for reassignment of a position classification to another performance standard shall be addressed as follows:

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1. Requests shall be submitted in writing through the chain-of-command to the Performance Management Program Manager. Such a recommendation may be approved, disapproved or amended by a manager within the chain-of-command to maintain consistency within the division and agency.
2. Written requests for reassignment shall include the following information:
 - a. Position classification(s)
 - b. Current Standard
 - c. Requested Standard
 - d. Justification for change
 - e. Any additional pertinent information.
3. The Performance Management Program Manager in conjunction with the Classification Section shall review the request to ensure consistency within the agency.
4. The Performance Management Program Manager will communicate the final decision to the Division Director or Section Chief, who will be responsible for communicating the decision to all appropriate division personnel.

If new positions are established or existing performance standards do not capture the essence of the tasks, assignments and essential functions to be performed, additional performance standards may be developed. Division Directors shall be responsible for collaborating with the Performance Management Program Manager when they determine new performance standards are needed. The Performance Management Program Manager or designee shall facilitate a committee to develop the new performance standard.

THE APPRAISAL PROCESS (TAP) FORMS

The Department of Correction Performance Management System (TAP) uses certain forms to assess and document employee performance. The Performance Management Instrument consists of the following components:

1. Coversheet
2. Work Plan Discussion Form / Supplemental Goals Sheet
3. Performance Log
4. Employee Action Plan
5. Employee Performance Review Form

All forms are on the DOC Personnel Web Page: www.doc.state.nc.us/docper/.

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There are two (2) formats available for using the forms:

1. The "PDF" format is used to view and print the forms from the screen. This format is used if performance/conduct information is hand-written on the TAP forms.
2. The "Word" format allows the forms to be downloaded into MSWord. This format allows performance/conduct information to be typed on the TAP forms.

Division Management shall be responsible for determining the preferred format and providing the resources for recording performance/conduct (behavioral) information on TAP forms (handwritten vs. downloaded/typed). Work locations that select the "Word" format and download the TAP forms, shall not alter, modify, or change the TAP forms in any way. Further, it is the responsibility of the facility to maintain electronic TAP information in a confidential manner. Management at work locations shall be held accountable for any security breaches.

RATING SCALE

The North Carolina rating scale shall be used to determine the employee's progress toward achieving performance expectations. Each employee shall be notified of the rating scale at the beginning of the work cycle. The rating scale consists of the following:

Outstanding Performance (O)

Performance is far above the defined job expectations. The employee consistently does outstanding work, regularly going far beyond what is expected of employees in this job. Performance that exceeds expectations is due to the effort and skills of the employee. Any performance not consistently exceeding expectations is minor or due to events not under the control of the employee. Performance is consistently characterized by exceptionally high quality work that leaves little or nothing to be desired. Employees who repeatedly make contributions to the organization which are far above the requirements of their position, improving the efficiency and effectiveness of the operation at the unit or through the chain-of-command.

Very Good Performance (VG)

Performance meets the defined job expectations and in many instances, exceeds job expectations. The employee generally is doing a very good job. Performance that exceeds expectations is due to the effort and skills of the employee. Performance is marked by initiative and high quality and quantity of work. These employees regularly make valuable contributions to the organization. Their judgements are sound, and they demonstrate knowledge and mastery of their position.

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Good Performance (G)

Performance meets the defined job expectations. The employee generally performs according to the expectations doing a good job. The employee is doing the job at the level expected for employees in this position. The good performance is due to the employee's own effort and skills. The position is being covered in an adequate manner and the responsibilities are being handled competently.

Below Good Performance (BG)

Performance may meet some of the job expectations but does not fully meet the remainder. The employee generally is doing the job at a minimal level, and improvement is needed to fully meet the expectations. Performance is less than a good job. Lapses in performance are due to the employee's lack of effort or skills. Performance is below expectation and requirements but no area of responsibility is totally out of control. Improvement is required. Below Good is a transitional rating level. It is intended that an employee should not remain at this level indefinitely, and preferably not more than half of the work cycle. It is intended that this time be used by the supervisor to work with employees in an effort to correct performance/behavior deficiencies.

If an employee receives an overall summary rating of Below Good at either the Interim Review or the Appraisal an Employee Action Plan is required. At the next review the (*Interim or Final Evaluation*) the employee's overall summary rating should move either to the Good or Unsatisfactory level of performance.

Unsatisfactory (U)

Performance generally fails to meet the defined expectations or requires frequent, close supervision and/or redoing of work. The employee is not doing the job at the level expected for employees in this position. Unsuccessful performance is due to the employee's own lack of effort and skills. If an employee maintains an overall summary rating of "Unsatisfactory" for at least half of the work cycle (*i.e., receives an overall summary rating of "Unsatisfactory" at the Interim Review and the subsequent Appraisal or at the Appraisal and subsequent Interim Review*), the supervisor should begin corrective, progressive disciplinary action.

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THE APPRAISAL PROCESS AND LEGISLATIVE INCREASE ELIGIBILITY

Performance ratings can affect legislative increase eligibility. There are 3 types of legislative increases: Cost-of-Living (COLA); Career Growth Recognition Award (CGRA); and Performance Bonus (PB). An employee may be eligible for some or all parts of the Legislative Increase based on the overall rating level they are assigned at the end of a 12 month performance cycle. The General Assembly appropriates annual legislative increases and determines performance criteria used for distribution. Each year in June, state policy requires that agencies enter a performance rating numerical code into the Personnel Management Information System (PMIS) for every state employee. The following direct entry codes are available:

- 5: Outstanding
- 4: Very Good
- 3: Good
- 2: Below Good
- 1: Unsatisfactory
- 7: Insufficient time to rate
- 8: Leave Without Pay
- 9: Evaluation Not Done
- W: Final Disciplinary Action

ESTABLISHING THE PERFORMANCE MANAGEMENT CYCLE

The Performance Management Cycle is the 12-month time period for which an employee is appraised. An employee shall remain on the performance cycle determined by his/her hire date until a personnel transaction occurs that results in a change in performance cycle.

1. Office of State Personnel

- (a) The Office of State Personnel (OSP) recognizes one (1) performance management cycle that is based on a Fiscal Year, July 1st through June 30th.
- (b) OSP identifies each Fiscal Year Performance Cycle by assigning a number to each cycle.

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Listed below are the OSP cycle time frames with assigned cycle numbers.

Office of State Personnel – Performance Management Cycle		
Performance Cycle Begins	Performance Cycle Ends	Cycle Number
July 1, 2000	June 30, 2001	Cycle 13
July 1, 2001	June 30, 2002	Cycle 14
July 1, 2002	June 30, 2003	Cycle 15
July 1, 2003	June 30, 2004	Cycle 16
July 1, 2004	June 30, 2005	Cycle 17, etc., etc., etc.

2. N.C. Department of Correction

- (a) The Department of Correction has twelve (12) performance management cycles based on the months in the calendar year.
- (b) The 12 performance management cycles are:

N.C. Department of Correction - Performance Management Cycles	
Performance Cycle Begins	Performance Cycle Ends
January 1 st	December 31 st
February 1 st	January 31 st
March 1 st	February 28 th
April 1 st	March 31 st
May 1 st	April 30 th
June 1 st	May 31 st
July 1 st	June 30 th
August 1 st	July 31 st
September 1 st	August 31 st
October 1 st	September 30 th
November 1 st	October 31 st
December 1 st	November 30 th

- (c) The month a new employee comes to work is when the Performance Cycle begins. The cycle begins the first day of the month regardless of the day the employee reports to work.

Example: A new employee reports to work on January 15, 2002. The performance management cycle begins on 01/01/02 and ends on 12/31/02.

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3. How DOC’S Performance Cycles Fit into OSP’s Performance Cycle

- (a) The employee’s Performance Management Ending cycle date will determine the OSP Cycle.
- (b) The chart below provides information to assist in determining the correct performance management cycle:

DOC Cycle Time Frames for Cycle 15			DOC Cycle Time Frames for Cycle 16			DOC Cycle Time Frames for Cycle 17		
Cycle Begins	Cycle Ends	OSP Cycle# (7/02-6/03)	Cycle Begins	Cycle Ends	OSP Cycle# (7/03-6/04)	Cycle Begins	Cycle Ends	OSP Cycle# (7/04-6/05)
08/01/01	07/31/02	Cycle 15	08/01/02	07/31/03	Cycle 16	08/01/03	07/31/04	Cycle 17
09/01/01	08/31/02	Cycle 15	09/01/02	08/31/03	Cycle 16	09/01/03	08/31/04	Cycle 17
10/01/01	09/30/02	Cycle 15	10/01/02	09/30/03	Cycle 16	10/01/03	09/30/04	Cycle 17
11/01/01	10/31/02	Cycle 15	11/01/02	10/31/03	Cycle 16	11/01/03	10/31/04	Cycle 17
12/01/01	11/30/02	Cycle 15	12/01/02	11/30/03	Cycle 16	12/01/03	11/30/04	Cycle 17
01/01/02	12/31/02	Cycle 15	01/01/03	12/31/03	Cycle 16	01/01/04	12/31/04	Cycle 17
02/01/02	01/31/03	Cycle 15	02/01/03	01/31/04	Cycle 16	02/01/04	01/31/05	Cycle 17
03/01/02	02/28/03	Cycle 15	03/01/03	02/28/04	Cycle 16	03/01/04	02/28/05	Cycle 17
04/01/02	03/31/03	Cycle 15	04/01/03	03/31/04	Cycle 16	04/01/04	03/31/05	Cycle 17
05/01/02	04/30/03	Cycle 15	05/01/03	04/30/04	Cycle 16	05/01/04	04/30/05	Cycle 17
06/01/02	05/31/03	Cycle 15	06/01/03	05/31/04	Cycle 16	06/01/04	05/31/05	Cycle 17
07/01/02	06/30/03	Cycle 15	07/01/03	06/30/04	Cycle 16	07/01/04	06/30/05	Cycle 17

4. Fiscal Year Short Cycle

- (a) Employees would be on a July 1st – June 30th performance cycle if:
 - (1) Hired during the month of July or
 - (2) Promoted effective July 1 or
 - (3) Demoted effective July 1

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- (b) Employees on a July 1st – June 30th performance cycle shall receive a final evaluation in the month of May, instead of June. For the first year, the Appraisal Period in the “Appraisal Information” Section of the TAP Cover Sheet shall indicate, “July 1 – June 30.” The “Date of the Final Evaluation”, however, would reflect the date in May that the Final Evaluation is completed. An asterisk shall be placed next to this date.
- (c) As a result of the short-cycle, the performance cycle dates shall change. The “Cycle Date Change” section of the TAP cover Sheet shall be completed. The reason for changing cycle dates will be “Short cycle”. The new beginning and ending cycle dates shall be June 1st – May 31st.
- (d) In the “Appraisal Information” section of the next TAP cover sheet, the supervisor shall record the new cycle dates: June 1st – May 31st.

PERSONNEL TRANSACTIONS AND THE PERFORMANCE MANAGEMENT CYCLE

Performance Management is an integral part of the management of an organization. Information obtained during The Appraisal Process about individual employees or units of the organization shall be one consideration in making other personnel management decisions. Information obtained from performance appraisals shall influence selection, staffing, discipline, training, and development. Personnel policies dealing with personnel actions also require consideration of other variables; therefore, performance appraisals alone cannot determine such decisions.

To achieve internal consistency in personnel administration, the Department of Correction has adopted procedures that meet the following requirements:

1. A current (*within the last 12 months*) appraisal shall be on file for an employee before any of the personnel actions listed above can be effected.
2. Any proposed personnel action shall be consistent with the overall rating of the employee's performance. In cases where the recommended personnel action appears inconsistent with the current overall rating, a written justification shall accompany the recommendation.

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The Performance Management Cycle may be impacted by a variety of personnel actions. The following describes situations that may have an effect on the Performance Management Work Cycle. When a personnel transaction occurs that requires a change in performance cycle dates, the current or releasing supervisor shall conduct a Final Evaluation (closeout). Other personnel actions that do not change the performance cycle dates only require the current or releasing supervisor to update the employee's record. See the chart below to determine appropriate action.

Transactions that Will Change an Employee's Performance Cycle Dates	Action to be Taken by the Current (or Releasing) Supervisor
1. Promotion	Conduct Final Evaluation
2. Demotion (<i>due to discipline</i>) (* <i>See note below about Demotions-in-Place</i> *).	Conduct Final Evaluation
3. Short-Cycle	Conduct Final Evaluation
Transactions that Will <u>NOT</u> Change an Employee's Performance Cycle Dates	Action to be Taken by the Current (or Releasing) Supervisor
Lateral Transfer (<i>transfer from one position to another position at the same paygrade</i>)	Update the Record (<i>Interim Review, Final Evaluation, or Summary</i>)
1. Reallocation	Update the Record (<i>Interim Review, Final Evaluation, or Summary</i>)
Reassignment (<i>voluntary demotion to a lower paygrade- NOT as a result of discipline</i>)	Update the Record (<i>Interim Review, Final Evaluation, or Summary</i>)
4. Change in Supervisor	Update the Record (<i>Interim Review, Final Evaluation, or Summary</i>)
5. Separation	Update the Record (<i>Interim Review, Final Evaluation, or Summary</i>)

Demotion-in-Place Note: *Since employee's that receive a Demotion-in-Place do NOT change positions, the employee's performance cycle dates should NOT be changed and a Final Evaluation is NOT required at the time of the Demotion-in-Place. The employee should remain on their current performance cycle and the Action Plan Form must be issued and attached to the current appraisal.*

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NOTE: WHEN THE IMMEDIATE SUPERVISOR IS NOT AVAILABLE TO COMPLETE THE REQUIRED DOCUMENTATION AT THE TIME A PERSONNEL TRANSACTION OCCURS, THE REVIEWING MANAGER SHALL BE RESPONSIBLE.

Timeframes for The Appraisal Process Discussions

The Performance Management Process is a sequence of actions that supervisors and managers take when interacting with employees about their performance. The three (3) primary parts of this process are work planning, managing, and appraising. A minimum of 3 formal discussions are required during the performance management process. The supervisor and employee shall meet during the work planning, managing and final evaluation phases. To ensure that all employees are managed in similar fashion, the following time frames have been established for each discussion.

Work Planning Discussions:

1. Probationary employees shall be given a Standard Work Plan with established Work Plan Discussion Form within thirty (30) calendar days from the date of employment and an appraisal completed at the end of the employee's performance management work cycle. A review, which may be considered the Interim Review, shall be completed before an employee can be granted a permanent appointment in accordance with policy on probationary periods.
2. Every employee in a trainee progression shall be given his/her Standard Work Plan with an established Work Plan Discussion Form within thirty (30) calendar days of employment. These instruments help guide the employee in attaining the expectations required for full classification. A review shall be completed before each salary increase is granted in the progression.
3. Employees who are either transferred, promoted, or demoted, shall work under the Standard Work Plan established for that Job Class and should have a new Work Plan Discussion Form established within thirty (30) calendar days of the new assignment.
4. **Employees who have completed one or more 12 month performance cycles may be issued his/or her new work plan at the conclusion of the performance evaluation or within 30 days of completing the final evaluation.**

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Interim Review Discussions:

Policy requires that an Interim Review discussion occur at the mid-point (6th month) of the employee's 12-month Performance Cycle. The Interim Review can be done anytime within that 6th month. Supervisor's shall count the first month of the employee's cycle, when determining the Interim Review due date.

*Example: Employee's Cycle = April 1, 2001 – March 31, 2002
Interim Review Due = Month of September*

Final Evaluation Discussions:

Policy requires that a Final Evaluation discussion occur at the end of the employee's 12-month performance cycle. The appraisal can be done anytime within the 12th month. When determining when the Final Evaluation is due, the supervisor shall count the first month of the employee's cycle.

*Example: Employee's Cycle = April 1, 2001 – March 31, 2002
Final Evaluation Due = Month of March*

Timely Performance Management Discussions:

SUPERVISORS ARE ENCOURAGED TO CONDUCT PERFORMANCE DISCUSSIONS WITHIN THE MONTH THEY ARE DUE. DISCUSSIONS THAT ARE CONDUCTED WITHIN 30 DAYS FOLLOWING THE MONTH THEY ARE DUE SHALL BE CONSIDERED TIMELY. If the Work Planning, Interim Review or Final Evaluation discussions were conducted late, the supervisor shall record the actual date the employee signs in the appropriate space on the Cover Sheet with an asterisk next to the date. In the Comments/Justification section of the Cover Sheet, the supervisor shall record a justification to explain why the discussions did not occur as required by policy.

NOTE: If discussions are conducted late, this does NOT change the employee's performance cycle Beginning or Ending dates.

During the performance management cycle, there may be occasions when personnel actions are pending at the Interim Review or Final Evaluation phase of the process. It is recommended that TAP documents and discussions be completed in accordance with established timeframes and due dates. Management need not wait for the outcome of the personnel action provided facts regarding performance and/or behavior are documented and substantiated.

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Procedures for Each Phase of the Performance Appraisal Process

Phase I: Planning - At the beginning of the work cycle, the supervisor and employee shall meet to discuss the employee's standard Work Plan. Each employee shall have a Work Plan established at the beginning of the cycle on an annual basis. This plan shall include the results to be accomplished and the behavior/skills needed to produce these as well as any special one-time projects and/or goals. It is the supervisor's responsibility to explain the performance management process to the employee so the employee understands the importance of his/her role in the organization. Supervisors may provide employee's with a copy of their Job Description and/or Essential Job Functions.

Forms Used During Work Planning

1. **Coversheet** – The following information should be recorded on the standard coversheet during the work planning phase.
 - a. Fiscal Year
 - b. Rating Cycle Number
 - c. The employee's first, middle initial and last name
 - d. Social Security Number
 - e. Work Location
 - f. Unit's four-digit location number
 - g. Position Title
 - h. Position number
 - i. Performance Standard
 - j. Date of Employment with DOC
 - k. Appraisal Period
 - l. Date of Work Planning Discussion

3. **Standard Work Plan** - The Standard Work Plan is composed of two parts:

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- a. **The Performance Management Standard** - This is the pre-printed list of key responsibilities /results and results expectations, and dimensions and behavioral expectations for the employee's position. They are listed in priority order (*most to least important*). The standard indicates examples of expectations that correspond to designated levels of performance, i.e., Outstanding, "Very Good", "Good", "Below Good", and "Unsatisfactory" performance. The employee is appraised based on a comparison of his/her actual performance and behaviors to the performance and behaviors identified and specified at each performance level in the performance management standard. The results and behaviors listed in the Standard are only examples of the kind of results/ behaviors that fit into each performance level and are to be used as a guideline by which to evaluate individual performance. The list is not all inclusive. Employees may be appraised on performance or behavior results that are not listed verbatim in the standards, but can be directly related to the standards.

Supervisors must ensure, however, that whatever results they rate their employees on, these meet the spirit and intent of the Performance Management Standard. **Employees do not have to demonstrate performance/behavior related to each item listed under the rating level to achieve such a rating, however supervisors should reference as many items as apply.**

How to use the Performance Standards:

1. Identify and describe what the employee did and how it was done.

Example: *Position Classification:* *Chaplain*
 Performance Standard: *Professional/Specialist*

"Chaplain Jones had one on one conversations with inmates and determined that three different religious services would be needed to cover all religious beliefs of the compound."

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2. Review the performance standard and identify the Key Responsibility and the Dimension associated with the task.

Example: Under KRR #1 - "Plans, Monitors, and Evaluates", at the "Very Good" level, the first notation reads: "**Assesses inmate** or staff **needs** or interests **through** surveys, **conversations** or other means to determine the need for new programs or program adjustments."

Under DIM #2 - "Analysis" - at the "Very Good" level, the notation, "**Obtains and interprets specialized information and opinions...**"

The bold words in the statements above contain the essence of the task performed by the Chaplain and the corresponding behavior demonstrated for successful performance. Typically, when tasks are performed successfully at the "Good", "Very Good" or "Outstanding" performance level, the behavior associated with that task is performed at the same level.

- b. **Work Plan Discussion Form/ Supplemental Goals Sheet** - This is the second part of the Performance Management Standard Work Plan. It is a pre-printed form that allows the employee the opportunity to participate in the work planning and appraisal process. It includes specific goals and objectives discussed between the supervisor and the employee. The form has two (2) sections:

Section A - This space is provided for the supervisor to record individualized goals/objectives and special projects for the rating period. These goals and objectives are identified by the supervisor to provide an additional basis for assessing employee performance. It may be necessary to review/add to this form as priorities change or special projects are assigned during the performance cycle. Employees are accountable for completing tasks, assignments and/or goals recorded in Section A. All items recorded in Section A shall be rated at the end of the work cycle under the special project category.

Section B - The supervisor completes Section B listing training interests or career goals the employee would like to achieve during the work cycle. While this section of the form is optional, supervisors are expected to ask employees if they have career development or training interests. During the work planning discussion, employees may not offer any specific training items however, it is acceptable to add training interests throughout the performance cycle. If the employee does not wish to note any career goals, the supervisor may wish to make a notation, such as "none at this time".

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3. **Signatures to obtain during Work Planning** – After the work plan is completed at the beginning of the cycle, the supervisor and reviewing manager sign and date the Work Plan Discussion Form prior to conducting the work planning discussion. The employee signs and dates the work plan at the conclusion of the discussion. The signatures acknowledge receipt of the Standard Work Plan by the employee. If something is added to Section A or B following the work planning discussion the employee shall initial and date the changes, showing that they have been made aware of the changes.

If an employee refuses to sign the Work Plan Discussion Form, the supervisor(s) shall explain that the signature only acknowledges receipt of the document and does not mean the employee agrees or disagrees with the content. If the employee still elects not to sign, the supervisor(s) shall request that the manager(s) or another authorized manager or supervisor join the discussion to witness the refusal. This shall be noted on the document.

4. **Copies of Work Planning Documents:** A copy of the performance standard and Work Plan Discussion Form/ Supplemental Goals Sheet shall be given to the employee.

Phase II - Managing – Phase II Managing includes maintaining documentation of performance and behavior to support the evaluation, conducting the Interim Review and may include documentation related to reinforcing, coaching, discipline and/or completion of a Summary rating based on a personnel transaction. Supervisors and managers should use management techniques throughout the performance cycle to establish and promote an environment of mutual trust and respect between supervisors and employees. When employees are responsible for monitoring their own performance they may be more comfortable with the process and also more likely to achieve or exceed performance expectations.

1. **Forms for Tracking Performance**

Supervisors and managers are responsible for monitoring employee performance throughout the 12-month performance cycle. Reports, observations and work samples are typically used by supervisors and managers to support the employees evaluation.

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- a. **Performance Log** - The Performance Log is a tracking system, or a way to monitor, document and evaluate employee performance. The Performance Log is a benefit to both the employee and supervisor when it comes time to assign ratings. The supervisor simply looks back at what he/she wrote instead of relying on memory to reconstruct what the employee did during the rating period. The Appraisal Process requires that documentation be maintained to support ratings assigned at the Interim Review and the Final Evaluation. Supervisors shall track employee performance and behavior on a continuous basis and document this on the performance log. The performance log should contain performance and behavior notations representing a variety of rating levels to ensure the overall rating accurately reflects performance/behavior throughout the performance cycle. The final rating, therefore, should be more accurate as it will be based on the significant incidents recorded in the log, rather than on limited information, first impressions, most recent events, etc.

Supervisors and/or managers are responsible for shifting ownership for managing performance partially to the employee by offering one of the following methods for employees to document and monitor their own performance:

- (1) Allow employees an opportunity to complete Section C of the Employee Performance Review form prior to the Final Evaluation or
- (2) Allow employees an opportunity to complete a Performance Log and submit it to the supervisor prior to the Final Evaluation

Note: Allowing subordinate employees an opportunity to use a Performance Log to track their individual performance is an acceptable method of documenting employee input into the appraisal process. When this method is used by employees, they record the date and performance notations they wish to have considered by their supervisor. The supervisor assigns key responsibilities, dimensions and ratings to the employee log. The employee log is attached to the TAP package. Supervisors are still required to maintain a performance log even when employees use the log to provide feedback for consideration.

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The Performance Log requires the following information to be recorded:

1. The employee's name;
2. The date the notation is recorded (if date of event is different, this may be included in the notation);
3. A description of the performance or behavior demonstrated by the employee;
4. The key responsibilities, dimensions, or numbers, i.e. KRR #4 to which the significant event is related;
5. A rating for each notation;

Note: Within 30 days of recording a Below Good or Unsatisfactory log entry in an employee's Performance Log, the supervisor shall meet with the employee, discuss the performance, and have the employee initial and date the log entry.

6. A minimum of one (1) entry per month for all new hires until permanent status is achieved.

The log is confidential and shall be kept by the supervisor in his/her personal records. Although it may not be placed in the employee's official personnel folder until the work cycle is completed, it is a part of the employee's personnel file throughout the cycle. Only the employee, the supervisor, manager, and other supervisors in the employee's direct chain of command may review the log until it becomes a part of the formal record.

Advisory Note: It is essential that supervisors and managers monitor the content of notations recorded in the performance log and ensure that similar notations are assigned the same type of rating level identified in the N.C. Rating Scale.

Interim Review

While it is recommended and encouraged that supervisors meet with employees on a regular basis, each supervisor shall meet with each employee at least one time at the middle of the work cycle for an Interview Review of performance. This review shall take place at approximately the midpoint (*six months*) of the performance management cycle, and is informal in nature.

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THE APPRAISAL PROCESS

Forms for Documenting the Interim Review

1. Cover Sheet

In the Appraisal Information Section, the supervisor shall record the date the employee signed the Interim Review in the space provided.

2. Performance Log Notations from Work Planning to Interim Review

During the Interim Review the supervisor shall discuss the employee's progress towards each of the key responsibilities/results and dimensions and should initiate action towards improvement, if needed. The information recorded in the Performance Log shall be used as a means of supporting the overall rating assigned at the Interim Review. The supervisor need not rate each key responsibility/result or dimension, however, an overall summary rating shall be assigned and discussed reflecting overall performance during the Interim Review period.

3. Employee Performance Review Form

Section A - Section A of the Employee Performance Review Form is used to document the Interim Review. Before meeting with the employee, the supervisor shall record comments in Section (A) which reflect employee progress at the mid-point of the performance cycle. The overall summary rating shall be documented by checking the block corresponding to the appropriate level of performance. If the employee receives an overall rating at the Interim Review of less than the "Good" performance level, the supervisor shall develop an Employee Action Plan to overcome these deficiencies and meet with the employee at least once more before the final appraisal to discuss progress toward improved performance management, and demonstrate effort to help the employee to be successful. When an EAP is required at the Interim Review, it shall be prepared and issued to the employee simultaneously along with the Interim.

Signatures to Obtain at the Interim Review

The Interim Review (Section A) shall be signed by the supervisor(s) and the manager(s) before scheduling the meeting with the employee. The supervisor(s) shall then meet with the employee and conduct the Interim Review. Additional items that may be accomplished during the remainder of the work cycle, may be added to the Work Plan Discussion Form Section A and/or B. The employee shall sign in the appropriate space.

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Although there is no right to appeal the Interim Review, the employee may record his/her comments regarding the Interim Review on a separate sheet of paper attached to the review form.

In those situations when an employee refuses to sign the document, the supervisor shall explain that the signature only acknowledges receipt of the document and does not mean an employee agrees or disagrees with the content. If the employee still refuses to sign, the supervisor shall request that the manager or another authorized manager or supervisor join the discussion to witness the refusal. The refusal to sign shall be noted on the document. When the Interim Review is untimely, the supervisor shall provide an explanation on the cover sheet in the comments and justification section.

Reinforcing

Reinforcing discussions are the essential link between work planning and exceeding performance expectations. Reinforcing includes providing feedback to employees as they demonstrate positive performance or behavior which contributes to exceeding performance/behavior expectations. These discussions occur throughout the performance cycle. The purpose of reinforcing performance is to:

- Maintain and promote quality performance
- Encourage the application of skills, behavior or performance that exceeds expectations
- Maintain and promote employee motivation
- Recognition of performance which exceeds expectations

Forms for Documenting Reinforcing

1. Performance Log

Reinforcing discussions may be recorded on the Performance Log and typically result in ratings above the “Good” performance level.

2. Memorandum

Reinforcing discussions may also be recorded in a memorandum and attached to the TAP documents. If a memorandum is used to reinforce positive performance or behavior on the job, supervisors and managers should ensure that the information is adequately reflected in performance ratings.

Subject:

THE APPRAISAL PROCESS

Coaching

The aim of the appraisal process is to achieve optimal results from all employees. Coaching is the essential link between work planning and achieving performance/behavioral expectations. Its' aim is to ensure that each employee is putting forth his/her best effort to achieve the desired results.

Goals of Coaching:

When addressing performance/behavioral deficiencies, the goals of coaching are to:

1. Eliminate undesirable performance/behavior by employees as they work toward achieving job requirements. Techniques include:
 - a. instructing
 - b. guiding
 - c. directing
 - d. prompting

2. Change performance/behavior by:
 - a. clarifying what the problem is
 - b. explaining how it needs to be corrected
 - c. establishing a timeframe for corrective action
 - d. obtaining the employee's commitment and cooperation.

Preliminary Decisions:

As performance/behavioral issues occur that warrant corrective action, the supervisor in conjunction with management need to have a preliminary discussion to ensure consistency and determine that coaching is the most appropriate course of action. Once management determines that coaching is the appropriate course of action, the supervisor and reviewing manager may begin preparing the coaching documentation. The supervisor shall be responsible for monitoring the employee's efforts to correct performance, behavior or gain needed skills. Further, the supervisor shall record employee progress at the appropriate follow-up time as established in the coaching session. If an employee is coached as a result of a particular incident, the employee can not be later disciplined for the same incident.

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A coaching shall have the following elements:

1. The specific performance or conduct/behavior the employee exhibited that was incorrect or may be done better.
2. The steps the employee needs to take to correct the performance or behavior.
3. The time frame for corrective action.
4. A follow-up date to discuss/review the employee's progress

Forms for Documenting Coaching Sessions

To assist employees in overcoming performance/personal conduct (behavioral) deficiencies, the supervisor shall document coaching sessions using one of the three (3) methods listed below. The method chosen by the supervisor may be determined by the amount of documentation required to conduct the coaching. Each method of coaching carries the same weight and significance. It is essential however to ensure the selected method includes all required elements of a coaching.

1. **Performance Log** – If a supervisor wishes to document a chain of events such as a pattern of reporting to work late, he/she may choose to use the performance log. The supervisor shall record the performance notation in the appropriate space identifying the problem, corrective action, timeframe for improvement and date for the follow-up discussion. Enter the appropriate KRR's and Dimensions. Assign the appropriate rating. Typically, ratings will be at or below the "Good" performance level. If this is the first or initial coaching, it's possible to assign a good performance rating.

Example: Chain-of-Events

First Performance Log Notation: Discussed the importance of reporting to work on time. Specifically, we discussed the policy regarding attendance. A copy of the unit policy and a copy with employee signature and date is being retained in the TAP Package.

Dimension: Performance Stability

Rating: "Good"

Second Performance Log Notation: Reported to work 30 minutes late and did not call to inform the facility. Unable to provide a justified reason for being late. Agreed to adhere to work schedule and call if going to be late. Corrective action is expected immediately with a follow-up in 30 days.

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Dimension: Performance Stability

Rating: "Below Good"

Third Performance Log Notation: Reported to work one hour late with no justified reason for tardiness. Also failed to notify the unit. Effective immediately, no further deviations expected. Additional action may be required if deviations continue.

Dimension: Performance Stability

Rating: Unsatisfactory

Ratings of "Below Good" or "Unsatisfactory" shall be initialed and dated by the employee within a reasonable time frame following the incident. Progress/accomplishments toward the attainment of specific goals in the log entry should be noted in the performance log during the follow-up discussion.

Example of Follow-up Log Entry:

Employee follow-up discussion on reporting to work conducted on (insert date). Employee has had no further incidents of reporting late and is meeting the provisions established in the coaching session on (insert date). Agreed to continue following established procedures with no further deviations. We will continue to monitor performance.

Performance Stability: Performance Stability

Rating: "Good"

2. **Employee Action Plan** - This form may be used for non-disciplinary coaching counseling at the discretion of the supervisor and manager. If the coaching requires 1-2 paragraphs of information, the supervisor may want to use the Employee Action Plan. The form contains instructions for completion.
3. **Memorandum** - The supervisor /manager may document a non-disciplinary coaching session in the form of a memorandum to the employee (*i.e., when significant documentation shall be necessary to conduct the coaching session*). This memorandum should contain the same elements as a coaching on the Performance Log or Employee Action Plan, and should also cite the Key Responsibility or Dimension to which the performance/behavior applies.

The employee shall be required to sign the memorandum indicating receipt, and the memorandum shall be attached to the performance records and become a part of the employee's performance management documents. The subject of the memorandum should be labeled "Coaching".

Subject:

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Disciplinary Actions

Any disciplinary action issued during an employee's performance management cycle shall be well documented in the employee's personnel file and reflected consistently in the Performance Management Instruments. All disciplinary action issued for or related to performance and behavior (personal conduct) inadequacies shall be documented using appropriate TAP instruments.

Forms for Connecting Disciplinary Action to TAP:

1. Employee Action Plan

State policy requires that each agency develop a performance improvement plan. The purpose of the improvement plan is to document changes the employee needs to make in performance or behavior to enhance the work being done. The Employee Action Plan is used to establish a course of action developed by the supervisor and employee addressing performance and behavioral problems/deficiencies and providing steps each will take to overcome those deficiencies. Formal coaching sessions (non-disciplinary) may be documented on the Employee Action Plan at the discretion of the supervisor/manager.

The Employee Action Plan shall be completed and issued in conjunction with the issuance of the disciplinary action for unsatisfactory job performance, grossly inefficient job performance, or unacceptable personal conduct. Supervisors and managers shall determine which key responsibility and/or dimension is most closely related to the disciplinary action. Disciplinary actions that require completion of The Employee Action Plan include Written Warnings, and Demotions. When either one of these disciplinary actions occurs, management shall ensure that all required performance management instruments are completed and issued simultaneously during the disciplinary action discussion.

If an employee has been approved for dismissal, an Employee Action Plan is not required. However, dismissals based on progressive performance or conduct issues that occurred throughout the performance cycle should be documented appropriately in the appraisal documentation.

The Employee Action Plan shall be completed and issued in conjunction with the issuance of an overall summary rating of less than "Good" at the Interim Review or Final Appraisal.

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The Employee Action Plan provides a specific course of action to be taken by the employee to improve performance/behavior and overcome deficiencies. The Employee Action Plan has five (5) sections:

Section A – The supervisor shall indicate the reason the Employee Action Plan is being developed by checking the appropriate block, i.e., coaching, as a result of disciplinary action, as a result of an overall rating of “Below Good” or “Unsatisfactory” assigned at the Interim Review or Final Evaluation.

Section B – The supervisor shall record a description of the performance, dimension, or disciplinary problem in Section B. Also, the key responsibility and/or dimension most closely related to the performance, dimension (conduct) or disciplinary action should be outlined in this section. If disciplinary action has been issued, the information to be recorded in Section B is contained in the formal letter issued to the employee. If the letter does not include reference to the KRR/DIM, this must be added.

Section C – The supervisor shall record the steps an employee must take to gain the knowledge/skills necessary to perform at, or to correct performance/behavior to return to the “Good” level in Section C. If corrective action(s) is noted in the disciplinary action letter, then that may be used in this Section. If corrective action is not specifically identified in the disciplinary action letter, management shall record steps the employee must take to improve performance/behavior.

Steps the supervisor will take to assist the employee in achieving at least performance at the “Good” level shall also be recorded in Section C. Supervisors and managers should exercise judgement in determining what role they play in restoring performance/behavior of the employee. It is essential that the employee be given responsibility for correcting his/her own performance/behavior to maintain a “Good” performance rating level.

Section D - A specific time frame shall be established for employee improvement. If the Employee Action Plan has been developed as a result of disciplinary action, the disciplinary letter should contain a specific time frame for improvement. The employee, supervisor, and manager must sign and date this form to indicate their commitment to improving performance.

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***NOTE:** In accordance with the Disciplinary Policy and Procedures, unless otherwise specified by the supervisor in the disciplinary action letter, sixty (60) days shall be the time frame allowed for correcting unsatisfactory job performance. Additionally, the time frame required for grossly inefficient performance or personal conduct shall be "Immediate."*

Section E - When an Employee Action Plan is developed, a follow-up date for the supervisor and employee to meet again shall be established before concluding the meeting. An evaluation of whether the employee followed the corrective action and a description of that action shall be made on the follow-up date in this Section. Space for the employee, supervisor(s), and manager(s) to sign the form are provided in this Section.

Advisory Note: Management is responsible for ensuring that follow-up sessions are conducted in a timely manner.

2. Performance Log

During the performance management cycle, there may be occasions when disciplinary action is pending at the Interim Review or Final Evaluation. In those cases where disciplinary action is pending (*i.e., a recommendation has been submitted to division management and the work unit manager is awaiting approval, etc.*) the incident or behavior that is the subject of the recommended/pending discipline shall be documented on the employee's performance log. A comment indicating that disciplinary action is pending also should be documented. Although disciplinary action is pending, the facts as documented on the employee's Performance Log shall be considered in appraising the employee's performance either at the Interim Review or at the final performance evaluation and may affect the employee's overall rating at either.

It is recommended that TAP documents and discussions be completed in accordance with established timeframes and due dates. The supervisor and manager need not wait for the outcome of the recommendation for disciplinary action, provided an investigation has been conducted and completed and the facts have been substantiated.

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How Disciplinary Action is Resolved

All disciplinary actions shall be considered resolved when one of the following occurs:

1. The manager or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected;
2. At the final evaluation, a rating of Good or better in the Key Responsibility and/or Dimension cited or most closely related to the disciplinary action shall resolve the discipline.
3. 18 months have passed since the issuance of the disciplinary action, the employee has not received any further discipline and the manager has not extended the period.

Advisory Note: Information obtained from performance appraisals influences selection, staffing, discipline, training, and development, therefore it is essential that the TAP policy and procedure be consistently applied as it relates to discipline. Management shall be responsible for ensuring that appraisal documentation includes appropriate references to disciplinary actions. It is essential that TAP documentation be reviewed closely when disciplinary action has been issued to reduce and/or avoid adverse impact related to other personnel transactions.

Appraising - At the end of the employee's (12) month performance cycle, a final evaluation is required on an annual basis. The supervisor(s) shall review performance information collected during the work cycle. Sources shall be the Supervisor Performance Log, Employee Performance Log or Section C of the Employee Performance Review Form, Employee Action Plan (*if applicable*), Coachings, Interim Review, feedback, observation, etc.

The information and documentation shall be compared to each Key Responsibility/result, and Dimension and rated accordingly. The performance rating for each Key Responsibility/result, and Dimension shall be evaluated to determine the overall performance rating for that Performance Management Work Cycle. The supervisor shall meet with each employee to review/discuss the employee's actual performance and behavior as compared against the Key Responsibilities/results and Dimensions. The supervisor(s) and manager(s) should consider the following factors in the process to arrive at an overall summary rating:

1. The priority given each Key Responsibility/result, Special Project, and Dimension. It is the supervisor's responsibility to effectively communicate to the employee which Key Responsibility/result(s) and Dimension(s) are most important.

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2. Supervisors and managers should strive for consistency when assigning overall performance ratings. It is imperative that supervisors document performance throughout the cycle to ensure fair rating of employees. Proper documentation will ensure that employees are rated according to the Performance Management Standard for that job.
3. Supervisors and managers are encouraged to come to a consensus when rating an employee's performance. Each shall provide documentation to support his/her findings in reaching a consensus. However, in those cases where an agreement cannot be reached, the manager has the final authority.

Step 1 and Step 2 appeal rights for dispute resolution are printed on the Employee Performance Review Form. The supervisor shall print the name and address of the appropriate Step 1 appeal contact person, *i.e., Institution Superintendent, Regional Director, Assistant Judicial Division Chief, etc.* In addition, the supervisor shall explain the dispute resolution process to the employee with particular focus on the time frames. (*See Dispute Resolution Process*).

Forms for Appraising Performance

1. Performance Review Form – Section C and/or Employee Performance Log

Section C is provided for the employee to address significant contributions and accomplishments that were achieved during the work cycle. At the end of the rating period, and before the employee and supervisor meet for the final evaluation, the Performance Review Form shall be returned to the employee to complete Section C. If the employee maintains a performance log, it is not necessary to complete section C, a notation can be made, "see attached performance log(s)". Employee performance logs are attached to the appraisal documents.

2. Employee Performance Review Form - This form shall be used:

- a. To obtain employee Input prior to the evaluation
- b. To document the annual performance evaluation.
- c. To provide appeal rights.

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The following sections shall be completed during the Final Evaluation:

Section D - The Final Evaluation shall be documented in this section. Key responsibilities and Dimensions are preprinted and correspond with the Standard Work Plan.

The final rating for each Key Responsibility/result and each Dimension shall be recorded in the space provided. The supervisor shall determine, communicate, and explain the rating for each Key Responsibility/result, results expectation, Dimension, and behavioral expectation to the employee.

The final rating for all special projects/task recorded in Section A of the Supplemental Goals/Objectives form shall be recorded in the space labeled Special Projects. Only one rating is assigned even if there were multiple projects.

The overall performance rating shall be identified by checking the appropriate box corresponding to the five level rating scale. If the employee receives an overall rating of "Below Good" or "Unsatisfactory" during the Final Evaluation, an Employee Action Plan shall be completed. The overall summary performance rating shall be discussed so that each employee knows how well he/she performed overall throughout the rating period.

Timeframes for Completing the Final Evaluation

The final evaluation shall be completed within the 12th month of the performance cycle. If the final evaluation is completed late, an explanation must be recorded on the cover sheet in the comments/justification section. Under NO circumstances should any TAP documentation be backdated.

Signatures to Obtain at the Final Evaluation

The supervisor shall indicate by checking the appropriate box whether or not the employee has active discipline.

The supervisor(s) shall document his/her concerns/comments, sign and date in the space provided. The supervisor shall forward the final evaluation to the reviewing manager prior to issuing the appraisal to the employee.

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The reviewing manager(s) shall document his/her concerns/comments, sign and date in the space provided. The reviewing manager is responsible for reviewing the content of the final evaluation to ensure compliance with policy and procedure. The manager is responsible for identifying discrepancies and ensuring corrective measures are taken by the supervisor prior to issuing the final appraisal.

The employee may list his/her concerns/comments, sign and date in the space provided. While signing is necessary, it does not indicate agreement nor disagreement with the contents of the Performance review. The signature only acknowledges that the meeting occurred. However, should the employee refuse to sign and date the document, the reviewing manager or another authorized manager or supervisor shall join the discussion to witness the employee's refusal to sign the document.

Copies of the Final Evaluation

TAP documents and content are confidential in nature and shall be maintained as such. No changes shall be made to the completed document without the knowledge of the employee, supervisor(s), and the manager(s). Any such changes shall be initialed.

The supervisor shall inform the employee that the completed, original TAP document is maintained at the work location. The employee shall be given a copy of the completed appraisal to include: Coversheet, Performance Review form, Performance Log(s), and any Employee Action Plans initiated over the review period.

Summary

A Summary may be required as a result of reallocation, lateral transfer, reassignment, change-in-supervisor and/or separation. These transactions do not change the employee' performance cycle within DOC.

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Forms for Documenting Summary

1. Performance Log Notations

When a summary rating is issued, the supervisor shall discuss the employee's progress towards each of the Key Responsibilities/results and Dimensions and initiate action towards improvement, if needed. The information recorded in the Performance Log shall be used as a means of supporting the overall rating assigned at the Summary. The supervisor need not rate each Key Responsibility/result or Dimension, however, an overall Summary rating shall be assigned and discussed reflecting overall performance during the Summary period.

2. Employee Performance Review Form

Section B - The overall summary rating shall be documented on the Employee Performance Review Form, Section B, by circling the letter corresponding to the appropriate level of performance. If the employee receives an overall Summary rating of less than the "Good" performance level, the supervisor shall develop an Employee Action Plan to overcome these deficiencies which will be forwarded to the new work location/receiving supervisor.

Signatures to Obtain at the Summary

The Summary shall be signed by the supervisor(s) and the manager(s) before scheduling the meeting with the employee. The supervisor(s) shall then meet with the employee and conduct the Summary. The employee may record his/her comments regarding the Summary on a separate sheet of paper attached to the review form.

In those situations when an employee refuses to sign the document, the supervisor shall explain that the signature only acknowledges receipt of the document and does not mean an employee agrees or disagrees with the content. If the employee still refuses to sign, the supervisor shall request that the manager or another authorized manager or supervisor join the discussion to witness the refusal. The refusal to sign shall be noted on the document. When the Summary is done late, the supervisor shall provide an explanation on the cover sheet in the comments and justification section.

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Special Provisions for Rotating Shifts

There may be instances where either probationary, trainee or permanent employees are assigned to work rotating shifts or different assignments on a continuing basis resulting in multiple supervisors during a work cycle. This shall generally result in a temporary change in supervisor. To avoid the need to complete a Performance Summary (Section B - Performance Review Form) each time there is such a change in supervisor due to shift rotation or post reassignment, the following guidelines shall be followed:

1. Each assigned supervisor, regardless of the length of time the employee was under his/her supervision, shall record an entry documenting the employee's progress on the Performance Log including the date, performance notation, Key Responsibility/Result and/or Dimension and rating. The supervisor and the employee shall initial and indicate the date in the appropriate column on the Performance Log.
2. When a change in supervisor occurs, the releasing supervisor must note in the Performance Log the shift and/or post to which the employee will be subsequently assigned indicating the name of the receiving supervisor and the effective date of the reassignment.
3. The Interim Review shall be completed during the sixth (6th) month by the current supervisor. All Performance Log entries shall be considered when completing the Interim Review.
4. The Final Evaluation shall be completed during the twelfth (12th) month by the current supervisor. All Performance Log entries shall be considered when completing the Final Evaluation.
5. At the conclusion of the trainee period or when the employee is assigned a permanent supervisor, all original performance documentation shall be transferred to the appropriate supervisor.

All employees subject to the above procedures shall be informed during the Work Planning Discussion by the initial supervisor of the manner in which they will be evaluated during the trainee period. Specifically, the employee shall be advised that all supervisors will make performance entries, assign a performance rating, and initial the entry and that the supervisor assigned at the time that the interim review and at the time of the Final Evaluation shall complete the review or evaluation using input from the Performance Log.

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Example: *Upon employment as a correctional officer trainee, an employee may be temporarily assigned to rotate shifts and/or posts during trainee period.*

TAP RECORDS

DOC work locations may choose to file appraisals in each employee's personnel file or designate an official performance appraisal file at the facility. Whatever the choice, the employee must be told where the evaluation is kept. Management at each work location is responsible for ensuring that all TAP documentation is available to supervisors and managers assigned to shifts.

The evaluation shall be kept for 3 years and disposed of according to G.S. 121.5 (b & c).

PERFORMANCE APPRAISAL SUMMARY TRANSFER FORM

The Performance Appraisal Summary Transfer Form shall be completed with employees who transfer within state government, prior to their last day of work. This form must be attached to the 154-S along with the appraisal and shall be placed in the employee's personnel file and sent to the receiving agency. The supervisor, manager and employee shall date and sign the form to ensure that performance management documents are transferred in a timely manner to the employee's new work location.

Employees who transfer from DOC to Another State Agency

When a DOC employee transfers to another state agency, the supervisor is required to update the employee's performance record before the employee transfers.

When an employee transfers from DOC to another state agency, *i.e., DOC to DHR*, the employee's work location shall be responsible for completing the Performance Appraisal Transfer form. Due to the confidential nature of performance evaluation documents, it is recommended that this form be completed by the personnel section at each work unit location. The following documents shall be attached to the transfer form:

1. The TAP Cover Sheet
2. The Work Plan Discussion Form
3. Performance Logs
4. The Employee Performance Review Form
5. Any Employee Action Plans or Coaching Documentation
6. Copies of any Active Disciplinary Action

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The Performance Appraisal Transfer Form and appraisal documents shall be attached to the DC-154S separation package and submitted to DOC Personnel. DOC Personnel will be responsible for sending the performance documents, along with the original personnel file, to the other state agency.

Employees who transfer to DOC from Another State Agency

When an employee transfers into DOC from another state agency, *i.e., DHR to DOC*, the releasing agency is required to send the employee's personnel file and appraisal documentation to DOC Personnel. Upon receipt, DOC Personnel will be responsible for forwarding the employee's most recent performance appraisal to his/her individual work location. The field unit will then be responsible for maintaining these TAP documents in a field jacket for a minimum of three (3) years.

Employees who transfer within DOC

When an employee transfers from one DOC location to another, *i.e. Pender Correctional Institution to Odom Correctional Institution, Division of Prisons to the Division of Community Corrections* the Performance Appraisal Summary Transfer Form is not required. The original TAP documents remain in the field jacket. The releasing unit is responsible for sending current TAP documentation to the receiving unit.

Employees who Separate from the Department of Correction (separating from the state)

When employees resign from state employment, the supervisor shall update the employee's performance record prior to the separation. The documentation is maintained in the file at the facility according to the disposition schedule. If the employee separates prior to completion of these documents, the facility must complete the documentation and mail a copy certified to the employee's home address along with a memorandum explaining what has occurred. If a Final Evaluation was completed, the memorandum should also extend Step 1 appeal rights notifying the employee that he/she has 15 calendar days from date of receipt to submit their appeal request. The original appraisal document should be maintained in the Unit's personnel file.

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TRAINING

The Personnel Office shall develop a training program consistent with State law, policy, and Department of Correction policy and procedures. The following training modules are mandated:

- UNIT 1: Managing Organizational Performance
- UNIT 2: Planning: Developing Key Responsibilities/Results and Dimensions
- UNIT 3: Work Planning
- UNIT 4: Managing: Tracking Performance
- UNIT 5: Managing: Coaching/Reinforcing
- UNIT 6: Appraising: Conducting the Performance Appraisal
- UNIT 7: Overcoming Rater Bias

PERFORMANCE MANAGEMENT AND PAY ADVISORY COMMITTEE

The Secretary has authorized the Personnel Office to establish a Performance Management Review and Pay Advisory Committee. This standing committee serves in an advisory capacity with a minimum of five (5) members and representation balanced between managers, supervisors, and non-supervisors. The purpose of the committee is to ensure that the Performance Management System is managed in a fair and equitable manner. Responsibilities include reviewing the Department's:

1. Performance Management System/Policy to ensure adherence to Office of State Personnel Commission Policy;
2. Training and education programs to ensure that all employees receive appropriate information; and
3. Performance ratings to ensure equitable distribution.

Based on the above, the committee makes recommendations to the Secretary for possible changes/improvements to the performance management policy and/or procedures. Any change that would significantly alter the Performance Management Standard, shall be submitted in writing to the Department of Correction Personnel Office. The Review and Pay Advisory Committee shall review changes and either approve or disapprove recommended changes. Decisions of the committee shall be final and forwarded to the individual who submitted the change.

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No employee shall be held accountable by any supervisor for expectations submitted as part of a change until such time as the Committee rules and the change becomes part of the Standard Work Plan throughout the Agency for that job classification. The Performance Management Review and Pay Advisory Committee shall meet at least two (2) times annually.

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THE APPRAISAL PROCESS APPENDIX A – DEFINITIONS

APPENDIX A – DEFINITIONS

1. **Behavioral Expectation** – Pre-printed statements listed in the Performance Standard under each Dimension. These statements identify examples of how the employee is expected to perform each dimension according to the performance levels identified in the North Carolina Rating Scale. These are specific behaviors that must be demonstrated and result in behaviors being rated at the appropriate level. Clearly identified behavioral expectations are job-related, observable, and doable.
2. **Coaching** – This is usually a one-on-one discussion between the supervisor and employee, generally informal and brief, to address a performance/behavior issue that has occurred which affects the employee’s ability to achieve and/or exceed job expectations. The emphasis is on teaching and/or training the employee and should end with positive communication. Coaching is an essential link between work planning and achieving performance expectations. Coaching includes instructing, directing, guiding, or prompting employees as they work toward achieving expectations.
3. **Dimension** - A category of behaviors or skills needed to do a job. **Dimensions represent how the employee is required to carry out the Key Responsibilities and essential functions. Dimensions represent the behavioral skills that employees must demonstrate for completion of prescribed or significant tasks. Personal Conduct issues generally relate to Dimensions.**
4. **Dispute Resolution Process** - The procedures an employee follows in filing a dispute, having it reviewed, and receiving the final agency decision.
5. **Dual Supervision** - Process that requires an employee to be evaluated by both a clinical and administrative supervisor/ manager. The designation of “dual supervisor positions” shall be the responsibility of the Division Director.
6. **Employee Action Plan** – The Employee Action Plan is used to document changes the employee needs to make in performance/behavior to enhance the work being done. A specific course of action is developed to address performance/behavioral problems or deficiencies and provide steps each will take to correct/ overcome those deficiencies.
7. **Final Evaluation** - The formal evaluation of an employee's performance and progress toward established expectations at the end of the employee's Performance Management work cycle.

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THE APPRAISAL PROCESS APPENDIX A – DEFINITIONS

8. **Interim Review** - The required meeting between the supervisor and employee conducted at the midpoint (*6 months*) of the work cycle. The meeting is initiated by the supervisor for reviewing/discussing employee progress toward accomplishment of the established expectations. A summary rating shall be assigned to provide feedback to the employee concerning job performance.
9. **Key Responsibility** - A job duty that is critical to the position and occupies a majority of the employee's time over the course of the work cycle. **Key Responsibilities represent what the employee is required to do on the job to carry out the essential functions and demonstrate skills necessary for completion of prescribed or significant tasks. Job performance issues generally relate to Key Responsibilities.**
10. **Legislative Increase** - Pay increases funded by the general assembly on an annual basis. Performance ratings may affect eligibility for legislative increases.
11. **Method of Evaluation** - The process of referring to sources that document employee performance and dimensions (behavior/conduct) throughout the cycle. Included are examples of how the supervisor and employee agree to track, monitor, and evaluate performance throughout the cycle. Generally, methods include observation, feedback, and documentation.
12. **Overall Performance Rating** - The level of performance assigned to an employee's total work performance for a specific work cycle. It is a measurement of employee progress in relation to established expectations throughout the work cycle. The overall rating assigned shall be consistent with the North Carolina Rating Scale.
13. **Performance Management Cycle** - The time period for which an employee is appraised. It begins the first day of the month of employment or the effective month of certain personnel transactions and runs for twelve consecutive months. The NC Department of Correction has twelve (12) performance cycles based on the months in the calendar year.

Example: John began work on January 16, 2002. His cycle runs from January 1, 2002 through December 31, 2002.

Example: Mary is promoted to a new position effective May 1, 2002. Her new cycle is May 1, 2002 through April 30, 2003.

Subject:

THE APPRAISAL PROCESS APPENDIX A – DEFINITIONS

14. **Performance Management Standard** - This is a pre-printed list of key responsibilities/results, results expectations, dimensions, and behavioral expectations for a group of jobs with the same or similar duties. All positions under the Department of Correction have been categorized into eight performance standards: They are as follows:
- | | |
|-----------------------------|----------------------------|
| a. Executive | e. Technical/Skilled Trade |
| b. Managerial | f. Support Services |
| c. Supervisory | g. Public Safety |
| d. Professional/ Specialist | h. Correctional Officer |
15. **Probationary Employee** - Individuals receiving original appointments to permanent positions must serve a probationary period. Employees serving a probationary period shall have a work plan established within thirty (30) days of employment.
16. **Reinforcing** - A technique used to provide praise and positive feedback to employees as they demonstrate performance or behavior that contributes to exceeding expectations.
17. **Results Expectation** – Pre-printed statements listed in the Performance Standard under each Key Responsibility that identify examples of the outputs or results that the employee is expected to perform according to the performance levels in the N.C. Rating Scale. These are specific goals that must be met and result in job performance being rated at the appropriate level as demonstrated. Results expectations may include Performance Indicators to assist one in determining how to measure and evaluate employee performance. Some performance indicators include, but are not limited to:
- | |
|--|
| a. <u>Adherence to Procedures</u> - Compliance with procedures, policies, regulations, standard operating procedures, etc. |
| b. <u>Cost Effectiveness</u> - Refers to how economically something is done. This can be measured in ways such as dollars per task, employee work hours per task, accuracy of estimates, etc. |
| c. <u>Manner of Performance</u> - The way in which a task is performed, or a job is done. It defines the proper format to be used, amount of supervision needed, etc. |
| d. <u>Quality of Work</u> - This details how well something is done. It includes measures like the number and frequency of errors, number of complaints, and percentage of completion, etc. |
| e. <u>Quantity of Work</u> - This details how much was done and includes things such as how much overtime was needed and how much of something was produced in a specified period of time. |

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18. **Special Project** - A particular task that is not regular or recurring. Typically the employee is given a specific time frame for completion.
19. **Tracking** - A way of monitoring employee performance at certain periods using reports, observation, and other sources that indicate how well an employee is performing.
20. **Work Plan** - A work plan includes a pre-printed performance standard for the job class and individual goals and objectives of the employee and his/her supervisor.

Subject:

THE APPRAISAL PROCESS - APPENDIX B
TAP PROCESS FOR MEDICAL AND CLINICAL PROFESSIONALS

There are medical and clinical job classifications that have chains of supervision which require an employee to be evaluated by both a clinical and administrative supervisor/manager. Specific job classes have been designated by Division Directors to receive joint supervision from an offsite clinical supervisor as well as an administrative on-site supervisor located at the facility in which they work. Job classes designated as dual supervision include physicians, psychologist or psychiatrist specializing in clinical studies or practice and/or clinical job functions such as direct observation, diagnosis and treatment of patients. Typically, the off-site clinical supervisor evaluates the employee based on their performance as a medical/clinical professional while the on-site administrator evaluates work schedules and policy and procedure compliance. Feedback from both clinical and administrative supervisors is necessary to determine overall performance evaluations of these classes. Division Directors shall be responsible for designating position classification titles requiring Dual Supervision. The positions designated as requiring Dual Supervision and the corresponding Performance Management Standard are as follows:

POSITION CLASSIFICATION

STANDARD

Director of Nursing Services I	Managerial
Director of Nursing Services II	Managerial
Correction Psychological Service Coordinator	Professional/ Specialist
Psychological Program Manager	Professional/ Specialist
Dentist II	Professional/ Specialist
Dentist III	Professional/ Specialist
Lead Nurse	Professional/ Specialist
Nurse Supervisor I	Professional/ Specialist
Nurse Supervisor II	Professional/ Specialist
Nurse Supervisor III	Professional/ Specialist
*Physician Extender I	Professional/ Specialist
*Physician Extender II	Professional/ Specialist
*Physician Extender III	Professional/ Specialist
*Physician III - A	Professional/ Specialist
*Physician III - C	Professional/ Specialist
*Physician IV - A	Professional/ Specialist
Staff Nurse	Professional/ Specialist
Staff Psychologist II	Professional/ Specialist

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TAP PROCESS FOR MEDICAL AND CLINICAL PROFESSIONALS

NOTE: *Physician Extenders and Physicians who are NOT assigned to a single facility (i.e., they have multiple facility assignments), do NOT have an administrative on-site supervisor. Instead, both their signing TAP supervisor and signing TAP manager are clinical supervisors who are not located where the employee works. All personnel listed in "nursing" classifications do not fall under Dual Supervision. These positions may be region specific. Should questions arise, they should be referred to the chain-of-command.*

Example #1: *McCain Hospital and Central Prison have Directors of Nursing, therefore, only the Directors of Nursing will require Dual Supervision.*

Example #2: *Sandhills Youth Institution's top level nursing position is a Lead Nurse, therefore, the Lead Nurse requires Dual Supervision.*

RATING RESPONSIBILITIES FOR DUAL SUPERVISION

To maintain consistency within the Department, the following list is provided of Key Responsibilities and Dimensions for the Professional/Specialist and Managerial Standards and the responsible supervisor/manager.

PROFESSIONAL/ SPECIALIST STANDARD

Key Responsibility

Responsible Supervisor/Manager

Plans/ Monitors/ Evaluates
Performs Professional Duties
Maintains and Provides Expertise
Administration
Communication
Security and Safety
Supervision

Clinical/Both (Recommended)
Clinical/Both (Recommended)
Clinical
Administrative
Administrative/Both- Recommended
Administrative
Administrative

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TAP PROCESS FOR MEDICAL AND CLINICAL PROFESSIONALS

Dimensions for the Professional/ Specialist Standard will be rated by Administrative and Clinical Supervisors/ Managers. **EXCEPTION:** For Psychological Program Managers and Psychological Services Coordinators responsible for specialized mental health units, the following exception applies:

Key Responsibility

Responsible Supervisor/Manager

Plans/ Monitors/ Evaluates

Clinical

MANAGERIAL STANDARD

Key Responsibility

Responsible Supervisor/Manager

Human Resources Management/Development
Performs Professional Duties
Maintains and Provides Expertise
Fiscal Resource Management
Operational Management
Plans/ Monitors/ Evaluates

Administrative
Clinical
Clinical
Administrative
Administrative
Administrative

Dimension

Leadership
Team Building
Delegation
Communication
Analysis
Technical Knowledge

Both
Both
Both
Administrative/Both- Recommended
Both
Clinical

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TAP PROCESS FOR MEDICAL AND CLINICAL PROFESSIONALS

TAP PROCESS FOR PHYSICIANS AND PHYSICIANS EXTENDERS:

Full-time Physicians & Physician Extenders that are Assigned to a Single Facility	Full-time Physicians & Physician Extenders with Multiple Unit Assignments
<p><u>Signing Supervisor on TAP:</u></p> <p>1. Medical Director at NCCIW for physicians and physician extenders at facilities that house female inmates.</p> <p><u>OR</u></p> <p>2. Deputy Medical Director in DOP Admin for facilities that house male inmates EXCLUDING Central Prison and McCain Correctional Hospital.</p>	<p><u>Signing Supervisor on TAP:</u></p> <p>1. Medical Director at NCCIW for physicians and physician extenders at facilities that house female inmates.</p> <p><u>OR</u></p> <p>2. Deputy Medical Director in DOP Admin for facilities that house male inmates EXCLUDING Central Prison and McCain Correctional Hospital.</p>
<p><u>Signing Manager on TAP:</u></p> <p>Superintendent Designee</p> <p>NOTE: For NCCIW, Central Prison, & McCain Hospital, the facility Health Treatment Administrator is the Signing Manager.</p>	<p><u>Signing Manager on TAP:</u></p> <p>Director of Health Services DOP Admin</p>
<p><u>Step (1) Appeal:</u></p> <p>Supt./ Warden</p>	<p><u>Step (1) Appeal:</u></p> <p>Division Director</p>

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For physicians and physicians extenders located at Central Prison, NCCIW, and McCain Correctional Hospital, the following applies:

	Physicians & Physician Extenders at NCCIW, Central Prison, and McCain Correctional Hospital
Signing Supervisor:	Medical Director at the Facility
Signing Manager:	Health Treatment Administrator at the Facility
Step (1) Appeal:	Warden/Supt.

TAP FORMS FOR DUAL SUPERVISION

All forms used during the appraisal process have signature lines for one supervisor and one reviewing manager. The respective chain-of-command shall be responsible for determining who is the signing supervisor and who is the signing manager for positions designated as dual supervision.

VIDEO CONFERENCING AND TAP

Supervisors and/or managers of employees in a job classification that is designated as “dual supervision” have the options to conduct the Interim Review via the information superhighway and/or video conferencing versus a face to face meeting. The following protocol shall be followed when using existing equipment and technology to conduct the interim review:

1. The supervisor and employee shall arrange a mutually agreeable time through the local site coordinator.
2. Video conferencing may be used for the Interim Review only.
3. The employee must have previously completed at least one complete 12 month performance cycle.
4. The previous year’s Final Evaluation must have been “Good” or above.

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5. The previous year's final evaluation must depict every KRR and Dimension at a "Good" or above performance level.
6. There has been no disciplinary action within 18 months.
7. Within the current work cycle, there must be no documentation of counseling sessions or work improvement plans, and neither supervisor nor manager should expect a rating below the "Good" performance level.
8. On the TAP cover sheet under "Comments/Justifications" the administrative supervisor shall record the following statement:

"The supervisor, manager and employee agreed to conduct the Interim Review via video conferencing. Participating parties were (insert names)."

The administrative supervisor and the employee shall initial and date the above statement on the cover sheet.

Subject:

DISPUTE RESOLUTION PROCESS

POLICY

It is the policy of the Department of Correction to provide an internal dispute resolution procedure for employees who do not receive a performance evaluation or for employees that disagree with their Overall Performance Ratings as it may affect performance pay decisions.

ELIGIBILITY

Any non-probationary employee may appeal any of the following through the Dispute Resolution Process:

1. A Work Plan, Interim Review, and/or Final Evaluation was not done.

NOTE: *Managers and supervisors are required to complete and initiate the Work Plan, Interim Review, and Final Evaluation. Failure to initiate the TAP may adversely impact employee performance, behavior, and/or overall ratings.*

2. Employee disagrees with their Final Evaluation Overall Rating (*and/or their Overall Rating has adversely impacted their eligibility for performance increases*).

The following issues may **not** be appealed under the Dispute Resolution Policy:

1. Content of the Work Plan
2. **Performance Log Notations, Assignment of KRRs/DIMs to Log Entries, Ratings Assigned to Log Entries**
3. Coaching/Counseling Sessions
4. Interim Review Comments & Ratings
5. Summary Comments & Ratings
6. Ratings Assigned to individual KRRs, DIMs, and Special Project(s) in Section (D) of the Employee Performance Review Form.
7. Discrimination

Although log entry ratings and individual KRR and DIM ratings assigned at the Final Evaluation can not be appealed individually, during the Dispute Resolution Process, employee evidence may include documentation of job performance related to specific KRRs or behavior related to specific DIMs. The committee shall consider this evidence during the Dispute Resolution Process. Additional evidence submitted during the Dispute Resolution Process that was not reflected in the Performance Logs may result in a change in the overall rating.

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An employee's complaint may involve one or more issues in the performance management area. Despite this, an employee shall have only **one** opportunity to file a complaint on those issues. The final agency decision shall resolve all issues involving an employee's complaint so that no further appeal by the employee is necessary to resolve additional issues.

APPEALS BASED ON DISCRIMINATION

Any employee who feels that their performance review and/or performance rating being disputed is a result of discrimination based on age, race, sex, color, national origin, religion, creed, political affiliation, or handicapping condition, except where a bona fide occupational qualification is required, shall have the right to grieve through the Departmental Grievance Procedure. The written dispute shall be filed within thirty (30) calendar days of receipt of notice of action and submitted to:

Department of Correction
Equal Employment Opportunity (EEO) Officer
MSC 4203
Raleigh, North Carolina 27699-4203

The dispute may be delivered by any means the employee chooses, however, it must be received by the EEO Office on or before the thirtieth (30th) calendar day after receipt of the notice in order to be timely filed. Failure to comply will mean the dispute will not be heard.

Or the employee may file a petition for a contested case hearing pursuant to G.S. 150-B-23 with the:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

If the individual chooses to grieve to the department's EEO Officer, a thorough investigation shall be conducted and recommendations made as appropriate. During the review of a discrimination grievance at the Department level, the agency will not be represented by an attorney.

While the employee may wish to consult an attorney or other individuals or organizations for advice and/or information during the grievance process, the agency shall only communicate with the employee.

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If the individual files directly with the Office of Administrative Hearings (OAH), the investigation shall include a hearing before an Administrative Law Judge with the Office of Administrative Hearings. The recommended decision shall be submitted for final review and action to the State Personnel Commission.

In either event, whether grieving directly to the Department of Correction EEO Office or to the Office of Administrative Hearings, the individual shall grieve in writing the alleged act of discrimination within thirty (30) calendar days of the alleged act.

An employee must file any charge of discrimination to OAH within thirty (30) calendar days of the discriminatory act.

NOTE: If an employee alleges they received their Final Evaluation Overall Rating as a result of discrimination (based on age, race, sex, color, national origin, religion, creed, political affiliation, or handicapping condition, etc.), regardless of where the employee is in the Dispute Resolution Process (Step 1, Step 2, at the Dispute Hearing), the Dispute Resolution will cease immediately and the employee will be referred to file his/her TAP discrimination complaint with the Equal Employment Opportunity Office. Once the EEO Office concludes their investigation and issues their findings, the TAP Dispute Resolution Process may resume.

ISSUANCE OF FINAL EVALUATION

Performance review and rating decisions shall be communicated to the employee in writing by the supervisor using the Employee Performance Review Form. During the Final Evaluation discussion the supervisor(s) shall review the contents of the Step 1 Appeal Rights Section (*found on the bottom, backside of the Performance Review Form*) with the employee and specifically inform the employee of the time frames and location for filing a dispute. Failure to advise an employee of his/her appeal rights, time frame, and location for filing a dispute shall result in an extension of the time frame for the employee. Time frames for appeal rights start when the employee signs Section D of the Employee Performance Review Form.

In those situations when an employee refuses to sign, the supervisor shall request that the manager or another authorized supervisor or manager join the discussion to witness the refusal. The witness shall sign and date Section D, the Employee's Section of the Employee Performance Review Form. This date shall establish the timeframe for appeal rights.

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NOTE: If an employee indicates to their supervisor at the time of the Final Evaluation their intention to file a Step (1) Appeal, the supervisor should provide the employee a copy of the TAP & Dispute Resolution Policy and a "TAP Step (1) Employee Appeal Request Form." The employee should also be advised that the Step (1) Appeal form can also be downloaded from the DOC Personnel web page so that the employee can type on the form.

APPEAL PROCEDURES

The dispute resolution process consists of two steps. Employees must first file their appeals at Step (1) before filing at Step (2). As soon as an employee notifies their supervisor/manager of their intent to file a Step (1) Appeal, the supervisor/manager shall provide the appealing employee with:

1. Copy of the "TAP Step (1) Employee Appeal Request Form" (also located on the DOC Personnel web page);
2. Copy of the TAP & Dispute Resolution Policy

Step One

The following procedures shall be followed during Step 1 Dispute Resolution Process:

1. The employee shall complete the "TAP Step (1) Employee Appeal Request Form" and submit this form to Step (1) Appeal Authority within fifteen (15) calendar days measured forward from the date he/she signs Section D of the Employee Performance Review Form (*or, in case of refusal, 15 calendar days from the date the witness signed Section D of the Performance Review Form*). See instructions on the following page.

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**Instructions for Appealing Employees:
Completion of the TAP Step (1) Employee Appeal Request Form**

- Name:** Enter first, middle initial, and last name.
Unit Name: Enter unit name.
SS#: Enter social security number.
Position Title: Enter position classification title.
Position #: Enter 5-digit position number.
Home Mailing Address: Enter home mailing address.
Home Phone #: Enter home phone number (include area code).
Work Phone #: Enter work phone number (include area code).
Work Schedule: Enter normal work schedule (ex: M-F, 8:00am to 5:00pm, 1st shift, 2nd shift, 3rd shift, etc.)
Performance Cycle Date: Enter the beginning and ending performance cycle dates for the TAP appraisal being disputing (performance cycle dates should be recorded on the TAP Cover Sheet).
Final Evaluation Overall Rating: Indicate the Overall Rating that was issued to you.
Nature of Dispute: Check the appropriate block that represents what you are disputing.
Your Rating Recommendation: Indicate what you believe to be the most appropriate rating level based on your performance.
Issues & Concerns: Indicate your main issues and concerns regarding your disputed TAP appraisal. Attach additional sheets, if needed.
Employee Signature & Date: Sign and date.

Failure to comply with the timeframe established in Step 1 will invalidate the dispute and no further review shall be conducted. If a manager accepts a dispute that is untimely filed, the employee may be turned down at Step 2 for failure to comply with the appropriate time frame.

2. The "TAP Step (1) Employee Appeal Request Form" shall be submitted to the Assistant Judicial Division Chief, Facility Head, i.e., Warden, Superintendent, Correctional Administrator I, Enterprise Director, Assistant Director of Substance Abuse, Correction Administration Division Director, or Section Chief, whichever is appropriate. This list is not all-inclusive. **The supervisor is responsible for informing the employee of the name and address of the Step 1 Manager.**

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3. The Manager shall initiate the Investigation of the Dispute.
 - a. **Investigation** - Before conclusions are drawn in the case, a thorough investigation shall be conducted to gather the facts and determine if the action (*rating*) was reasonable, fair and consistent. The investigation shall include discussions with the employee and other appropriate supervisors and managers. Once the facts have been collected, analyzed and the final decision has been made, the findings and conclusions shall be documented in an investigative summary.
 - b. **Preparation of an Investigative Summary** - The summary shall include the investigative background, the facts or evidence (*findings*), the conclusion, and the recommendation.
4. The Manager shall schedule a Dispute Resolution Conference.
 - a. Reasonable advance notice of the time, date, and location of the Dispute Resolution Conference shall be given to the employee in writing.
 - b. The Dispute Resolution Conference shall be scheduled within fifteen (15) calendar days from receipt of the Step 1 appeal. If the Conference cannot be held within the fifteen (15) calendar day time frame, the employee shall be advised in writing of the conditions that prevent it from being held and when (*date*) it will be scheduled. If it is not held within the designated time frame, the employee may proceed to Step 2.
5. The Manager shall complete the “TAP Step (1) Management Appeal Response” form to be given to the employee at the Dispute Resolution Conference. See instructions below.

NOTE: *The “TAP Step (1) Management Appeal Response” form can be downloaded from the DOC Personnel web page.*

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Instructions for Management:

Completion of the TAP Step (1) Management Appeal Response Form

Appealing Employee Name: Enter first, middle initial, and last name.

SS#: Enter social security number.

Unit Name: Enter unit name.

Date the Employee's Step (1) Appeal was Received by Management: Enter date.

Date Dispute Conference Conducted: Enter the date that the Step (1) Dispute Conference was conducted.

Management's Step (1) Appeal Response: Address issues disputed by the employee, specific action (s) taken by management to resolve the dispute, rule or policy violations, specific performance issues that are the basis for the recommended action, timeframe to implement the recommended action, etc.).

Management Recommendations: Indicate whether the Overall Rating will remain the same, be changed, and/or any other appraisal modifications recommended.

Manager's Signature & Date: Step (1) Appeal Authority signs and dates.

Employee Signature & Date: Employee signs and dates at the Step (1) Dispute Conference.

6. Managers should prepare a copy of the "TAP Step (2) Employee Appeal Request to DOC Personnel" form to be given to the employee along with the "TAP Step (1) Management Appeal Response" form at the Dispute Resolution Conference.

NOTE: *In certain situations (dismissals, etc.), the "TAP Step (1) Management Appeal Response" form, a copy of the TAP/Dispute Resolution policy, and the "TAP Step (2) Employee Appeal Request to DOC Personnel" form may have to be mailed to the employee. To verify that the employee receives this information and confirm the exact date that the employee receives it, please mail this information "certified receipt."*

7. The Manager shall conduct the Dispute Resolution Conference to inform the employee of the decision.
 - a. Management/Supervisory representatives participating in the Dispute Resolution Conference shall be strictly limited to a maximum of two (2) individuals. This includes the Step 1 Manager or designee and the immediate supervisor or manager. Disputes involving positions under dual supervision may elect to have a maximum of three (3) members present to include the administrative supervisor, clinical supervisor, and the manager.

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- b. The conference shall be a private meeting with the employee, held after the completion of the investigation. The purpose of the conference is to advise the employee of the manager's resolution to the employee's appeal. The Step 1 Manager or designee shall:
- (1) Give the employee the "TAP Step (1) Management Appeal Response" form prepared in advance.
 - (2) Review the contents of the form with the employee. Specifically, inform the employee of the specific performance issues that are the basis for management's decision. Review of the employee's previous performance documentation may be applicable.
 - (3) Explain and implement management's Step 1 resolutions (i.e. rating will remain the same, rating will be changes, and/or other modifications).
 - (4) Explain the employee's appeal rights and have the employee sign and date the letter. In those situations when an employee refuses to sign, the manager shall note the refusal on the form. The date the Dispute Conference was conducted and Step (1) Appeal Response was issued shall establish the timeframe for appeal rights to Step (2).

NOTE: *Failure to receive written confirmation or acknowledgement of the employee's receipt of the Step 1 Appeal Response shall result in the employee receiving the benefit of the doubt (i.e. the employee will be scheduled for a Dispute Hearing, if requested).*

- (5) Once the employee signs the "TAP Step (1) Management Appeal Response," management should make and **provide a copy of the form to the employee.**
- (6) **Provide the employee a copy of the "TAP Step (2) Employee Appeal Request to DOC Personnel."**

NOTE: *Advise the employee that this form can also be downloaded from the DOC Personnel web page.*

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8. If the Dispute is not resolved at Step 1, if no Dispute Resolution Conference is conducted or if no written response is received within the timeframes set out in Step 1, the employee may proceed to Step 2.

Step Two

The following procedures shall be followed during the Step 2 Dispute Resolution Process:

1. The employee shall complete the “TAP Step (2) Appeal Request to DOC Personnel” within fifteen (15) calendar days of receipt of the Step 1 response or within fifteen (15) calendar days of the last timeframe established in Step 1. See below instructions:

NOTE: *The “TAP Step (2) Employee Appeal Request to DOC Personnel” form can be downloaded from the DOC Personnel web page.*

Instructions for Appealing Employees: Completion of the TAP Step (2) Employee Appeal Request to DOC Personnel	
<u>Name:</u>	Enter first, middle initial, and last name.
<u>SS #:</u>	Enter social security number.
<u>Additional Issues & Concerns:</u>	Indicate any issues or concerns regarding Management’s Step (1) Response and/or any other additional issues that have not already been addressed in your Step (1) Appeal.
<u>Employee Signature & Date:</u>	Employee signs and dates acknowledging that the appeal is NOT based on any alleged discrimination issues as it relates to the disputed appraisal.

2. The appealing employee must attach the following documentation to the “TAP Step (2) Appeal Request to DOC Personnel” and submit the documentation to DOC Personnel:
- a. Copy of the employee’s complete TAP package.
 - b. Copy of the “TAP Step (1) Employee Appeal Request Form.”
 - c. Copy of the “TAP Step (1) Management Appeal Response” form completed by Management.
 - d. The “TAP Step (2) Employee Appeal Request to DOC Personnel.”

The above documentation must be submitted to the Performance Dispute Manager in DOC Personnel, 214 West Jones Street, MSC 4203, Raleigh, North Carolina, 27699-4203.

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3. The employee may deliver his/her Step 2 Appeal documentation by any means he/she chooses; however, it must be received in the DOC Personnel Office on or before the fifteenth (15th) calendar day after receipt of the Step 1 response in order to be heard. ***Failure to comply with the timeframes established at Step 2 will invalidate the dispute at that level and no further review shall be given.***
4. The Performance Dispute Manager, or designee, shall review the Step 2 Appeal Request to determine timeliness and employee eligibility. Provided the employee dispute is timely and the employee is eligible to file a dispute, a Dispute Hearing will be scheduled.

5. **Dispute Committee Selection**

A review shall be conducted by a Dispute Resolution Committee. A chairperson and members of a Dispute Resolution Committee shall be selected by authorized Performance Management staff in DOC Personnel. Chairpersons and committee members shall be selected from a pool of employees representative of management, supervisory and non-supervisory personnel. Dispute Resolution Committee members shall be trained by DOC Personnel staff.

Employees selected to serve as members of the pool shall be assigned by geographic location with individual committee members from similar work situations, where possible (*Division of Community Corrections committee members will hear only Community Correction disputes, etc.*).

The Dispute Resolution Committee shall have a minimum of three (3) members and/or a maximum of five (5) members. One of the members will be designated as the Chairperson. Two (2) of the committee members must be Non-Supervisors. The appealing employee may excuse up to two (2) committee members, including the chairperson. One Alternate Chairperson, Alternate Non-Supervisory Committee Member, and/or Alternate Supervisory Committee Member shall be designated in the event the appealing employee excuses the current chairperson or seated committee member. Alternate members shall replace original committee members.

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6. Notice of Hearing Form:

Once committee members have been selected and a location and time have been set for the hearing, the “Notice of Hearing” form will be sent to the appealing employee, the Dispute Hearing Committee members (& alternate members), the Management Representative, and the supervisors of all parties to serve as notification and confirmation of the scheduled Dispute Resolution Hearing. The “Notice of Hearing” will indicate the name of the appealing employee, the date, time, and location for the Dispute Hearing, the name of the Management Representative, as well as the names of any management witnesses (*if applicable*). The appealing employee must complete the “Notice of Hearing” form and return the form to the Performance Management Section in DOC Personnel no later than ten (10) working days prior to the scheduled hearing. Failure to return this form in a timely manner may result in a delay/cancellation of the hearing. See below instructions:

**Instructions for Appealing Employees:
Completion of the Notice of Hearing Form**

1. Attendance at the Hearing: As the appealing employee, you may choose to speak on your behalf at the Dispute Hearing or you may choose to have the committee review the matter through written documents that you submit. Indicate whether or not you will be present at the hearing. (NOTE: If you will not be present at the hearing, please make sure (6) copies of your written documents are submitted and received by the Performance Management Section in DOC Personnel at least (10) working days prior to the date of the hearing).

2. Dispute Resolution Committee Members: Employees can excuse up to two (2) committee members, including the chairperson. Therefore, if you wish to make changes, cross out the name of the member(s) you would like to be excused. Alternate members shall replace original committee member should an original member be excused.

3. Employee Witnesses: Witnesses are allowed to appear and testify at the hearing on a voluntary basis. However, they will be strictly limited and must be able to present valuable information that is relevant to the dispute. Indicate if you will have witnesses testify at your hearing. If you will have witnesses, indicate their names and explain the relevance of their testimony to your dispute.

Employee Signature & Date: Sign and date the form.
This form must be received by DOC Personnel at least 10 working days prior to the scheduled hearing.

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7. **Witnesses:**

Witnesses for the employee and management representative shall be strictly limited to avoid repetition. Management witnesses, if any, will already be identified on the "Notice of Hearing" form before the form is distributed. When the employee completes and returns the "Notice of Hearing" form, the employee must indicate the names of any witnesses (*if applicable*) that they wish to appear and testify at the Dispute Hearing. The employee must also explain on the "Notice of Hearing" form the relevance of the witnesses' testimony for his/her case.

The Performance Dispute Manager or designee in DOC Personnel will advise the witnesses' supervisor(s) that their employee has been identified as a witness to appear voluntarily at a Dispute Hearing. Witnesses shall be informed by their supervisor as to the time, date, location, etc. of the hearing. Although the appearance of the appealing employee's witnesses is a voluntary action, managers are encouraged to facilitate voluntary participation.

During the Dispute Hearing, witnesses will be instructed to wait outside the hearing room until called by the chairperson. The witness shall be advised not to discuss factors related to the dispute being reviewed.

8. **Attendance:**

The employee may speak on his/her own behalf or the employee may choose to have the Dispute Committee review the matter through written documents that may be presented. If the review is accomplished through written documentation, the appealing employee may choose not to appear. The non-appearance of an appealing employee is allowed by policy and shall not be a factor considered during the hearing process or utilized during the deliberation and decision making process of the Committee.

One (1) supervisor/manager or a designated representative (other than an attorney) shall speak on the agency's behalf. It is recommended that the supervisor or the reviewing manager that signed the employee's Performance Management Evaluation serve as the Management Representative. The agency shall not be represented by an attorney during the Dispute Resolution Process. While the employee may wish to consult with an attorney during the review of his/her dispute, the agency shall only communicate with the employee during the review process. Attorneys for either side will not be permitted to appear on behalf of his/her respective client.

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Sworn testimony is not allowed. The review shall not be tape recorded except as an administrative convenience.

9. **Documentation for the Hearing:**

a. **Documentation distributed by the Performance Management Section:**

- (1) **Notice of Hearing Form:**
Distributed to all committee members (and alternate committee members), the management representative, and the appealing employee to notify and confirm the time and place for the hearing.
- (2) **Issues & Responses Form (blank):**
A blank "Issues & Responses" form will be distributed to all committee members and alternate committee members. Committee members are expected to make several copies of the blank form and bring these forms to the hearing. This form is designed for committee members to take notes upon, documenting issues and responses of both parties (management & employee) during the hearing. At the conclusion of the hearing, the chairperson shall collect all the "Issues & Responses" forms from each committee member. The chairperson shall incorporate the information contained on these forms in his/her Dispute Resolution Hearing Report.
- (3) **Dispute Resolution Hearing Report:**
A blank "Dispute Resolution Hearing Report" form will be sent to the designated chairperson. After the hearing, the chairperson is required to complete the form by documenting the findings of facts, "Issues & Responses", and committee recommendations (and minority opinions). The chairperson must submit this form, along with other hearing report documentation ("Issues & Responses" notes recorded by the committee members, documentation submitted by management, documentation submitted by the employee), to DOC Personnel no later than 15 calendar days from the date of the hearing.

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No other documentation regarding the dispute will be provided to the committee members ***prior to the hearing***. As a result, it is the responsibility of the appealing employee and the Management Representative to prepare and provide the appropriate TAP documentation as well as other relevant documentation to support their case when they appear before the Committee. **The Management Representative and Employee are required to bring six (6) copies of all documentation they present at the hearing (one for each committee member and one for the opposing party – employee or management representative).**

b. **Documentation Preparation by the Management Representative before the Hearing**

The Management Representative is responsible for providing **six (6) copies** of the following documents at the hearing:

- (1) The employee's complete TAP package.
- (2) The "TAP Step (1) Employee Appeal Request Form."
- (3) The "TAP Step (1) Management Appeal Response" form.
- (4) Documentation of Coachings, relevant disciplinary actions (such as Written Warnings, etc.).
- (5) Other relevant memos, letters of correspondence, samples of the employee's work, etc.

c. **Documentation Preparation by the Employee before the Hearing**

The Employee is responsible for providing **six (6) copies** of the following documents at the hearing:

- (1) The "TAP Step (2) Employee Appeal Request to DOC Personnel" form.
- (2) Any documentation that will support his/her case (such as samples of work, documentation of tasks completed, etc.)

Information presented to the Committee Members during the Dispute Hearing shall be related to performance issues concerning the appraisal in question (*ex. If the employee is appealing his/her Cycle 13 TAP, information relating to a previous appraisal such as Cycle 11 or 12 is not permissible*). The Management Representative shall present information to show that the Overall Rating that was given is accurate. The employee shall present information to show that the Overall Rating was given in error.

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10. **“Burden of Proof”:**

Documented evidence of a policy and procedure violation **MAY** or **MAY NOT** warrant consideration in changing the Overall Rating level of the disputed evaluation. The Committee will base the decision to change the level of the rating on the “Preponderance of Evidence” presented by the employee.

a. **Ratings At or Above the Good Performance Level**

Documented evidence of a policy and procedure violation ALONE is NOT sufficient basis to overturn a disputed rating AT or ABOVE the “Good” performance level. The “Burden of Proof” to substantiate a higher rating must come from the **employee’s** evidence (*i.e. documentation of performance that are “marked by his/her own initiative and height of quality of work.”*) Specifically, the documentation must comply with the definitions of “Very Good” and “Outstanding” according to the NC Rating Scale. Preponderance of evidence should be interpreted as evidence throughout the performance cycle to support and appropriately override the disputed rating level.

b. **Ratings Below the Good Performance Level**

It is the manager’s responsibility to bring the employee to the “Good” performance level (*i.e. through Work Plans, Interim Reviews, Coaching & Counseling sessions, etc.*). Procedural violations have the potential to negatively impact the employee’s Overall Rating. As a result, such violations shall be considered negligent. The following procedural violations shall be considered negligence and occurs when one or more of the following are not completed and/or initiated by the managers:

- (1) Work Plan and/or Work Plan Discussion
- (2) Interim Review
- (3) Coaching/Counseling Session

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In these situations, the employee's failure to perform his/her job responsibilities at an acceptable level may be due to the lack of a Work Plan. Without a Work Plan, it could be argued that the employee did not know what his/her job responsibilities included. Failure to conduct an interim review or coaching session could mean that the employee was not made aware of performance deficiencies and, therefore, was not given the opportunity to improve his/her performance prior to the end of the appraisal period.

Therefore, when procedural violations exist (*no Work Plan, no Interim, no Coaching session conducted when needed, etc.*) **AND** the employee receives a rating less than "Good," the rating may, at the Committee's recommendation, be changed. In such cases, the "Burden of Proof" shall rest on the **Management Representative** to present documented evidence that the aforementioned violations did not occur and/or did not adversely impact the employee's performance. Without evidence from the Management Representative, the Committee may recommend bringing the employee to the "Good" performance level in a disputed case of a "Below Good" or "Unsatisfactory" Overall Rating.

Please note that if the appealing employee received an Overall Rating **less than** "Good" and is requesting a rating level **ABOVE** "Good," with one of the previously mentioned procedural violations occurring during the rating cycle, the "Burden of Proof" rests on the **Employee** to provide evidence of performance above "Good."

11. **Re-Scheduling Hearings:**

a. **Management Representative**

If the manager can not attend the hearing, he/she must designate a representative to appear in their place.

b. **Employee**

The employee can reschedule the hearing if just cause can be presented and if the request for postponement is received at least 24 hours before the scheduled hearing. **FAILURE TO TIMELY PREPARE FOR THE CASE IS NOT GOOD CAUSE FOR A POSTPONEMENT.**

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If a postponement is granted and the hearing is rescheduled, should the appealing employee be unable to attend the date of the rescheduled hearing, the hearing will not be rescheduled again. The employee can still submit the written documentation of his/her case to be reviewed by the Committee at the hearing.

c. **Committee Member**

If a committee member is unable to attend the hearing as scheduled, he/she will be replaced. When possible, the appealing employee will be notified of the change. If advance notification is not feasible, the notification of change will be addressed at the beginning of the hearing.

d. **Witnesses**

Because of the difficulty of coordinating schedules, hearings will not be rescheduled if witnesses are not available.

12. **Conducting the Dispute Hearing:**

a. **Responsibilities of the Chairperson:**

The chairperson shall be responsible for calling the meeting to order and for overall assurance that the hearing is conducted in an orderly and just manner. These responsibilities would include:

- (1) Collect all documentation that is presented by the employee and management representative at the commencement of the hearing and distribute copies of these documents to each committee member as well as the opposing party.
- (2) Ensure timeframes are adhered to and/or that both parties are given equal time for presenting their case.
- (3) Ensure that all witnesses are called upon and excused as needed.
- (4) Ensure that all testimony is relevant to the disputed case.
- (5) Ensure the employee and management representative remain focused and do not deviate from the issues of the case.
- (6) Address any hearing procedural questions that are raised.
- (7) Document issues presented by the employee and management representative as well as responses from the opposing party on the "Issues & Responses" form.

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- (8) Ask questions of the employee, management representative, and/or witnesses as needed.
- (9) Respond in accordance with policy if an issue of discrimination is raised by the employee during the hearing.
- (10) Conclude the hearing, excusing the employee and management representative, so the committee can deliberate.
- (11) Before adjournment of the committee members, collect all copies of documents that were presented by the employee and the management representative as well as all written notes (i.e. the “Issues & Responses” forms) taken by the committee members.
- (12) Advise and/or remind committee members that the information presented during the hearing is confidential and shall not be discussed with others.
- (13) Record the findings and recommendations, including minority opinions, of the committee by completing the Dispute Resolution Hearing Report. (*For instructions on the completion of the Dispute Resolution Hearing Report Form, refer to “Documents Submitted by the Chairperson”*).

NOTE: *The “Dispute Resolution Hearing Report” form can be downloaded from the DOC Personnel web page.*

- (14) Submit the Dispute Resolution Hearing Report, all handwritten notes taken by the committee members during the hearing (*i.e. notes taken on the “Issues & Responses” form*), one copy of all documentation submitted by the employee, and one copy of all documentation submitted by the management representative (clearly labeled as such) to the Performance Dispute Management Section in DOC Personnel within **15 calendar days** from the Dispute Hearing.
- (15) Destroy all extra/duplicate copies of documents distributed during the hearing.

b. Responsibilities of the Committee Members:

Responsibilities of each committee member includes:

- (1) Bring several blank copies of the “Issues & Responses” form to be used for note-taking during the hearing.

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- (2) Document **issues** raised by the employee or management representative as well as the opposing party's **response** to the issue on the "Issues & Responses" form.
- (3) Document **specific dialogue** of the appealing employee and management representative on the "Issues & Responses" form, paying particular attention to capturing verbal information that is not represented in the written documentation submitted by the employee or the management representative.
- (4) Identify specific dialogue or written evidence that supports the employee and/or management representative's case.
- (5) Ask questions of the employee, management representative, and/or witnesses as needed.
- (6) Participate in the deliberation of the case and making committee recommendations.

c. **Hearing Procedures:**

(1) **Collection/Distribution of Documents:**

At the beginning of each hearing, the chairperson will request that the employee and management representative submit copies of all documents that they will be presenting to the committee. Since the employee and management representative have already been advised to bring 6 copies of all documents they will be reviewing during the hearing, the chairperson simply needs to collect the documents and make sure each committee member receives a copy as well as ensure the opposing party receives a copy.

(2) **Timeframes:**

During the hearing, the employee and management representative speak *alternately* with the employee always starting first. Each side will be given up to 60 minutes to present their case. This includes:

- (a) **Opening Statements** – The employee and the management representative are each given up to **5 minutes** to make their opening statement. The employee does his/her opening statement first and then the management representative makes his/her opening statement.

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- (b) **Presentation** - The employee presents first and is given up to **50** minutes to present their case. Once the employee finishes his/her presentation, the management representative is given up to **50** minutes to present their case.
- (c) **Closing Remarks** - The employee and the management representative are each given up to **5 minutes** to make any closing remarks. The employee does his/her closing statement first and then the management representative makes his/her closing statement.

The chairperson shall control the timeframes and the flow of the discussion. The chairperson may extend the timeframes at any point where he/she deems appropriate, however, all time extensions shall be extended equally for both parties and should be documented in the chairperson's Dispute Resolution Hearing Report.

(3) Questioning:

Any of the committee members, including the chairperson, can interrupt and ask the employee, management representative, and/or witness any question at any time. In addition, the employee may ask the management representative questions and the management representative may ask questions of the appealing employee at any time during the hearing. It is the responsibility of the chairperson to ensure that any exchanges between the employee and the manager remain focused and do not deviate from the issues.

If the employee has a witness testify, once the employee is through asking the witness questions, the management representative is given the opportunity to cross-examine the witness. Once management is through questioning the witness, the witness can be excused and can leave. If the management representative has witnesses to testify during their presentation, the employee is allowed to cross-examine any of management's witnesses before the witness is excused to leave.

Witnesses are only allowed in the hearing during their testimony only. Once their testimony concludes, the witness must leave.

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(4) Adjournment & Committee Deliberation

At the completion of the hearing, the chairperson shall adjourn the meeting and excuse the employee and the management representative so the committee can deliberate. The committee members will discuss the case and review documents presented during the hearing as well as notes taken on the "Issues & Responses" form. When the committee has completed the review of all information and has, by majority rule, reached a decision regarding final recommendations, the chairperson shall collect all documents distributed for the case and complete the Dispute Hearing Report Form (*see "Responsibilities of Chairperson" for instructions on completing the Dispute Hearing Report Form*). If there is a minority opinion, this shall also be included in the report.

Before excusing the committee members, the chairperson shall explain that the subject matter of the hearing, including information contained in the documents, shall not be discussed with any other individual. He/she shall advise the committee members that failure to follow this directive may result in disciplinary action up to and including dismissal.

d. Documentation Submitted by the Chairperson to the Personnel Office

Due to the confidential nature of the hearing, the chairperson must collect all copies of documents related to the hearing. After the hearing, the chairperson must complete the "Dispute Resolution Hearing Report" as

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**Instructions for Chairperson:
Completion of the Dispute Resolution Hearing Report Form**

Section (1): Hearing Information

Record the date of the hearing, the hearing timeframes, the name of the disputing employee, the names of the employee's witness(es), the name of the management representative, the names of the management representative's witness(es), and the name of the committee members.

Section (2): Issues & Responses

Before completing this section, the Chairperson should review all "Issues & Responses" notes taken by all the committee members as well as their own. Consolidate the information and list the specific issues raised by the employee and management representative as well as the opposing party's response to each issue. Clearly identify (check the appropriate block) whether the issue is the employee's or management representative's. Document specific dialogue and/or evidence that supports each issue and response.

Section (3): Hearing Results & Recommendations

Based on the evidence and testimony from the Dispute Hearing, record the committee's Findings of Facts. If there is a Minority Opinion, record the Minority Opinion and explain the justification for this opinion. Indicate whether the committee recommends that the Overall Rating remain the same or be changed. If the committee recommends that the rating be changed, be sure to record what rating the committee recommends. Also, include any other recommendations of the committee (address corrective actions related to procedural violations, additional training needs, etc.) Indicate whether the committee recommends that the Overall Rating remain the same or be changed. If the committee recommends that the rating be changed, be sure to record what rating the committee recommends. Also, include any other recommendations of the committee (address corrective actions related to procedural violations, additional training needs, etc.).

Sign and date the Hearing Report Form.

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Upon completion of the "Dispute Resolution Hearing Report," the chairperson must attach the following documentation to the Report form:

- (1) All handwritten notes taken by the committee members during the hearing (*i.e. notes taken on the "Issues & Responses" form*).
- (2) One copy of all documentation submitted by the employee (*clearly labeled as "Employee Documentation"*).
- (3) One copy of all documentation submitted by the management representative (*clearly labeled as "Management Documentation"*)

The chairperson must submit the Hearing Report and the above documentation to the Performance Management Section in DOC Personnel within 15 calendar days from the Dispute Hearing. It is the responsibility of the chairperson to destroy all extra/duplicate copies of documents distributed during the hearing.

e. **Issues of Discrimination during the Hearing**

Although the "TAP Step (1) Management Appeal Response" form and the "TAP Step (2) Employee Appeal Request to DOC Personnel" form clearly explain that the Dispute Resolution Process is not designed to address issues of discrimination, the appealing employee may raise discrimination as an issue during the hearing. If the employee raises the issue of discrimination, the chairperson shall do the following:

(1) **Immediately seek clarification**

A determination should be made as to whether the statement made by the employee is implying discrimination based on the rating received or lack of a work plan, etc.

The chairperson may use the following dialogue when making a determination:

"Mr./Ms. _____, are you alleging your overall rating was assigned based on discrimination?"

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(2) Identify the category of discrimination

If the answer is yes, the chairperson is to identify the category of discrimination, i.e. sex, race, age, etc. and advise the employee that the Dispute Resolution Committee does NOT hear discrimination cases.

(3) Contact the Performance Dispute Manager in DOC Personnel

Once the chairperson explains to the employee that the Dispute Resolution Committee does not hear discrimination cases, the chairperson shall call a brief recess and immediately contact the Performance Dispute Manager in DOC Personnel and/or designee. This is necessary to assure that a sound policy decision is made.

If the chairperson rules that discrimination is not an issue, the hearing will resume.

(4) Advise Employee of Appeal Process for Discrimination

If it is determined that the employee is alleging discrimination, DOC Personnel will advise the chairperson to adjourn the hearing and provide the employee with the information in this policy under "Appeals Based on Discrimination."

THE DECISION OF THE SECRETARY

Once the Hearing Report Form and documentation is received by DOC Personnel, the Performance Management Section is responsible for coordinating the information and forwarding the information to the Secretary of the Department for final review and decision.

The Secretary or designee may:

- a. Approve the committee's recommendations as written.
- b. Approve the committee's recommendations with modifications.
- c. Disapprove the committee's recommendations with modifications.

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Once a decision is made, the employee shall be notified in writing of the final Agency decision. In those cases where the committee's recommendation has been rejected, the written notification shall state why the recommendation was not accepted. The decision of the Agency is final and no further appeal, grievance, or review is permitted.

TIME REPORTING PROCEDURES

1. Appealing Employee

If the hearing occurs during the appealing employee's regularly scheduled work hours, the employee shall be granted time away from work to attend the hearing including reasonable travel time. Such time shall be recorded on the Employee Time Report (DC-113) in the column labeled "OPS" and designated as "Z" time with an explanation in the comments/justification section. This time shall not be included in the total hours worked so as not to generate overtime. This time is compensable only in that the employee is not required to exhaust vacation leave.

2. Management Representative

Regardless of whether the hearing is scheduled during the management/designated representative's regularly scheduled work hours, time spent by management/designated representative shall be considered work time and recorded on the Employee Time Report (DC-113) as hours worked in the column labeled "R." In this case, the management/designated representative is required to attend the hearing as a part of his/her job responsibilities.

NOTE: Time spent in travel to and from the hearing shall also be considered work time (*See Travel Time - Home to Work on Special One-Day Assignments in Another City, OSP Manual, Section 7*) and recorded on the Employee Time Report (DC-113) accordingly.

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3. Witnesses for Management

Witnesses required by management to attend shall be considered work time. Time spent by witnesses required by management to attend the hearing shall be considered work time and recorded on the Employee Time Report (DC-113) as hours worked in the column labeled "R." In this case, the witness is required to attend the hearing as a part of his/her job responsibilities. Time spent in travel to and from the hearing shall also be considered work time (*See Travel Time - Home to Work on Special One-Day Assignments in Another City, OSP Manual, Section 7*) and recorded on the Employee Time Report (DC-113) accordingly. Supervisors for third shift employees should rearrange the work schedule accordingly to allow attendance during a normal work day.

4. Witnesses for Appealing Employees

Department of Correction employees appearing voluntarily as witnesses at the request of the appealing employee shall be granted time away from work to attend the hearing including reasonable travel time, if the hearing occurs during the employee's regularly scheduled work hours. Time spent by witnesses appearing voluntarily at the request of the appealing employee shall be recorded on the Employee Time Report (DC-113) in the column labeled "OPS" and designated as "Z" time with an explanation in the comments/justification section.

This time shall not be included in the total hours worked so as not to generate overtime. This time is compensable only in that employees are not required to exhaust vacation leave. Employees appearing voluntarily at the request of the appealing employee at hearings conducted at times other than normal work hours shall realize no additional compensation.

Reimbursement for subsistence and travel expenditures shall be handled in accordance with existing fiscal policy and procedures.

RETENTION OF RECORDS

Information concerning Dispute Resolution Hearings shall be maintained in a confidential file at the Department of Correction Personnel Office for a minimum of five (5) years.