

CHAPTER 12

Performance Management

To the extent that any provisions of these Regulations conflict with the terms of a Collective Bargaining Agreement (CBA) in effect between the County and an exclusive bargaining representative, the terms of the CBA shall control.

12.1 Introduction

Performance management is a continuing process for establishing a shared understanding between the supervisor and the employee about what is expected on the job and how it is to be achieved. Performance management promotes improved job performance, encourages skill development, and fosters performance at the highest level while increasing the probability of success for the employee and the workgroup through enhanced communication. The process has defined roles for both the employee and the supervisor.

-1 In performance management, the supervisor:

- a. Sets performance expectations for all positions under his/her control through accurate job descriptions.
- b. Discusses the employee's position description, his/her evaluation and performance expectations.
- c. Coaches each employee on their performance at regular intervals throughout the rating period, helps set goals for performance improvement, and supports professional development.
- d. Evaluates each employee's performance in writing at least annually.
- e. Assists in identifying training and developmental solutions to support maximum performance in the current position, and, career development opportunities to support future career advancement.

-2 To actively participate in the performance management process, the employee:

- a. Ensures an understanding of expectations and responsibilities by reviewing the position description and evaluation.
- b. Solicits performance feedback, periodically, throughout the year, including discussions of any obstacles or challenges that might hinder performance.

- c. Completes the self-assessment evaluation.
- d. Participates in the review discussion with his/her supervisor.
- e. Is accountable for his/her own improvement and development.

12.2 Authority and Responsibility

-1 Responsibility

- a. Department heads have authority for implementing and administering performance management and career development within their agencies to the same extent that they are responsible for other aspects of agency management.
- b. The immediate supervisor has responsibility for day-to-day performance management including coaching and formal evaluation of the employee. In unusual circumstances, department heads or designee may designate a higher-level supervisor to perform the function of the immediate supervisor when warranted.

- 2 Training

- a. Employees:
 - 1) Shall attend mandatory training, to include performance management training, and
 - 2) Shall certify that they understand their role and responsibilities in the performance management process.
- b. Supervisors and Reviewers:
 - 1) Shall attend mandatory training in performance management, offered periodically by the Department of Human Resources, as soon as possible after appointment to a supervisory role.
 - 2) Shall certify that they understand their role in performance management, including the process, proper form use, coaching, expectation setting, and career management support as soon as possible after appointment to a supervisory role.
 - 3) Shall ensure his or her subordinate staff attends mandatory training, including performance management training.

- c. Department heads shall ensure that all supervisors understand Fairfax County’s performance and career management philosophies and procedures.

12.3 *Performance Management Cycle*

Performance management is a year-round collaborative process between the employee and his/her immediate supervisor. The process involves planning, coaching, developing, and reviewing job performance throughout the year. Performance management takes into consideration “what” the employee accomplishes during the performance cycle and “how” the employee accomplishes the work. The ongoing, two-way communication between an employee and his/her supervisor assists the employee in maximizing his/her job performance and career potential.

-1 Planning

- a. During the planning phase, both the employee and supervisor discuss job requirements and performance to ensure a common understanding of the evaluation criteria.
- b. During the planning phase, employees work with their supervisors to define, clarify and understand their performance expectations using the class specifications and position descriptions for guidance.
 - 1) Class specifications provide an overview of the typical duties associated with a job classification, as well as, outline the minimum qualifications and necessary knowledge, skills and abilities for each job class.
 - 2) Positions descriptions list requirements and job duties that are unique to each established position. Each department head or designee must maintain current position descriptions and performance requirements for all positions under his/her control.
- c. A Career Management Plan (CMP) is also initiated as part of the annual evaluation period planning process. The CMP documents development initiatives for the upcoming evaluation period designed to support employee growth and learning in the current position and/or prepare the employee for career advancement within the County.
 - 1) CMP completion is mandatory unless the supervisor and employee mutually agree it is not necessary for the given review period.

- 2) CMPs are also completed for initial and promotional probationary employees soon after appointment, in order to promote necessary development and successful onboarding.

-2 Coaching

- a. The coaching phase is a continuous cycle of observation, feedback, and redirection to ensure that the employee is on track to achieve the defined performance expectations. Coaching supports the employee in his or her efforts to perform at the optimal level.
- b. At any time during the review period, if the supervisor assesses the employee's overall performance as unsatisfactory or any component of performance as needing improvement; a coaching performance improvement plan (Coaching PIP) should be initiated. A Coaching PIP is a document which identifies employee performance and/or behavioral issues requiring improvement and the specific changes required for the employee to demonstrate passing performance in these areas on the next performance evaluation.
- c. Coaching PIPs are documents designed to support and coach the employee and are not disciplinary documents. Supervisors are responsible for issuing Coaching PIPs in a timely manner. Ideally the Coaching PIP will be completed early enough in the review cycle to enable the employee time to improve performance to an overall satisfactory level in each evaluation category. The length of the Coaching PIP period and when it is issued will vary based on the individual circumstances, not to exceed 120 days.

During the coaching performance improvement period, the employee and supervisor shall meet regularly to discuss performance progress; the employee shall be given biweekly written progress reports. The Coaching PIP is retained by the agency.

-3 Reviewing

During the reviewing phase, the supervisor and the employee discuss the employee's job performance throughout the rating period concluding with the formal written performance evaluation to be retained in the employee's personnel file. A critical component of the performance management process is ensuring that evaluations are conducted as required.

- a. Timing of Formal Performance Evaluations

- 1) The Human Resources Director shall establish guidelines on how agencies will be informed that employee performance reviews are due. The Human Resources Director shall also establish guidelines to ensure that performance reviews are completed timely in accordance with these regulations. These guidelines shall be distributed to all department heads so they can inform the managers and supervisors within their respective departments.
- 2) Formal written performance evaluations must be conducted as follows:
 - a) Probationary

The initial probationary period is the working test or trial period of employment as set forth in section 7.5-3 of these regulations. If performance circumstances so warrant, a department head may terminate a probationary employee whose performance is unsatisfactory at any point during the initial probationary period.

i. Non-Public Safety

Newly appointed county employees, other than police officers, deputy sheriffs, animal protection police officers, public safety communicators and firefighters, shall receive a written evaluation before the end of the first sixth months in the position and again during the annual performance review period.

The six-month performance review should assess the employee's performance and formally advise the employee if improvement is needed in order to complete the probationary period successfully. The designated performance evaluation form is used for this 6-month evaluation.

Successful completion of the 12-month probationary period must be documented using the designated performance evaluation form. After completion of the initial probationary period, employees will continue to be evaluated at the conclusion of each annual performance review period.

ii. Public Safety

At the discretion of the Chief of Police, the Sheriff and the Chief of Fire and Rescue, the performance of newly appointed police officers, animal protection police officers, deputy sheriffs and firefighters may be reviewed formally in writing

upon graduation from the Criminal Justice Academy or Fire and Rescue Academy, at which point their probationary periods begin. They also shall be reviewed during their probationary periods as specified above for other newly appointed employees. Because the Performance Pay Increase (PPI) date is determined by the date of appointment to the respective training academy, the first PPI date will occur before the probationary period ends. These employees therefore will be reviewed not less than two weeks before the PPI date and need not be reevaluated at the end of the probationary period unless a negative determination rating was given at the PPI date or is to be made at the end of the probationary period.

iii. DPSC

At the discretion of the Director, Department of Public Safety Communications, the performance of newly appointed public safety communicators may be reviewed formally in writing upon graduation from the Department of Public Safety Communications Academy and completion of a 10 week on the job training program at which point their probationary periods begin. They also shall be reviewed during their probationary periods as specified above for other newly appointed employees. Because the PPI date is determined by the date of appointment to the academy, the first PPI date will occur before probation is ended. Therefore, these employees will be reviewed not later than two weeks before the PPI date. They do not need to be reevaluated at the end of the probationary period unless a negative determination rating was given at the PPI date or is to be made at the end of the probationary period.

b) Non-Probationary

All non-probationary, non-uniform public safety employees shall be evaluated in writing, at least annually, during the performance review period. Annual evaluation is required whether or not the employee is otherwise eligible for a performance pay increase.

c) Newly Promoted

Non-uniformed public safety employees who are promoted shall serve a 12-month promotional probationary period. Such employees shall be reviewed before the end of the sixth month following the date of the promotion and will be reviewed again

during the annual performance review period. Additionally, successful completion of the 12-month probationary period must be documented on a form prescribed by the Director, Department of Human Resources, and maintained in the employee's personnel file.

d) Evaluations required due to transfer of employee or supervisor changes (change of rater):

i) Non-Public Safety

Except as otherwise noted in this chapter, if an employee's supervisor changes during the review period, the employee shall be reviewed by the incumbent supervisor prior to the supervisor's departure if he or she has supervised the employee for four months or more. When the new supervisor submits the next review, the time period covered will begin upon the transfer of supervisory responsibility.

In instances where a non-public safety employee is rated by more than one supervisor during the rating period, if the current supervisor has supervised the employee for eight months or more, the current supervisor's rating will be used as the final rating. If the current supervisor has supervised the employee for less than eight months, the final rating shall be calculated by weighting the ratings of all supervisors (who have supervised the employee for four months or more) during the rating period based on the number of months covered by their individual reviews.

ii) Public Safety

Because internal transfers often occur in the lower ranks, the public safety department heads or designees may establish procedures to determine how evaluations will be performed. These procedures will affect police first lieutenants, sheriff sergeants, fire captains and uniformed personnel of lesser ranks having two or more supervisors in a twelve-month period. They will be rated jointly by all supervisors who had the individual under their command for two months or longer. In the case of Police, Sheriff or Fire and Rescue personnel in higher ranks, where an employee is rated by more than one supervisor during the rating period, the final rating by the current supervisor shall be used for purposes of determining

pay increase eligibility. When the current supervisor has supervised for less than three months, the evaluation shall be made after consideration of ratings conducting by previous supervisors.

12.4 Evaluation Completion Process

Standardized forms for formal performance evaluations are provided for both public safety and non-public safety employees.

-1 Preparation

a. Non-Public Safety

1) Self-Assessment/Employee

Employees shall be encouraged to complete a self-assessment performance evaluation, including the development plan for his or her current position. Unless the multi rater option is being used, this self-assessment is used for discussion purposes only and does not count as part of the final rating.

2) Draft Evaluation by Supervisor

The supervisor prepares the draft evaluation and consults with the reviewing authority as needed. The draft evaluation must identify any mandatory development areas.

b. Public Safety

Each public safety agency will conduct evaluations in accordance with the department's operating procedures. Although not required, employees may be invited to submit a self-evaluation for their job class or function as part of the annual evaluation process.

-2 Discussion

a. Non-Public Safety

During the initial discussion, the employee and supervisor meet to discuss the employee's self-assessment as well as the supervisor's preliminary assessment of the employee's performance for the review period. This provides an opportunity for the supervisor and employee to clarify their mutual understanding of job tasks and performance requirements. It also

enables them to jointly set performance goals for the coming evaluation period.

Employee strengths as well as areas needing improvement should be discussed. Ideas from the employee about how the supervisor can better support the employee in achieving his/her performance expectations and career objectives can also be discussed at this time. The employee and supervisor should jointly determine the development plan for the upcoming year.

b. Public Safety

Public safety employees and supervisors should meet to discuss performance requirements and accomplishments during the rating period. Employees may be invited to submit a self-evaluation as part of that process.

-3 Completion of Performance Evaluation Form

Supervisor finalizes the evaluation form based on input from the employee's self-assessment and/or the discussion with the employee.

-4 Review of Completed Performance Evaluation Forms

a. Reviewer's Role

Each completed performance evaluation form shall be reviewed by a higher level supervisor designated by the department head or designee. Usually, the immediate supervisor of the evaluator serves as the reviewing authority. In all cases, the reviewing authority shall be at least one level above the supervisor who prepared and signed the evaluation. In no case shall the evaluator and reviewing authority be the same person.

b. Reviewer's Revision Rights

If the reviewing authority does not agree with the supervisor's rating, where possible, differences will be resolved between the reviewing authority and supervisor prior to issuing the final evaluation to the employee. Additionally, the reviewing authority may choose to revise the original rating(s) on the evaluation which would supersede the supervisor's ratings. Changes must not obscure the original supervisor's rating and must be initialed by the reviewer. In addition, the reviewer should provide an explanation for the changes.

-5 Final Evaluation Discussion

The final evaluation (including the career management plan) is then presented to the employee for signature and additional discussion. This discussion is an important part of the performance management process and should be used to provide any additional clarity needed to support the employee in the next review period.

At the end of the discussion, the employee is asked to sign the evaluation. The employee's signature attests only to the fact that the employee has seen and discussed the evaluation. It does not affect the employee's right to appeal if he or she disagrees with the evaluation. If the reviewer has made changes, the employee shall be afforded the opportunity to discuss the changes with the reviewer.

12.5 Advance Notice of Possible Negative Determination (10-Week Advance Notice)

-1 Negative Determination Definition

The term "negative determination" refers to a decision by a supervisor, with the concurrence of the reviewing authority, that an employee's performance is unsatisfactory and she or he is not eligible for an performance pay increase; or a public safety employee who is ineligible for a PPI due his/her step in grade, whose performance is rated below the level that would otherwise be necessary to qualify him/her for a PPI.

- 2 Ten Week Advance Notice and Performance Improvement Plan

Ten Week PIPs are documents designed to support and coach the employee. It is not a disciplinary document. When a supervisor determines that an employee might receive a negative determination, the supervisor shall consult with the reviewing authority. If the reviewing authority concurs, the supervisor shall notify the employee in writing at least 10 weeks in advance of the PPI date. The advance notice shall include a performance improvement plan that identifies the performance deficiencies and related improvements in performance or changes in behavior required to obtain a satisfactory performance rating. A copy of the 10-week advance notice shall be forwarded to Employee Relations staff in the Department of Human Resources; the 10-week PIP is retained by the agency.

During the 10-week performance improvement period, the employee and supervisor shall meet regularly to discuss performance progress; the employee shall be given biweekly written progress reports.

If the behaviors/events causing the negative determination occurred less than ten weeks before the due date or in those cases where timely advance notice is not given, the supervisor should follow the procedures in Section 12.5-3.

- 3 Untimely Advance Notice And 10-week Performance Improvement Plan

In the event that a supervisor does not give the employee written notice of a possible negative determination at least ten weeks before the annual evaluation due date, the following procedures shall be followed:

- a. The written ten-week notice should be given as soon as possible stating the performance deficiencies and improvements required.
- b. The department head or designee shall advise the Human Resources Director, in writing, as to why the prescribed notice was not given to the employee ten weeks prior to due date, and, if appropriate, what measures have been taken to prevent recurrence.
- c. A copy of the 10-week advance notice shall be forwarded to Employee Relations staff in the Department of Human Resources.
- d. After completion of the ten-week period, an evaluation must be given as specified in 12.3-3.

12.6 Annual Evaluation Following 10-Week Advance Notice

The employee's evaluation should be given ten weeks after the written notice of a possible negative determination.

-1 Satisfactory Determination

- a. If, in the supervisor's, reviewing and/or appointing authority's opinion, the employee's performance has improved sufficiently, a satisfactory determination is made and the evaluation is entered into the human resources information system. The evaluation shall be forwarded to the Department of Human Resources.
- b. If the 10-week notice was given timely, the Performance Pay Increase (PPI) will be processed as scheduled, if applicable.

-2 Negative Determination

If, in the supervisor's, reviewing and/or appointing authority's opinion, the employee's performance has *not* improved sufficiently to warrant a

satisfactory determination at the end of the ten-week notice period, a negative determination is made and the evaluation is entered into the human resources information system. The evaluation shall be forwarded to the Department of Human Resources.

- a. The PPI is not processed and a follow-up 120-day evaluation date is generated.
- b. A 120-day performance improvement plan is given to a non-probationary employee who receives a negative determination on the annual evaluation.
 - 1) 120-day PIPs are documents designed to support and coach the employee and are not disciplinary documents.
 - 2) This plan shall be in writing and shall identify the performance deficiencies and related improvements in performance or changes in behavior required to obtain a performance rating that would qualify the employee for a salary increase (if employee is otherwise eligible).
 - 3) The 120-day Performance Improvement Plan shall be issued concurrent with the evaluation. A copy shall be retained by the agency and a copy submitted to Employee Relations staff in the Department of Human Resources.
 - 3) During this 120-calendar day performance improvement period, the employee and supervisor shall meet regularly to discuss performance progress; the employee shall be given biweekly written progress reports.

12.7 Follow-up to 120-Day Evaluation

At the end of the 120-calendar day performance improvement period, an additional evaluation must be conducted.

- 1 Satisfactory Evaluation

The employee will receive the appropriate pay increase effective the first full pay period after the date of the 120-calendar day review if the advance notice was given timely. The PPI will be awarded retroactively to the PPI due date if the advance notice was not given in a timely manner.

- 2 Negative Determination

The employee will receive no pay increase and will not be eligible for further consideration for a pay increase until his or her next annual performance pay

increase date. Additionally, the supervisor, working with the department head or designee, will determine what additional employment action, if any, is appropriate.

12.8 *Disciplinary Actions Issued to Employees on Performance Improvement Plans*

The county is committed to working productively with employees to improve performance and/or behavioral problems. All PIPs are intended to facilitate such improvement.

However, participation in a PIP does not preclude employees from receiving disciplinary actions, up to and including proposed dismissal from county employment. Such disciplinary actions shall be issued in accordance with Chapter 16 of these regulations.

Written reprimands, involuntary demotions, suspensions and separation from county employment, issued concurrently with a PIP, while the employee is subject to the conditions of a PIP, or closely following the completion of a PIP require the advance approval of the Human Resources Director.

12.9 *Signature Requirements*

Both the supervisor and the reviewer must sign the evaluation prior to the presentation of the final review to the employee for signature. Prior to entering the evaluation in the human resources information system, the employee must have been presented the evaluation with the opportunity to sign it, except when the employee is unavailable due to extended absence. If the employee elects *not* to sign the evaluation, the supervisor should note the date the employee was given the evaluation and that the employee opted not to sign.

12.10 *Distribution of and Access to Completed Evaluation Forms*

Evaluations provide a permanent record of employee performance and serve as a basis and documentation for a variety of formal personnel actions.

-1 Distribution

Completed performance evaluation forms shall be distributed as follows:

- a. One signed copy to the Department of Human Resources for permanent retention in the employee's official personnel file.
- b. One signed copy to the employee.

- c. One signed copy to be filed within the agency at an organizational level designated by the department head or designee. Large agencies may retain an additional copy to permit filing both at a central point and at a remote sub-unit within the agency.

-2 Confidentiality

Performance evaluation forms are confidential records. Access to them shall be restricted to the following:

- a. The employee rated.
- b. The department head and personnel within the department specifically authorized access to such records by the department head or designee.
- c. The Human Resources Director, who may make them available when needed in connection with personnel actions related to the employee.
- d. The Civil Service Commission in connection with any appeal or grievance where such records are pertinent to the matter before the Commission.
- e. The Office of the County Attorney in connection with any personnel actions, grievances, appeals, charges of discrimination filed with the U. S. Equal Opportunity Commission, or any other matters related to the employee's employment in which the County Attorney's Office is providing advice, legal counsel or representation.
- f. The Office of Human Rights and Equity Programs in connection with any personnel actions, grievances, appeals, charges of discrimination filed with the U. S. Equal Opportunity Commission, or any other federal or state agencies, or any other matters referred to it for investigation, recommendation or mediation.

Except as provided above, in no case shall any evaluator, reviewing authority or other person with access to completed forms show any such form to any person other than the employee evaluated thereon without specific permission from the employee, appointing authority, or the Human Resources Director. Failure to maintain confidentiality of personnel records may result in disciplinary action. Department heads are responsible for establishing the necessary security for locally held copies of evaluations.

No public disclosure of information from such records shall be made except with the approval of the Human Resources Director after a determination that such disclosure is in the public interest and is allowable under the law.

12.11 *Employee Complaint Rights*

- 1 An employee who feels that an evaluation is inaccurate or unfair should first attempt to resolve the matter during the discussion with the supervisor mandated by Sec. 12.4-2(a) and 12.4-5, or discuss the concern with the reviewing authority.
- 2 If the employee remains dissatisfied, he/she may grieve the evaluation as a non-grievable complaint eligible to receive an advisory decision as set forth in Chapter 17 of these regulations.
- 3 Non-public safety employees who have completed their initial probationary period and are not satisfied with their 120-day performance improvement plan that followed a negative determination on a performance review, may appeal the 120 day performance improvement plan as a non-grievable complaint eligible to receive an advisory decision as set forth in Chapter 17 of these regulations.