2014 Performance Management Frequently Asked Questions

- **What is Performance Management and what is the Performance Management Form?**

  Performance Management is an on-going formal and informal process to develop communication between an employee and their supervisor with respect to the employee's work performance. The Performance Management Form is a dynamic tool for supervisors to clearly state their expectations and standards of work the employee is to meet during the evaluation time period. In addition, the form allows for supervisors to formally document coaching, feedback, praise, and/or critical incidents during the evaluation period. At the end of the evaluation period the supervisor gives feedback and rates their employee on how well the employee met the supervisor's expectations.

- **Who receives Performance Management?**

  All State of Kansas employees, both classified and unclassified, shall receive Performance Management annually.

- **What has changed about the Performance Management Process?**

  The Performance Management changed in the fall of 2013 to a shorter format after taking suggestions from State agencies. In addition, it was clarified that unclassified employees are now required to receive performance reviews.

- **What are the components of the Performance Management Process?**

  There are three parts to the Performance Management Process: the planning phase, the coaching and feedback phase, and the annual review phase.

  Planning Phase – This is the beginning of the Performance Management Process where supervisors and employees collaborate to create and define performance objectives and competencies. Performance objectives are expectations of what the employee should accomplish and/or produce during the evaluation period. Good objectives follow the SMART guidelines of being Specific, Measureable, Attainable, Relevant, and Time-Based. Good objectives specify what would be passing/failing or how the employee can receive a specific rating for the objective. In addition, the planning phase defines how the employee is to conduct himself/herself while performing work through competencies. Good competencies are not specifically measureable but overarching statements or examples of what is considered appropriate in a variety of job categories.

  Coaching and Feedback Phase – Coaching and feedback should continue between supervisors and employees throughout the evaluation period. Supervisors should conduct meetings with their staff at least quarterly to discuss their employee's performance and document it on the Performance Management Form. The second quarter meeting is considered the mid-year review and is mandatory. The mid-year review is to be conducted between April 1st and June 30th. The supervisor should discuss the employee's progress on his/her objectives and competencies to date. Additional informal meetings for coaching and feedback are encouraged between supervisors and employees as necessary.

  Annual Review Phase – The annual review is conducted between August 1st and December 31st and is when supervisors review, document, and rate their employee's work performance as it related to the objectives and competencies established during the planning phase.

- **What are the Performance Management Process Ratings?**

  There are five performance ratings specified on the Performance Management Form. From highest to lowest they are ranked:

  Exceptional - Performance consistently greatly exceeded expectations

  Exceeds Expectations - Performance consistently exceeded expectations

  Meets Expectations - Performance consistently met expectations

  Needs Improvement – Performance did not meet expectations, but was either close to meeting expectations or only slipped below the level of meeting expectations on occasion

  Unsatisfactory – Performance was consistently below expectations, or so far below expectations as to be unsatisfactory

- **Who is responsible for providing Performance Management?**

  The overall administration of the Performance Management Process is conducted by the Kansas Department of Administration Office of Personnel Services. To contact them please email: PerformanceMgmt@da.ks.gov

  Within each agency, Human Resources plays a key role in answering staff's questions, reviewing and approving objectives/competencies/comments/ratings, providing training on the Performance Management Process, and processing their employees' paperwork.

  At the individual level it is the supervisor's responsibility to create, maintain, track, rate, and keep key deadlines and dates regarding their employee's Performance Management Process. The employee is responsible for any logging or tracking of information etc. requested by their supervisor on their performance.

  Exact duties and responsibilities between Human Resources, supervisor, and employees may vary among state agencies.

- **What happens if my supervisor is behind in giving me my evaluation/review?**

  The Performance Management Process requires supervisors to rate and close their employee's evaluations during the annual review period between October 1st and December 31st. If an employee's evaluation is not closed during the scheduled period the evaluation should be closed as soon as possible and a new planning phase evaluation should begin. Until the previous evaluation is rated and closed the employee is under the objectives and competencies of the last review he/she has been given.

- **What is in place to ensure those supervisors who already do not like an employee will provide them the same opportunities to be evaluated on work and not personality likes or dislikes?**

  Supervisors across the State are trained on the proper techniques of coaching and are encouraged to have formal and informal discussions with employees regarding their performance throughout the year. Supervisors are held accountable for their own performance, specifically including their leadership behaviors, by their managers.

- **What happens if my supervisor is gone/left before they close my evaluation?**

  All employee reviews are to be conducted by an employee's immediate supervisor. In situations where the immediate supervisor is gone, or has not supervised the employee for more than 90 days, another qualified person designated by the agency's Appointing Authority shall conduct the annual review. Some agencies may elect for the immediate supervisor's manager to conduct the evaluation.

- **Where can I find Coaching and Feedback Forms, Mid-year Forms, Signature Pages, and other Supplemental Performance Management Forms?**

  Additional supplemental forms can be found on the Department of Administration's website for the Performance Management Process: http://www.admin.ks.gov/offices/personnel-services/agency-information/personnel-management-process

- **Are supervisors required to complete logs of discussions they had with employees?**

  While every coaching or feedback session may not need to be documented, it is highly encouraged that any coaching sessions that addresses performance be documented on the supplemental Coaching and Feedback form with a copy provided to the employee.

- **Are agencies and employees able to make comments or suggestions about the new Performance Management Form?**

  Comments or suggestions about the Performance Management Process are always welcome and may be submitted to the following email address: PerformanceMgmt@da.ks.gov

- **Do unclassified employees receive Performance Management?**

  Yes, all State employees, both classified and unclassified, are to receive an evaluation.

- **Are employees able to appeal their performance ratings?**

  Only classified employees are able to appeal their rating.

- **How can supervisors be expected to complete evaluations/review for all their employees during a three month period?**

  The design team responsible for the development of this process felt that if the supervisor is using the process correctly throughout the year, there should be little work to do at the time of the annual review. The team felt that the 90-day window should be more than sufficient time to complete the annual review for several employees.

- **How will supervisors deal with disgruntled employees who receive a lower performance rating than another employee?**

  Supervisors will coach employees throughout the review period and inform the employee what they need to do to meet their expectations. If an employee is not meeting the supervisor's expectations it should not be a surprise to the employee at the time the rating is given.

- **What is the protocol for employees hired during the Annual Review (Oct.-Dec.) time period?**

  If an employee is hired during the annual review period (Oct-Dec.) the employee will start a new planning review as he/she normally would as a new employee. The review will be closed out the following year during the annual review period.

- **What are Special Performance Reviews and how are they handled.**

  Special performance reviews are used either when a review cannot be conducted within the standard annual timeframe or when a specific area of an employee's performance needs additional immediate attention.

  According to K.A.R. 1-7-10(a)(5), an appointing authority may still conduct a special performance review rating for any employee at any time, unless prohibited under K.A.R. 1-14-8 due to pending layoffs. However, since annual performance ratings must be assigned within a particular timeframe, the process for handling special performance reviews is different than it has been in the past.

  If you need to place an employee on a special performance review you should not "close out" the annual review before starting the special performance review like was done in the past. Instead, you should carry out the special performance review concurrently with the annual review. Essentially, the special performance review is now a specific period of time within the annual rating period for which an employee will receive a separate performance review rating.

  To start a special performance review for an employee, the supervisor should hold a meeting with the employee to inform them that they are being placed on a special performance review for a defined period of no less than 30 days. At this meeting, the supervisor should also explain to the employee why they are being placed on the special review and that they will receive a specific performance review rating for their work performed during the period of the special performance review.

  The supervisor should then inform the employee of his or her expectations for the special performance review and explain what behaviors or duties that the employee needs to change or improve upon in order to meet those expectations. Even more so than during the annual rating period, it is highly recommended that the supervisor meet regularly with the employee during this special performance review period to discuss the employee's progress towards meeting those expectations or not. At the end of the special review period, the supervisor will essentially "close out" the special performance review and assign an overall rating to the employee for that special performance review period.

  Once the special performance review is completed, the employee will then return to the annual review until the focal point period of October 1st – December 31st when the employee will receive a performance review rating as part of the annual performance review process.

Example: John has always struggled to arrive to work on time. One of the competencies that was identified during John's Performance Planning session (which took place November 2, 2009) for his annual review is that he needs to arrive to work on time. The supervisor has repeatedly met and discussed that John needs to be at his work station at 8:00 a.m. every day since the beginning of the annual performance review period.

It is now March 15, 2010 and John has been late to work over ten times in the last several months. The supervisor has determined to place John on a special performance review in order to help him realize that he needs to take this seriously. So, from March 15, 2010 – May 13, 2010 John will be on a special 60-day evaluation in order to emphasize the need to arrive to work on time and give John an opportunity to correct his deficiency.

John and his supervisor continue to meet regularly during this 60-day period to discuss his progress towards arriving to work on time. By May 13, 2010, John had arrived to work on time every day and due to his improved performance, he was given a performance review rating of meets expectations for the special performance review period. At that point, John then returns to working under his annual performance review until the focal point period of October 1st – December 31st when he will be assigned a performance review rating for the annual review period.

- **Can an employee be placed on a Special Performance Review during the Annual Review time period?**

  Ideally you would not place an employee on a special performance review during the focal point period of October 1st – December 31st. This is the time that employees should receive performance review ratings for their annual performance review and should also have Performance Planning sessions with their supervisors in order to establish expectations and competencies for them for the upcoming year. These planning sessions provide a good opportunity for supervisors to discuss any issues that the employee may be having in regards to work expectations and the supervisor's thoughts and suggestions on how the employee may be able to work on those issues.

  In addition, placing an employee on a special evaluation during this time will also result in the employee receiving two performance evaluation ratings within a relatively short period of time. If these reviews both happen to be less than meets expectations, the timing of the special evaluation could lead a panel reviewing the matter – whether that is a performance evaluation appeal committee or the Civil Service Board – to form a negative inference that the agency was somehow "stacking the deck" against the employee in order to establish the basis to take disciplinary action. As such, it is strongly recommended not to begin or end a special evaluation during the focal point period established in K.A.R. 1-7-10 (a)(3).

- **How do I handle probationary employees who are not meeting expectations regarding the Performance Management Process?**

  The regulations state the following:

  K.A.R. 1-7-3 (b) Before the end of the probationary period, the appointing authority shall provide the director with results of a performance review for the employee. If the overall performance review rating given to a probationary employee before the end of the employee's probationary period is

unsatisfactory, the employee shall not be granted permanent status. The performance review ratings required by this subsection shall not be required to occur within the time period established in K.A.R. 1-7-10 (a)(3).

K.A.R. 1-7-3 (d) Any probationary employee, other than an employee on probation due to a promotion from a position in which the employee had permanent status, may be dismissed by the appointing authority at any time during the probationary period.

K.A.R. 1-7-4 (a) Each new hire and each rehire made on a basis other than reemployment or reinstatement who is employed in a regular position shall be subject to a probationary period of six months. This probationary period may be extended by the appointing authority for not more than six additional months if action to extend the probationary period is taken before the end of the original six-month probationary period. A probationary period of not more than 12 months may be established by the appointing authority if specific training or certification requirements for a position cannot be completed within six months.

1-7-6. (a) Before the expiration of each employee's probationary period, a performance review shall be completed and a rating shall be assigned, and the appointing authority shall notify the employee and the director in writing of one of the following:
(1) The employee has been dismissed or demoted.
(2) The probationary period is being extended, if extension is permissible under the provisions of K.A.R. 1-7-4. (3) The employee is being given permanent status. (b) If a probationary employee has not been notified in accordance with subsection (a) by the end of any probationary period, the employee shall be deemed to have been given permanent status. In case of dispute as to whether the employee was notified, a determination shall be made by the director.

So, based on these provisions, you have two options in this scenario. The first option is to not grant permanent status, and terminate the employee pursuant to K.A.R. 1-7-3 (d). The regulation specifically states that an employee who receives an unsatisfactory rating shall not be granted permanent status, but there are no requirements with respect to any other rating. Therefore, if an employee receives a Needs Improvement rating on an original probationary evaluation, the determination of whether the employee is granted permanent status may be made on a case-by-case basis, as determined by the specific issues that served as the basis of the Needs Improvement rating.

The second option in this situation would be to extend the probationary period for an additional six months, but pursuant to K.A.R. 1-7-6 (a), this action must be taken before the expiration of the original six month probationary period. If not, the employee will be deemed to have been granted permanent status by default pursuant to K.A.R. 1-7-6 (b). Remember that this option is only available when the employee is a new hire or rehire, and is not an option when the employee returned to State service via reinstatement, reemployment, or is serving a probationary period due to a promotion.