

<b>Chapter: 35</b>	<b>Performance Evaluation</b>
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## Chapter 35 Performance Evaluation

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#### 35.1.1 Performance Evaluation System

Performance Evaluations are used as a process of communication between the supervisor and the employee, focused on helping the employee achieve their maximum performance in support of the City's strategic goals and objectives. The City of New Bern's [Performance Evaluation System Manual](#) will be used as a guide for the evaluation process.

##### A. Measurement definitions

- Performance evaluations are measured using a scale from 1 to 5. 5 is the highest rating with 1 being the lowest. Each rating category has a specified definition for each numerical rating to help determine where the employee falls within the scale.

##### B. Procedures for use of forms

Evaluation forms will be issued by the Human Resources Department. Raters will critique the performance of the employee in each element of the appropriate evaluation form and record their response in writing. Explanatory comments are required for all ratings.

- Performance Evaluations should be job related and based on performance standards. They should be made on the basis of observable behaviors.
- In order to achieve an objective performance evaluation system, jobs are broken down into their essential elements. Each element has a written performance standard by which an employee will be evaluated.
- Personal Career Plan (NBPD Form 35.1) should be given to each employee to complete and return prior to the evaluation form being completed. This will give the employee an opportunity to enumerate major accomplishments and provide other input at the beginning of the process and to

establish goals for the next rating period. The goals should be consistent with the City and Departmental goals. They should also be achievable and measurable. Any previously identified weaknesses should be addressed through remedial goals.

### **C. Rater responsibilities**

The City of New Bern's Performance Evaluation System Manual outlines the responsibilities of the rater and other supervisory and management personnel.

- Based on the supervisor's knowledge and observations of the employee's performance in meeting the demands of the position, a rating will be provided for each element/standard.

### **D. Rater training**

Supervisory personnel will receive training in the specific procedures of the City of New Bern's Performance Evaluation System and supervision relating to performance evaluations.

## **35.1.2 Annual Evaluation**

Performance evaluations shall be conducted no less often than once annually for each employee, and reserve officer. (City of New Bern Ordinance [Section 54-205](#)) Coordinated by the Traffic Sergeant, Reserve Officers will have City of New Bern performance evaluations completed in the same manner as full time sworn employees.

## **35.1.3 Quarterly Evaluation of Probationary Employees**

Daily observations reports and weekly performance evaluation reports will be completed for all officers to include reserve officers, during their field training by their field training instructor and their immediate supervisor.

Civilians serve a 6-month probation period requiring an evaluation at 3 months, 6 months and again on the anniversary of their hire date. The 3-month evaluation will be maintained in the employees personnel file while the 6 month evaluation will be forwarded to Human Resources along with a PTN and a copy placed in the employees' file.

Sworn employees serve a 1-year probation period requiring an evaluation at 3 months, 6 months, 9 months and again on the anniversary of their hire date. The 3, 6 and 9 month evaluations will be maintained in the employees personnel file while the 12 month evaluation will be forwarded to Human Resources along with a PTN and a copy placed in the employees file.

## **35.1.4 Evaluation Criteria**

Criteria used for the performance evaluation will be specific to the assignment occupied by the employee during the rating period. Evaluations for employees assigned to new duties during the year will be based on those duties that encompassed most of the rating period.

## **35.1.5 Evaluation Period**

### **A. The evaluation of the employee's performance covers a specific period**

Performance evaluations will be based only on performance occurring during the rating period.

### **B. Explanatory comments when performance ratings are unsatisfactory or outstanding**

Explanatory comments are required for all ratings.

**C. That each performance evaluation report is reviewed and signed by the rater's supervisor**

Performance evaluations will be reviewed and signed by the rater's supervisor and others in the Chain of Command as indicated on the evaluation document.

**D. That the employee will be given the opportunity to sign and make written comments to supplement the completed performance evaluation report**

Employees being rated will be given the opportunity to review the completed performance evaluation report, enter comments and sign the report to acknowledge receipt. The employee's signature indicates that the evaluation has been reviewed and does not necessarily indicate that the employee agrees with the evaluation. Comments are required if the employee does not agree with the evaluation and are optional if the employee agrees.

**E. That a copy of the completed evaluation report be provided to the employee**

A copy of the completed evaluation report will be provided to the employee.

**F. An appeal process for contested evaluation reports**

Employees may contest performance evaluation reports in writing through the Chain of Command. An appeal must begin at the next level of the Chain of Command. If the appeal cannot be satisfied at that level of the Chain, the employee may appeal to the next level. Appeals that cannot be resolved by the Chain of Command will be referred to the Chief of Police who will make the final decision.

1. If an employee believes that the ratings or comments reflected in the performance evaluation are inaccurate or otherwise not indicative of the employee's overall performance, they will be given an opportunity to rebut the rater's decision.
2. Rebuttal may include presentation of additional information to include specific facts or illustrations of job performance to support modified ratings and comments relevant to the evaluation.
3. Documentation supplied during a rebuttal will be attached to the original performance evaluation. All original documents will be maintained by the Human Resources Department with copies kept in the employee's personnel file.

**G. Retention of performance evaluation reports.**

The original completed performance evaluation report will be maintained by the Human Resources Department as a permanent part of the employee's personnel file. A copy of the completed evaluation will be kept in the employee's Department personnel file.

### **35.1.6 Unsatisfactory Performance**

Non-probationary employees will be advised in writing, in a timely manner, whenever their performance is deemed to be unsatisfactory. The supervisor will be responsible to prepare a Performance Improvement Plan to identify and detail areas of employee performance needing improvement. Expectations should be explicit and contain a time limit for completion of goals. Goals must be mutually discussed by the supervisor and the employee.

### **35.1.7 Employee Counseling**

Supervisors should meet individually with each employee whom they evaluate at the end of each evaluation period for the following purposes:

#### **A. Results of the performance evaluation just completed.**

After the performance evaluation form has been reviewed the performance evaluation will be discussed by the employee and the evaluator. This discussion is a key element in the performance evaluation process. It provides an opportunity for a constructive exchange of information about the employee's performance in relation to their position. The evaluator must explain to the employee what was taken into consideration in making the evaluation. Specific examples of performance should be discussed in detail. The employee should be commended for work well done and suggestions for improvement should be specified.

#### **B. Level of performance expected and rating criteria or goals for the new reporting period**

Supervisors are to meet with each employee at the beginning of the rating period to discuss goals and expectations regarding the employee's performance level for the next period.

#### **C. Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.**

This discussion will also provide the supervisor with an opportunity for career counseling. Because the performance evaluation is a key component when considering employees for training, specialization, and advancement, the supervisor should address these issues during the performance evaluation discussion.

The above will be indicated on the employee's Performance Evaluation.

### **35.1.8 Rater Evaluation**

After a supervisor completes an evaluation and the evaluation is submitted to the next supervisor in the Chain of Command, it is the responsibility of the supervisor at this level to review the evaluation to ensure that comments and ratings are consistent, uniform with other evaluations, and complete. Their approval is indicated by their signature on the evaluation form. If the next level supervisor does not agree with the rating, it will be returned to the rater.

Supervisors who are called upon to evaluate subordinates are evaluated themselves by their supervisors. Included in evaluations of supervisors is their ability to assure any City or Departmental policy regarding the evaluation, discipline, or promotion of employees is implemented in a fair, impartial and uniform manner.

### **35.1.9 Personnel Early Warning System**

The Personnel Early Warning System is designed to identify and address recurring performance and behavior concerns that may not rise to the level necessary to warrant an official internal investigation. The System involves the constant monitoring of all aspects of employee behavior and performance to identify employees who may require intervention and formal corrective action. The first and second levels of supervision are crucial elements to a successful Personnel Early Warning System. Areas monitored include, but are not necessarily limited to: performance evaluations, citizen complaints, use of force incidents, internal affairs investigations, other supervisory or employee reports such as workers' compensation claims or traffic collisions, behavioral problems, demeanor, lack of supervisory presence, and disregard for Department procedures.

A comprehensive review of employee's actions, as necessitated through this System, will ensure that employees maintain the highest professional and ethical standards essential to the functioning of the New Bern Police Department. The Personnel Early Warning System is a method to serve the employees in a proactive method, assisting them in the maintenance of the high level of conduct and performance that is expected by each member of the New Bern Police Department. Any actions described herein and taken by the New Bern Police Department are intended to be a positive effort to this goal.

**A. Provisions to initiate a review based on current patterns of collected material.**

Internal Affairs Function (IA) using the Personnel Early Warning System shall review the following material on an ongoing basis in order to identify employees who may be experiencing an escalating pattern of behavior that could be abated through intervention.

1. Use of Force Reports
2. Vehicle Pursuits
3. Vehicle Crashes
4. Disciplinary Actions
5. Performance Evaluations
6. Internal Affairs Investigations
7. Citizen Complaints

Any officer who discharges a firearm at any person, or who has been fired upon, shall be required to participate in a psychological evaluation. Any other employee involved in the incident may voluntarily avail themselves of the Employee Assistance Program.

**B. Agency reporting requirements of conduct and behavior**

Based on criteria established by the Chief of Police, the Personnel Early Warning System is designed to alert the Department that a particular employee has reached the Department's pre-set threshold for notification. When an employee reaches this pre-set threshold, the Professional Standards Lieutenant will review all information entered in the Personnel Early Warning System and any other relevant information, to determine if a problem actually exists.

The Personnel Early Warning System will alert when the following levels have been exceeded

- |    |                              |                             |
|----|------------------------------|-----------------------------|
| 1. | Use of Force                 | 3 incidents within 30 days  |
| 2. | Pursuits                     | 2 incidents within 120 days |
| 3. | Employee Crash               | 2 incidents within 120 days |
| 4. | Property Damage              | 2 incidents within 120 days |
| 5. | Detainee Injuries            | 1 incident within 120 days  |
| 6. | Internal/External Complaints | 3 incidents within 120 days |
| 7. | Firearm discharge            | 3 incidents within 365 days |

	(Other than dispatching an animal, for training, or recreational purposes.)
8. Forced Entry	2 incidents within 120 days
9. Judicial Proceedings	1 incident within 30 days (Training and Standards)
10. Overall Incidents	6 incidents within 365 days

**C. Documented annual evaluation of the system**

All components of the Personnel Early Warning System will be evaluated annually by the Professional Standards Lieutenant to ensure the identification of employees who are having problems on the job that could escalate to more serious cases of misconduct if not abated through early intervention.

**D. The role of first and second level supervision**

The Personnel Early Warning System does not change the responsibility supervisors have as the primary source for monitoring performance and behavior of personnel on a daily basis. Supervisors shall continue to be alert to, and monitor, the strengths and weaknesses of employees assigned to their unit. Examples of behaviors and actions symptomatic of personnel difficulties include but are not limited to:

1. Uncharacteristic or repeated citizen’s complaints
2. Increased use of force incidents
3. Abrupt changes about tardiness, absenteeism, erratic mood swings, unreasonable irritability or aggressiveness, or repeated instances of failure to act or overreact in the line of duty
4. Indications of alcohol and/or substance abuse
5. Significant changes in performance evaluations

It is important for supervisors to address employee performance problems with the understanding that the issue may be department related, but it may also be of a personal nature. The following steps should be taken when attempting to assist a troubled employee:

1. Recognize that a problem exists, and that the employee’s work performance is deteriorating (i.e. absenteeism, tardiness, accidents, morale, and performance).
2. Document specific instances where an employee’s work performance or behavior fails to meet expected standards, or where the performance seems to be deteriorating.
3. Take Action/Confront the problem through counseling regarding performance, remedial training, corrective interviews, verbal warnings, or written warnings. The use of the Employee Assistance Program should not give employees special privileges or exclude them from disciplinary action. The confrontation process must be based solely on poor job performance. Supervisors should not attempt to diagnose the nature of the employee’s personal problems or to counsel the employee regarding personal matters.
4. Notify your immediate supervisor of the employee’s situation and advise what actions have been taken or are suggested. Keep your supervisor updated on the status of the situation.
5. Referral: Make a mandatory appointment for the employee in a timely manner with Human Resources. If an employee fails to make their mandatory scheduled appointment, document and

forward to your supervisor.

6. Follow-up/Monitoring: Review with the employee their improvement or lack of improvement at the end of a pre-designated time. Document the review and any further action to be taken. If the required improvements have been made, advise the employee that they are now meeting the Department's expectations. If the required improvements have not been made advise the employee that they may be facing disciplinary action.
7. Confidentiality: One of the most critical and essential elements of the EAP is the employee's understanding that their sessions will be confidential. Neither the EAP Coordinator nor any referral source is permitted to discuss client information with the employee's supervisor or anyone else without written permission from the employee. The only exceptions are if there is imminent danger to self or others or as required by law (i.e., child abuse). Ensure the employee of their confidentiality rights.

**E. Remedial action**

Supervisory intervention, including corrective action if necessary and second-level supervisory review, will be documented:

1. Immediately following identification of the employee, in an Early Intervention Report from the supervisor through the Chain of Command to the Chief of Police; and
2. When further action is warranted, using an Action Plan (NBPD Form #217).

**F. Some type of employee assistance such as a formal Employee Assistance Program.**

It is the policy of this Department to ensure the safety and well-being of all employees whenever possible. The Department recognizes that employees sometimes experience personal difficulties that may impact their family and professional lives. The Department supports and encourages employees in securing quality, confidential assistance. The Department is committed to providing a workplace that will enhance our employee's professional and personal well-being. Employees and immediate family members of employees are afforded the opportunity to the City Employee Assistance Program, reference General Order Chapter 22.2.6.