

| 4.2 Performance Management Program | |
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| Application: To All Department of Children's Services Employees | |
| Authority: TCA 37-5-105 (3); 37-5-106; DOHR Rule Chapter 1120-05, DOHR Policy 91-026 – Grievance Procedures, Brian A. | Standards: COA: PA-AS 6; PA-HR 6; PA-FC 16; PA-KC 16 |
| Commissioner: | Date: |
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| Glossary: None | |

Policy Statement:

The Performance Management Program is a systematic process used to define the standards of performance and expected work outcomes for all employees, provides ongoing performance feedback, offers the employee developmental opportunities and documents an objective and fact-based record of the employee's performance. Each covered employee shall have an individual performance plan which details the defined performance standards and expected work outcomes. The individual performance plan shall be specific, measurable, achievable, relevant to the strategic objective of the employee's agency and time sensitive (SMART).

Purpose:

The Performance Management Program facilitates the creation and nurturing of a performance-based culture in which the individual employee's performance is aligned with the agency and administration's objectives and employees are appropriately rewarded for the results they achieve.

Procedures:

A. Performance Management procedural steps

The following procedural steps list the minimum requirements of the Performance Management Program for each employee, each cycle.

1. Individual Performance Plan:

An initial discussion between the rater and the employee which details the performance management process and establishes expected performance standards and work outcomes. The rater creates a new individual performance plan (performance plan) and documents the discussion of this plan with the employee at the beginning of each performance management cycle.

2. Interim Reviews:

A minimum of two (2) periodic discussions reviewing the employee's performance of stated expectations and work outcomes (providing constructive performance feedback/coaching) discussing ways in which the employee can enhance performance and, if appropriate, the consequences of "unacceptable" or "marginal" performance. These periodic reviews are recorded in Edison or documented in writing if the employee does not have access to Edison.

3. Annual Review:

A documented annual review of the employee's performance which provides the employee with an opportunity to comment on the review. The annual review provides the employee with a rating of performance for each work outcome and for overall performance. Each rating must be justified by objective, fact-based statements of observation by the supervisor.

The following Rating Scale is used to describe overall performance:

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| Unacceptable Performance | Unsatisfactory work outcomes |
| Marginal Performance | Work outcomes consistently do not meet some stated expectations |
| Valued Performance | Work outcomes consistently meet stated expected performance |
| Advanced Performance | Work outcomes consistently meet and often exceed stated expected performance |
| Outstanding Performance | Work outcomes consistently exceed expected performance and affect measurable improvements in organizational performance |

An overall rating higher than marginal may not be assigned if the employee receives a rating of "unacceptable" in one (1) or more stated areas work outcomes.

Discussions regarding any procedural step may not occur within thirty (30) days of a discussion of another procedural step within the same review cycle in order to allow the employee time to perform to expectations and/or feedback.

B. Performance Management roles**1. Rater Role:**

The rater is the person measuring an employee's performance of the stated performance standard and work outcomes. Typically, the rater is the employee's direct supervisor or manager. The rater creates the employee's individual performance plan, provides feedback and conducts an annual review discussion with each employee, each review cycle.

2. Reviewer Role:

The reviewer is the person responsible for ensuring that the performance management process is properly conducted. The reviewer's input and approval is required at each of the procedural steps prior to a discussion with the employee. Reviewers check each of the procedural steps to determine that:

- a)** Individual performance plans are written at the "valued" level of performance by stating performance standards and expected work outcomes that are specific, measurable, achievable, relevant to the strategic objective of the employee's agency and time sensitive.
- b)** The review process has been completed as required, including the initial performance planning discussion, a minimum of two interim reviews, and a documented annual review of the employee's performance. C
- c)** Performance feedback is provided to employees during the interim reviews; and
- d)** Annual reviews are approved, signifying that the review is complete with assigned ratings and justifications objectively describing performance. Note: The reviewer serves as a final approver for annual reviews with ratings of "advanced", "valued", and "marginal".

3. Appointing Authority Role:

The appointing authority or designee acting in this role must approve all annual reviews with ratings of "outstanding" or "unacceptable" prior to the discussion with the employee.

C. Periods of Review (review cycle)

- 1.** The standard annual performance review cycle begins on each October 1st and ends September 30th of the following year. Raters use this review cycle for all full-time employees, with the exception of those serving a probationary or flex period.
- 2.** While the steps included in the review cycle are designed to be completed throughout a twelve (12) month period, it may be necessary to have a reduced review cycle because of probation periods ending within the standard review cycle,

periods of extended leave, or alterations to the employee's performance plan. In these instances, the minimum timeframe for completion of all steps is ninety (90) days from the date of the performance plan with no less than thirty (30) days between each step in the review cycle. This minimum timeframe is designed to allow the employee an opportunity to understand and perform to the stated expectations, receive two (2) interim reviews based on the rater's observation and improve performance, if necessary, prior to an annual review.

3. Employees who complete a probationary or flex performance review period transition to the standard annual performance review cycle once the probationary or flex period is complete, even if the transition occurs in the middle of the standard annual performance review cycle. For those employees who complete the probationary or flex period and transition to the standard annual performance review cycle, a valid performance review cycle contains all of the procedural steps within a timeframe of no less than ninety (90) days from the date of the performance planning discussion.
4. Any employee who successfully completes a probationary or flex performance review period between October 1st and June 30th of any year begins a shortened review cycle that covers the time period from the end of the probationary or flex due date through the next regular review cycle end date of September 30th of that year. This allows the employee to transition to the standard twelve (12) month review cycle beginning October 1st.
5. Any employee who successfully completes a probationary or flex performance review period between July 1st and September 30th of any year has less than ninety (90) days remaining before the start of the next regular review cycle beginning October 1st. Therefore, this employee immediately begins a new review cycle the first day of the following month that extends beyond the normal twelve (12) month review cycle. This allows the review cycle to extend beyond the minimum of ninety (90) days and transitions the employee to a standard twelve (12) month review cycle beginning on October 1st of the following year.

a) Example 1:

An employee's probation ends on June 15th. The rater has more than the required ninety (90) to complete the required procedural steps and provide an annual review by September 30th. The rater may begin a shortened review cycle on the first day of the following month, July 1st, and complete the required procedural steps by September 30th. The employee is ready to transition to the standard annual performance review cycle on October 1st.

b) Example 2:

An employee's probation ends on July 15th resulting in less than the required ninety (90) days to complete the required procedural steps by September 30th. The rater may begin an extended review cycle on August 1st and complete all of

the required procedural steps by September 30th of the following year. This brings the employee back to the standard review cycle from October 1st through September 30th.

c) Example 3:

An employee's probation ends on July 15th resulting in less than the required ninety (90) days to complete the required procedural steps by September 30th. The rater may postpone beginning a new review cycle until the start of the next standard review cycle. This allows the employee to transition to the standard twelve (12) month review cycle from October 1st through September 30th.

D. Forms/Documents

1. All forms, including the Annual Review Form, Probationary Performance Review Form and the Probationary-Flex Performance Review Form are located in Edison in the rater's current or historical documents folder.
2. For situations where an employee does not have access to Edison, a paper based version of these forms is available on the Department of Human Services web site at: <http://www.tn.gov/hr/topic/forms-documents>. The paper-based version of these forms may be printed and completed manually or on-line by saving the form to the rater's computer. After all signatures are secured, the rater routes the paper version of the annual review to the agency performance management coordinator for entry into Edison. When using a paper-based version of any form, the rater must ensure that the reviewer approves the document prior to a discussion with the employee.

E. Records

The annual performance review and any of the documented procedural steps will not be considered public record under Tennessee Code Annotated § 10-7-503 and not open for public inspection.

F. Request for Administrative Review

An employee may request an administrative review of a completed annual review when the employee believes that one of the procedural steps has been violated. An employee may file a written request for review, including any appropriate documentation, to the agency appointing authority within fourteen (14) calendar days after the date of the annual review. The appointing authority responds in writing to the employee within fifteen (15) calendar days. If the employee is not satisfied with the decision of the appointing authority, the employee may file a written request for administrative review

including any relevant documentation to the Commissioner of the Department of Human Resources within fourteen (14) calendar days of the appointing authority's decision. The Commissioner reviews all written material and responds to the employee in writing within fifteen (15) calendar days. The decision of the Commissioner is final and not subject for further review.

Note: Questions regarding this policy may be directed to the Employee Relations Division of the Department of Human Resources.

G. Case Management promotions

Pursuant to the Brian A. Settlement Agreement:

1. All employees within the case management series should have a current documented performance review on file reflecting that the employee has developed all necessary competencies and performs all responsibilities satisfactorily (overall job performance rating of Valued Performance) in order to be considered for a promotion to the next classification in the case management series.
2. Exceptions to having a documented satisfactory performance evaluation will NOT be made for any promotion into a position that provides oversight to Brian A. Class Members.
3. Exceptions for all other promotions may be granted with written justification approved via signature of the respective Deputy/Assistant Commissioner, or the designated Executive Director, and submitted to Human Resources. The justification memorandum must document the review of all existing performance evaluation documents, such as Monthly Performance Briefings and Interim Reviews, and indicate that the employee has developed all necessary competencies and performs all responsibilities satisfactorily.

H. Administrative Review of a Performance Evaluation

1. Pursuant to the Tennessee Department of Human Resources Rule 1120-5.07, an employee who receives a completed performance evaluation may file a request for administrative review based on procedural violations.
2. A request for review must be provided in writing to the **Administrative Procedures Division** within fourteen (14) days of receipt of the evaluation.
3. Requests must contain specific allegations of procedural violations and include all relevant documentation.
4. Requests may be sent by the following methods:
 - a) Email: EI-DCS.AdministrativeProcedures@tn.gov
 - b) Mail: **Department of Children's Services**

**Administrative Procedures Division
Plaza Tower-Metro Center
200 Athens Way, 2nd Floor, Suite B
Nashville, TN 37243**

c) Fax: (615) 741-4518

- 5.** Pursuant to the Tennessee Department of Human Resources Rule 1120-5.07 (2), an employee may request an additional review by the Commissioner of the Tennessee Department of Human Resources.

Forms:

None

Collateral Documents:

None