

**CHAPTER 12<sup>1</sup>**  
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## **CHAPTER 12 PERFORMANCE EVALUATIONS**

### **12.1. GENERAL POLICY**

- A. The following rules provide the performance rating standards and procedures which shall be used in connection with the eligibility for advancement, promotion, demotion and dismissal from the classified service, as well as for other decisions relative to members of the classified service.
- B. Such evaluation reports shall be one means by which a member of the classified service can learn how the manager rates the quantity and quality of work performed; it provides the employee the opportunity to discuss the matter with the manager. In addition, the completion and review of the evaluation report with the subordinate affords the manager an opportunity to review the employee's performance in an effort to correct work deficiencies and/or to encourage the person to greater efforts in the performance of duties and responsibilities. The manager is also provided with an opportunity to demonstrate effective supervision with subordinate(s).
- C. Classified employees are entitled to an annual evaluation of their performance by their immediate supervisors, and additional evaluations as circumstances warrant.
- D. The District shall administer the performance appraisal system for all members of the classified service.
- E. Discipline and termination proceedings may be undertaken as a result of or independently of evaluation procedures.

**REFERENCE:** Education Code Sections 45260 and 45261

### **12.2. PREPARATION OF EVALUATIONS**

#### **12.2.1 WHO MAKES EVALUATIONS**

- A. The evaluator will be the employee's immediate supervisor and/or any other management or supervisory employee designated by the Superintendent, provided, that such other employee has knowledge of the employee's performance.
- B. In the event that the employee is a member of an exclusive bargaining unit, the evaluator may not be a member of the same bargaining unit.
- C. Each immediate supervisor under whom the employee has served for 60 working days or more during any rating period shall provide a performance evaluation, even though the employee may have left his control.

**REFERENCE:** Education Code Sections 45260 and 45261

### **12.2.2 WHEN EVALUATIONS ARE TO BE MADE**

All regular classified employees shall be evaluated by their immediate supervisor in accordance with the following schedule:

- A. Probationary employees — at the end of the second and fourth months of service. In supervisory and management classes, at the end of the fourth and eighth months of service. A final probationary evaluation shall be completed at least 30 days before the employee completes his respective probationary period recommending the final appointment or the dismissal of the probationary employee.
  - 1. If the District elects not to complete the three evaluations on a probationary classified employee, the employee may still be terminated pursuant to the Rules governing termination of a probationary employee.
  - 2. The District's failure to prepare a final probationary report does not bar the probationary employee from achieving permanent status if the governing board does not formally act to dismiss the employee prior to his last day of probation.
- B. Permanent employees — by May 30 of each year and at any time after at least 60 working days if the employee leaves the control of that supervisor.
- C. Whenever the immediate supervisor deems that the employee's work performance has deteriorated to less than satisfactory, provided that such evaluation shall be completed within twenty (20) workdays after less than satisfactory service is performed.
- D. An employee who receives an overall performance rating of less than satisfactory shall be evaluated every sixty (60) days until the overall performance rating is at least satisfactory.

**REFERENCE:** Education Code Sections 45260 and 45261

### **12.2.3 STANDARDS FOR EVALUATORS:**

- A. Evaluations shall be based on standards and criteria appropriate for the classification and assignment of the unit member, along with standards established by the department/site and District.
- B. The evaluator shall utilize, but is not limited to, the following methods of assessing performance:
  - 1. Personal observations and knowledge
  - 2. Review of work product
  - 3. Appropriate, documented and pertinent input from recipients of services and activities of the District, where applicable
- C. The evaluator shall not base any adverse evaluation upon information or material of a derogatory nature which has been received from

others such as parents and citizens unless the following procedures have been followed:

1. With regard to such materials in the employee's personnel records, the employee shall be given the protection of District Regulation.
  2. With regard to parent or citizen complaints, the unit member shall be given the protection of Board Policy.
- D. Specific explanatory comments and suggestions for improvement shall be included on the evaluation form in cases where the evaluator has indicated need for improvement or weakness in performance, or where the overall evaluation rating is less than satisfactory.
  - E. The evaluator shall not base a performance evaluation upon unsubstantiated claims, rumors, or charges.
  - F. Supervisors may receive input from employees having a lead function over the employee to be evaluated.
  - G. Evaluations of performance shall not be predicated upon personal activities which have no impact upon the unit member's effectiveness as an employee or upon the image of the District.
  - H. Evaluations shall contain by reference and/or by attachment, all deficient performance noted by the evaluator for the period covered by the evaluation. Failure to reference such deficient performance in the evaluation will preclude its use in future actions in which that performance may be at issue.
  - I. Evaluations may only be based on job-related performance that occurs during the period that the evaluation covers, except to reference comparative performance documented in prior evaluations.
  - J. If an employee is absent during the rating period, either due to illness, authorized leave of absence, or for other authorized and approved reasons, and an adequate assessment of performance cannot be made, the employee shall be rated overall as "satisfactory." The comments section shall include the statement "Rated administratively as satisfactory." The individual performance factors shall not be rated.

**REFERENCE:** Education Code Sections 45260 and 45261

#### **12.2.4 PROCEDURES FOR EVALUATIONS**

- A. Performance evaluation reports shall be made on forms prescribed by the Commission.
- B. The immediate supervisor shall present the performance evaluation report to the employee and shall discuss it with him.
- C. The evaluation form shall be signed by the employee to indicate receipt, and he shall be given a signed copy. Should the employee refuse to sign, that fact shall be noted on all copies of the evaluation form before the form is filed.

- D. The employee may respond, in writing within 10 days, to the evaluation and shall have the response attached to all copies of the performance evaluation filed with all personnel files maintained by the District, the department/site, and by the supervisor, attached to the evaluation. Employee responses shall become a part of the evaluation.
- E. In completing the performance evaluation form, the supervisor shall have a conference with the employee. The meeting shall be scheduled to allow sufficient time for an appropriate discussion with the employee.

**REFERENCE:** Education Code Sections 45207, 45260 and 45261

#### **12.2.5 DISTRIBUTION OF EVALUATION:**

The completed evaluation form shall be distributed as follows:

- A. One copy to the employee being evaluated.
- B. One copy to the supervisor performing the evaluation.
- C. One copy for inclusion in the employee's District personnel file.

**REFERENCE:** Education Code Sections 45260 and 45261

### **12.3 APPEALS**

#### **12.3.1 REVIEW OF PERFORMANCE EVALUATION**

- A. Should the employee disagree with the evaluator on matters relating to performance objectives and standards or modification thereof, assessment methods, or the contents of the evaluation, the employee shall have the right to have the evaluation reviewed by the next higher level of management before it is filed in the official personnel folder.
- B. Requests for management review shall be made in writing within ten working days.
- C. The management response shall be presented to the employee in writing within ten working days after receipt of the written request for a review. The evaluator's immediate supervisor shall make the final determination of modifying or maintaining the evaluation as it was submitted.
- D. After the final decision on a review, the employee may append to the final evaluation, whether or not it was amended as part of the review, a response to the review as provided in this Chapter.
- E. A performance evaluation that is subject to review pursuant to this Rule shall not be considered final until the employee has been provided the opportunity to attach a response to the final decision made on review.

**REFERENCE:** Education Code Sections 45260 and 45261

### **12.3.2 APPEAL TO COMMISSION**

- A. The Personnel Commission is limited only to addressing and rectifying issues related to compliance with the procedures or processes in this Chapter unless otherwise provided in the Rules.
- B. The Personnel Commission may not hear appeals that contest the judgment of the evaluator or the substantive objectives, standards, or criteria determined by the evaluator or the District.
- C. The Personnel Commission may grant an appeal if the employee alleges that the evaluation was based on a form of sexual harassment or in any way discrimination because of the employee's affiliations, race, color, national origin, age, marital status, sex, sexual orientation, disabling condition, ancestry, whistle blowing, employee organization membership or non-membership and legal activities related thereto, medical condition as defined in the Government Code, false claim action or religious or political beliefs or acts, except as legally provided in these Rules or as mandated by State Statute, provided:
  - 1. The employee has exhausted all applicable District administrative procedures.
  - 2. The employee has no right to a grievance under the circumstances under the contract of their exclusive bargaining agent.
- D. If the Personnel Commission finds that the procedures of this Chapter have been misinterpreted or misapplied, or if it finds that the evaluation was based on impermissible factors as specified above, it may assign an administrative rating of overall "satisfactory." All other material or comments in support of any other rating will be expunged from the evaluation record.

**REFERENCE:** Education Code Sections 45260 and 45261; Government Code Sections 12926, 12650 and 12653