



## SOUTH CAROLINA DEPARTMENT OF AGRICULTURE

### EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM POLICY AND PROCEDURE

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

#### I. GENERAL INFORMATION

All performance appraisals will be made in writing by the employee's supervisor (the rater) who has direct experience or knowledge of the work performed. The appraisal will be reviewed by the next higher level supervisor (the reviewer) prior to the appraisal being discussed with the employee (unless the rater is the agency head). The reviewer may attach additional comments to the appraisal, and in the attachment may take exception to the rater's appraisal. In addition, the reviewer has the authority to change the appraisal completed by the rater. If the reviewer elects to change the rating, the change and associated justification should be noted on the appraisal document. Whenever an employee's job responsibilities change significantly, the appraisal document should be revised to reflect that change. The final appraisal must bear the signature of the rater, the reviewer and the employee, if possible. If any party refuses to sign the appraisal, a notation shall be made on the performance appraisal of this. If possible, a witness should sign to acknowledge that the party refused to sign the appraisal.

All performance appraisals will become a permanent part of the employee's official personnel file. Upon request, the agency will furnish the employee with a copy of the performance appraisal with copies of all pertinent attachments.

The provisions of this policy address the appraisal process of both probationary and covered employees. Although not mentioned specifically in this policy, employees exempt from coverage under the State Employee Grievance Procedure Act may also be routine feedback on their performance.

#### II. TRAINING

Employees receive introduction to the Employee Performance Management System through new employee orientation, general information sessions and communication from their supervisor.

#### III. LEVELS OF PERFORMANCE

There will be three levels of performance to rate employee performance:

##### 1. Exceptional

Work that is characterized by exemplary accomplishments throughout the rating period; performance that is considerably and consistently above the requirements of the job duties and objectives.

2. Successful

Work that meets the requirements of the job duties and objectives.

3. Unsuccessful

Work that fails to meet the requirements of the job duties and objectives.

Performance characteristics shall not be rated by the three levels of performance, but shall be given a rating of pass or fail.

1. Pass - Meets requirements.
2. Fail - Fails to meet requirements.

#### **IV. PLANNING STAGE**

Each employee shall have a planning stage conducted at the beginning of each rating period. The employee's job functions (which include job duties and success criteria) and performance characteristics for the next rating period will be discussed at this time. These items, as included in the planning stage, are described below. The rater and employee should participate in drafting the planning stage document. The reviewing officer and the rater should discuss the requirements for the coming year prior to the planning stage. A rater may incorporate a team activity into the planning stage document. The team performance being evaluated could constitute a job function, an objective, or one criteria for a particular job function or objective. A rater may also link the employee's training plan to the planning stage document.

##### **JOB FUNCTIONS**

The rater and the employee shall determine the job functions (which include job duties and success criteria) by reviewing the employee's position description. If the position description is not up-to-date, or if there is no position description, one should be prepared and submitted for approval. In those instances where the rater and employee cannot agree upon the job functions, the rater's decision shall be final. The statement outlining the job function should include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to meet performance requirements. Each job function shall be rated in the evaluation stage based on the three levels of performance. It shall be mandatory for all raters to be evaluated on the timely completion of each employee's performance appraisal.

##### **OBJECTIVES**

Objectives shall be optional for all employees. An objective should be included when the employee is assigned a special, non-recurring project or assignment that is not included on the employee's position description. The statement outlining the objective(s) should also include descriptive information about the performance expectations (success criteria) of the rater. The descriptive statement should specify the expectations of the rater for the employee to be successful. Each objective shall be rated in the evaluation stage based on the three levels of performance.

##### **PERFORMANCE CHARACTERISTICS**

The Division of State Human Resources provides agencies with a list of suggested performance characteristics and their definitions. Each performance characteristic shall be defined in the planning stage and rated as "pass" or "fail" in the evaluation stage. The performance characteristics section shall be used as a communication tool to emphasize those performance characteristics that are important to success in performing the job functions and objectives included in the planning document. It shall be mandatory for all managers and supervisors to be rated on the performance characteristic of "promoting equal opportunity." (Promoting equal opportunity includes such areas as hiring, promotion, or placement; level of personal and organizational commitment to equal opportunity; progress toward achieving a fully integrated and

representative work force; and contribution toward minority programs and other social/economic equal opportunity goals.)

## **V. ONGOING PERFORMANCE MANAGEMENT**

A rater is encouraged to provide performance feedback with the employee throughout the review period in addition to the planning session and the end of the year rating meeting. As part of the performance feedback, the supervisor and subordinate will discuss job duties, expected results, and current performance. During these discussions, the supervisor will communicate how he/she is measuring successful outcomes as outlined in the Success Criteria for each job duty on the employee's Planning Stage. If an employee is not meeting the supervisor's expectations at any point during the rating period, the supervisor must prepare a document that specifies the expected results for each of the significant duties on the Planning Stage. South Carolina Department of Agriculture (SCDA) Human Resources should be consulted to ensure that expected results are clear and measurable.

If an employee moves from one supervisor to another within the agency, the supervisor should forward copies of any documentation completed during the period of assignment and forward it to the new supervisor. The new supervisor will complete the performance feedback process for the remaining period and will incorporate the previous supervisor's comments in the overall review.

## **VI. ESTABLISHING AND MAINTAINING REVIEW DATES**

All employees will be given a performance review no more than 90 days prior to the employee's performance review date. An employee on approved leave with or without pay for more than 30 consecutive workdays may have the performance review date advanced up to 90 days. An employee whose performance review date is advanced in accordance with the Division of State Human Resources Regulations may receive a short-year planning stage and review. This will be done to bring the employee back to the Universal Review Date of December 1st.

A covered employee who is reassigned to a position in the same class and agency or transfers to a position in the same class from another agency and is more than six months from the review date will not have the review date re-established.

A covered employee who is reassigned to a position in the same class and agency or transfers to a position in the same class from another agency within six months or less of his review date will have the performance review date advanced six months from the date of the transfer or reassignment.

An employee who receives any in-band increase or decrease within the current class will maintain the review date.

A list of the performance review dates presently established in accordance with the Division of State Human Resources Regulations will be maintained so that they may be reinstated, if necessary. Any personnel action that requires the establishment of an employee's review date will follow the provisions of this policy.

## **VII. ABBREVIATED REVIEW**

An abbreviated process may be used for any "short-year" review period that occurs within two months prior to the "Universal Review Date" (October and November). If the job duties have not changed, the supervisor may complete the Short-Year Performance Review Form documenting that the supervisor and subordinate have reviewed the Planning Stage and that performance of the duties has not changed since the last Performance Feedback Session. If the job duties have changed since the last review, the employee should receive an updated Planning Stage for the short year review period. The revised Planning Stage should be used to evaluate the employee's performance prior to the end of the short-year review period. Any review period of more than two months must be a full review.

## **VIII. PROBATIONARY PERIOD**

Each new employee in probationary status will be rated prior to the completion of a twelve-month probationary period. If that employee does not receive a performance appraisal prior to the performance review date, the employee will receive a "successful" rating by default and obtain covered status as a State employee and permanent status in the class. The probationary period may not be extended. The performance review date marks the beginning of a new review period. In order to bring the employee back to the December 1st Universal Review Date after completion of the twelve-month probationary period, it may be necessary for the employee to receive an abbreviated review.

A probationary employee who receives a promotion, demotion, reclassification, transfer or is reassigned to a position in a different class is given a new original appointment in the new class and the twelve-month probationary period begins again from the date of the promotion, demotion, reclassification, transfer or reassignment to a position in a different class. A probationary employee who transfers from another state agency to a position in a different class will be required to serve twelve (12) months with SCDA prior to attaining permanent status. An employee who is reassigned or transferred to a position in the same class or who receives any in-band increase or decrease within the current class will not have the review date re-established.

If an employee is not performing satisfactorily during the probationary period, the employee will be terminated before becoming a covered employee. Until an employee has completed the probationary period and has a "successful" or higher rating on the employee's evaluation, the employee has no grievance rights under the State Employee Grievance Procedure Act; therefore, an agency is not required to follow the "Substandard Performance Process" to terminate a probationary employee. The "successful" rating is the equivalent to the "meets" performance rating referenced in the State Employee Grievance Procedure Act.

## **IX. ANNUAL PERFORMANCE REVIEWS**

All employees will be given an annual appraisal no more than 90 calendar days prior to the employee's performance review date. An employee on approved leave with or without pay for more than 30 consecutive workdays may have the performance review date advanced up to 90 days. A covered employee who receives a "Warning Notice of Substandard Performance" shall have the performance review date advanced to coincide with the "Warning Notice of Substandard Performance" dates.

The performance review date marks the beginning of a new review period. If an employee does not receive an appraisal prior to the performance review date, the employee shall receive a "successful" rating by default. A covered employee may not be issued either an overall "unsuccessful" appraisal or an "unsuccessful" rating on any essential job function or objective which significantly impacts performance, without following the "Substandard Performance Process."

## **X. TRIAL PERIODS**

Each covered employee who has been demoted, promoted, reclassified, reassigned or transferred to a position in a different class will receive an appraisal prior to the completion of a six-month trial period in the position. Upon satisfactory completion of the trial period, a short-year review may be required to bring the employee back to the December 1<sup>st</sup> Universal Review Date. The performance review date marks the beginning of a new review period. If an employee does not receive a performance appraisal prior to the performance review date, the employee will receive a "successful" rating by default and obtain permanent status in the new classification. Once an employee has completed a successful trial period and obtained permanent status in a class, the employee retains permanent status in the class throughout the employee's continuous service. The six month trial period may be extended up to 90 calendar days upon written notice to the employee prior to the end of the six-month trial period.

The Substandard Performance Process is not required to demote or reclassify downward an employee in trial status to the same class from which promoted, if the demotion or reclassification occurs within the trial period.

The Substandard Performance Process is also not required to demote or reclassify downward an employee in trial status to a class in an equal or higher pay band from which promoted, if the demotion or reclassification occurs within the trial period. The employee in trial status may not grieve such demotion. The employee in trial status may not be terminated or demoted to a class in a lower pay band than that from which promoted for performance reasons without following the Substandard Performance Process.

## **XI. SUBSTANDARD PERFORMANCE PROCESS FOR COVERED EMPLOYEES**

A covered employee is entitled to adequate notice of substandard performance and the opportunity to improve the substandard performance before receiving an “unsuccessful” rating and being removed from the position. To ensure this occurs, the following procedures will be followed:

- A. A rater shall issue a “Warning Notice of Substandard Performance” prior to issuing an “unsuccessful” rating to a covered employee. If during the performance period an employee is considered “unsuccessful,” in any essential job duties which significantly impacts performance, the rater will provide the employee with a written “Warning Notice of Substandard Performance.” The warning notice will provide for an improvement period of no less than 30 days and no more than 120 days. The warning notice may be issued at any time during the review period. Ordinarily, the warning period may not extend beyond the employee’s review date. However, the review date may be advanced to coincide with the “Warning Notice of Substandard Performance” dates. Should the review date be advanced and the employee receives a “successful” or above rating on all essential functions/objectives, which significantly impacts performance, noted in the warning notice, the employee may require a short-year review in order to bring the employee back to the Universal Review Date.
- B. The rater will prepare a Warning of Substandard Performance Notice. The rater and the employee should participate in drafting a work improvement plan which includes a list of ways to improve the deficiencies and other appropriate performance-related recommendations. In those instances where the rater and employee cannot agree upon the content of the work improvement plan, the rater’s decision will be final.
- C. During the warning period, the employee, the rater and a Human Resources representative will have regularly scheduled meetings during which they will discuss the employee's progress. Documentation is required to verify that these counseling sessions were held. Copies of this documentation will be placed in the employee's official personnel file and given to the employee upon request.
- D. If the employee's performance is rated "successful" or above, on all essential job functions/objectives, which significantly impact performance, noted in the warning notice by the end of the warning period, employment shall continue. If the employee is rated "unsuccessful," on any job duty which significantly impacts performance as noted in the warning notice by the end of the warning period, the employee will be removed from the position immediately (i.e., terminated, reassigned, demoted).
- E. Once a time frame for improving substandard performance has been given, the employee must receive a written appraisal prior to the end of the warning period or the employee will receive a "successful" rating by default.
- F. If an employee has been issued two warning notices within a 365-day period and performance drops to a substandard level on any essential job duty which significantly impacts performance for a third time within a 365-day period, the employee will be removed from the position upon the third recurrence of such substandard performance by issuing the “unsuccessful” rating. A warning notice is not required on the third occurrence.

## **XII. WARNING NOTICE OF SUBSTANDARD PERFORMANCE**

The requirements of a “Warning Notice of Substandard Performance” are:

- A. The warning notice must be in writing, addressed to the employee, labeled as a “Warning Notice of Substandard Performance,” and signed by the employee (witnessed, if employee will not sign).
- B. The warning notice must list the job function(s) and/or objectives included on the employee’s Planning Stage that are considered “unsuccessful,” with an explanation of the deficiencies for each job function and/or objective.
- C. The notice shall include the time period for improvement and the consequences if no improvement is noted (i.e., termination, demotion, reassignment).
- D. The notice shall include a plan for meetings to discuss employee progress during the warning period.
- E. The warning notice must be approved by SCDA Human Resources.
- F. A copy of the warning notice must be given to the employee and placed in the employee’s official personnel file.

### **XIII. DEFINITIONS**

**Performance Appraisal** – the official performance management document that is turned in at the end of the rating period to HR that indicates whether the employee has achieved an Unsuccessful, Successful, or Exceptional performance rating.

**Established Review Date** – The employee’s review date as established in accordance with the Division of State Human Resources Regulations.

**Universal Review Date** – The date a new annual review period begins. December 1st will be the Universal Review Date for the Divisions of SCDA (Exceptions: “probationary” and “trial” employees).

**Abbreviated EPMS Review** – Any performance appraisal that evaluates an employee’s performance for a period of less than twelve months. (Exceptions: trial period reviews and warning notice reviews)

**Successful Rating** – Equivalent to the “meets” performance rating referenced in the State Employee Grievance Procedure Act.