

101 KAR 2:180. Employee performance evaluation system.

RELATES TO: KRS 18A.110

STATUTORY AUTHORITY: KRS 18A.110(1)(i), (7)(j)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.110(1)(i) and (7)(j) requires the Secretary of the Personnel Cabinet to promulgate comprehensive administrative regulations for classified service employees to establish a uniform system of annual employee evaluations for classified employees. This administrative regulation establishes the uniform employee performance evaluation system.

Section 1. General Provisions.

(1) The provisions of this administrative regulation shall be effective until completion of 2019 performance year activities.

(2) The annual performance period shall be one (1) calendar year beginning on January 1.

(3) Except as provided in subsection (5)(d) of this section, performance evaluations shall be completed no later than January 31 after the end of the annual performance period.

(4) All agencies shall use the Annual Employee Performance Evaluation form.

(5)

(a) Except as provided in paragraph (b) or (c) of this subsection, the first line supervisor of an employee when the evaluation is due shall be the evaluator.

(b) If the first line supervisor has not supervised the employee for at least sixty (60) calendar days during the performance year, the next line supervisor who meets the sixty (60) day requirement shall be the evaluator.

(c) If an employee changes jobs or reports to a different supervisor on or before November 1 of the performance year, the agency shall transfer all performance evaluation documentation for the performance year to the new evaluator for incorporation in the annual evaluation.

(d) If an employee changes jobs or reports to a different supervisor after November 1 of the performance year, the annual evaluation shall be completed by the former supervisor prior to the job change.

(6)

(a) Except as provided in paragraph (b) of this subsection, the evaluator shall establish a performance plan for each eligible employee no later than January 31 after the start of the performance period.

(b) If an employee's position or job title changes during the performance year, the evaluator shall establish a new performance plan no later than thirty (30) calendar days after the start of the position or job title change. The new performance plan shall become a part of the original performance year evaluation documentation.

(7) The evaluator shall meet with the employee when completing the performance plan to discuss job duties and expectations.

(8) Performance evaluations shall be in writing. The evaluator shall:

(a) Present and explain all documentation relevant to an employee's performance evaluation;

(b) Discuss both the positive and negative aspects of performance with the employee at the annual evaluation;

(c) Elicit the employee's opinions and concerns; and

(d) Discuss measures to improve or enhance performance with the employee.

(9) The Personnel Cabinet or agency personnel shall provide supervisor evaluation training on the performance evaluation system.

(a) The appointing authority shall require that supervisor evaluation training is completed prior to completing performance planning, interim reviews, and annual evaluations of employees.

(b) The Personnel Cabinet shall monitor and validate compliance with supervisor evaluation training requirements.

(10) An employee shall complete orientation to the performance evaluation system prior to January 1 of the employee's initial performance evaluation period.

Section 2. Employee Eligibility. Performance evaluations shall be completed for all full-time classified employees with status at the beginning of the performance year who have remained in continuous merit status throughout the performance year.

Section 3. Performance Planning.

(1) The performance plan shall specify job responsibilities and expectations in the four (4) categories established in this subsection.

(a) Job tasks.

1. The job tasks category shall identify specific duties and expectations of the position held by the employee.
2. The employee's job duties shall be consistent with the position description.
3. Duties and expectations shall be in writing.
4. The evaluator shall assign points to identified duties and expectations.

(b) Adaptability/initiative.

1. The adaptability/initiative category shall identify job requirements of the agency.
2. The evaluator shall place each requirement under this category in writing and assign points.

(c) Communication/teamwork.

1. The communication/teamwork category shall identify requirements of the agency.
2. The evaluator shall place each requirement under this category in writing and assign points.

(d) Self-management.

1. The self-management category shall identify requirements of the agency relating to workplace standards that shall include:
 - a. Attendance;
 - b. Punctuality;
 - c. Career development;
 - d. Responsibility; and
 - e. Dependability.
2. The evaluator shall place each requirement under this category in writing and assign points.

(2) The evaluator shall develop the performance plan after consultation with the employee.

(a) The employee and evaluator shall certify in writing in the performance planning section of the evaluation form that the employee has met with the evaluator and is aware of the performance plan.

(b) The next line supervisor shall certify that he or she has reviewed the duties and expectations of the employee and finds them to be reasonable and appropriate based upon the employee's job classification.

(3) Total points assigned for all four (4) categories shall equal 100 total points. The evaluator shall distribute points among the four (4) categories as follows:

- (a) The job tasks category shall have a minimum of fifty (50) points designated; and
- (b) The other three (3) categories shall have a minimum of five (5) points designated to each category.

(4) To obtain the point total for each category, points assigned to each job duty within each category shall be multiplied by the numerical rating provided by the evaluator, as described in Section 5(3) of this administrative regulation.

- (5) Total points in all four (4) categories shall be added to obtain a final performance evaluation score.

Section 4. Performance Coaching and Feedback.

- (1) Modification of the performance plan may occur during the performance evaluation period if the changes are consistent with the duties reflected on an employee's position description.
 - (a) The employee shall be given written notice of changes to the performance plan.
 - (b) Changes to the performance plan shall be indicated on the evaluation form or on a supplemental sheet attached to the form.
 - (c) Changes to the performance plan shall be initialed and dated by the evaluator and the employee when changes become effective.
- (2) A mid-year interim review and year-end interim review shall be required during a performance year.
 - (a) The evaluator shall document the interim reviews.
 1. Interim reviews shall not contain a rating.
 2. The interim meeting section of the evaluation form shall contain comments by the evaluator for each category established in Section 3(1) of this administrative regulation.
 - (b) The employee and evaluator shall sign the performance evaluation form to certify that the interim reviews occurred.
 - (c) For consideration in the annual year evaluation, the employee may attach pertinent comments relating to the interim review within five (5) working days of the interim review meeting.
 - (d) The evaluator shall schedule interim reviews to discuss performance January 1 through June 30 and July 1 through December 31.
 - (e) The mid-year interim review shall be completed no later than July 31 after the end of the interim review period, and the year-end interim review shall be completed no later than January 31 after the end of the interim review period.
 - (f) Interim reviews shall document performance to justify the annual performance rating.

Section 5. Performance Evaluations and Ratings.

- (1) Except as provided in Section 1(5)(d) of this administrative regulation, the evaluator and the employee shall meet no later than January 31 after the performance period ends to discuss the performance ratings.
- (2) Eligible employees shall be evaluated in the four (4) categories described in Section 3 of this administrative regulation.
- (3) All job duties identified within the categories shall be rated on a scale of one (1) to five (5), with five (5) representing superior performance.
- (4) The final performance evaluation shall consist of a defined numerical rating. Point values for the overall performance rating shall be:
 - (a) Outstanding: 450 to 500 points;
 - (b) Highly effective: 350 to 449 points;
 - (c) Good: 250 to 349 points;
 - (d) Needs Improvement: 150 to 249 points; or
 - (e) Unacceptable: less than 150 points.
- (5) Unresolved disagreements on ratings or any aspect of the performance evaluation shall be reviewed through the reconsideration process established in Section 7 of this administrative regulation.
- (6) Signatures of the evaluator, employee, and next line supervisor shall be required on the final evaluation.

- (a) The next line supervisor shall sign the evaluation after it is completed, signed, and dated by the evaluator and the employee.
- (b) For the purpose of evaluating or managing the performance of the evaluator, the next line supervisor's signature shall certify that he or she is aware of the evaluation and has reviewed it.

Section 6. Performance Incentives. Annual leave shall be awarded as a performance incentive at the following rates:

- (1) Two (2) workdays, not to exceed sixteen (16) hours, for an "Outstanding" rating; or
- (2) One (1) workday, not to exceed eight (8) hours, for a "Highly Effective" rating.

Section 7. Reconsideration and Appeal Process.

- (1) Within five (5) working days of the year-end interim review and annual performance evaluation meeting, an employee may attach pertinent comments relating to the year-end interim review and may request initial reconsideration of the annual performance evaluation by the evaluator.
- (2) Within five (5) working days of the receipt of the request for reconsideration, the initial reconsideration shall be conducted by the evaluator.
- (3) If the employee refuses to sign the form in the employee response section, the evaluation shall not be eligible for reconsideration.
- (4) Within five (5) working days after the initial reconsideration by the evaluator, an employee may submit a written request for reconsideration of the evaluation by the next line supervisor. If neither the evaluator nor the next line supervisor responds to the request for reconsideration in the designated time period, the employee may submit a written request to the appointing authority for response to the request for reconsideration and compliance with this section.
- (5) The next line supervisor shall:
 - (a) Obtain written statements from both the employee and the evaluator; or
 - (b) Meet individually with the employee and the evaluator.
- (6) The next line supervisor shall inform both the employee and evaluator in writing of the decision no later than fifteen (15) working days after receipt of the employee's request.
- (7) Within sixty (60) calendar days after an employee has received the written decision from the next line supervisor, the employee who has complied with this administrative regulation may appeal a final evaluation which has an overall rating in either of the two (2) lowest overall ratings to the Personnel Board.

Section 8. Evaluation-based Agency Action. If an employee receives an overall rating of unacceptable, the agency shall:

- (1) Demote the employee to a position commensurate with the employee's skills and abilities; or
- (2) Terminate the employee.

Section 9.

- (1) Except as requested in writing by the appointing authority and authorized by the Secretary of Personnel, all agencies shall comply with the provisions of this administrative regulation. An evaluator shall complete required performance planning, interim reviews, and annual evaluations for each eligible employee. If the Secretary of Personnel approves an exception, written justification for the decision shall be placed in the employee's personnel file.
- (2) The exception decision shall be sent, in writing, to the appointing authority within ten (10) days of receiving the request for exception.

Section 10. Incorporation by Reference.

(1) The "Annual Employee Performance Evaluation", January 2017, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Personnel Cabinet, 501 High Street, Third Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(27 Ky.R. 1383; Am. 1767; eff. 1-15-2001; 38 Ky.R. 1462; 1699; eff. 5-4-2012; 41 Ky.R. 2123; 2544; eff. 7-6-2015; 43 Ky.R. 1008; eff. 3-3-2017; 45 Ky.R. 3443; 46 Ky.R. 407; eff. 9-6-2019.)