

<u>ADMINISTRATIVE REGULATION</u>  COLORADO DEPARTMENT OF CORRECTIONS		REGULATION NUMBER 1450-02	PAGE NUMBER 1 OF 14
		CHAPTER: Personnel	
		SUBJECT: Performance Management Program (PMP)	
RELATED STANDARDS: ACA Standards 2-CO-1C-21 and 4-4064		EFFECTIVE DATE: August 1, 2015	
		SUPERSESION: 08/01/14	
OPR: OHR	REVIEW MONTH: MAY	 Rick Raemisch Executive Director	

I. POLICY

It is the policy of the Colorado Department of Corrections (DOC) to have written performance plans and evaluations completed for all permanent classified DOC employee(s), at least annually. The Office of Human Resources (OHR) manages the Performance Management Program (PMP). The PMP shall be based on core competencies and performance areas, as defined by the State Personnel Director, and shall be reviewed and discussed with the DOC employee. [2-CO-1C-21] [4-4064] The results of the PMP may be used to determine DOC employee salary adjustments, as part of merit pay. Colorado Personnel Director's Procedures and State Personnel Board Rules shall supersede this administrative regulation.

II. PURPOSE

The purpose of this administrative regulation (AR) is to promote excellence within the DOC and best serve the citizens of Colorado by achieving the Department's mission and vision through a performance management program. The components of this program are performance management, dispute resolution, and merit pay. Performance management links the Department's mission, vision, values, and goals to DOC employee objectives, while merit pay provides the means to link a DOC employee's pay to the level of performance in achieving objectives. This program creates a partnership between rating supervisors and DOC employees to define expectations, plan objectives, and measure performance results. Further, it offers the flexibility to manage business operations and respond to changing conditions through effective management of our most valuable resource, DOC employees. It also provides incentives to DOC employees for improved performance, by providing awards that are commensurate with the level of performance.

III. DEFINITIONS

- A. Base Building: An amount of pay that is added to a DOC employee's base pay.
- B. Base Pay: A fixed rate of pay. Base pay excludes non-base building awards, shift differential, on-call, overtime, call back, and other types of premium pay. It is synonymous with salary.
- C. Certified DOC Employee: The status of a DOC employee who has successfully completed a probationary period or a trial service period. (Personnel Board Rule 1-32.1)
- D. Competencies: Observable, measurable patterns of knowledge, skills and abilities, behaviors, other characteristics that DOC employees need to successfully perform, and work-related tasks. (Personnel Director's Administrative Procedure 1-

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38) *Add definition to glossary

- E. Dispute Resolution: The process used to resolve issues raised by a DOC employee regarding the Performance Management Program.
1. Internal Process: The first stage of the dispute resolution process administered by the DOC.
 2. External Process: The second and final stage of the dispute resolution process. This stage is external to the DOC; it is administered by the Department of Personnel and Administration's personnel director.
- F. DOC Employee: Someone who occupies a classified, full or part-time position in the State Personnel System (including management and at will profile positions) in which the Department has affect over pay, tenure, and status.
- G. Human Resources Management E-System (HRMES): Online electronic system that is mandatory for use by all DOC employees in the submission of any personnel request or action.
- H. Individual Performance Objectives (IPO): Specific goals used to clarify or specify expected levels of performance. Individual Performance Objectives must be specific, measurable, attainable, realistic, time based, and related to competencies.
- I. Interim Performance Evaluation: A performance evaluation completed at any time other than March 31.
- J. Merit Pay: Any amount of pay that may be awarded to recognize a DOC employee's level of performance. Awards may be base and/or non-base building.
- K. Non-Base Building Pay: An amount of pay that is not added to a DOC employee's base pay, must be re-earned in subsequent years, and may be awarded to DOC employees for "Level III" performance.
- L. Performance Cycle: Established time period in which a DOC employee's performance is active and under review. The performance cycle for the DOC is April 1 through March 31, which includes a provision for at least one mandatory documented performance review.
- M. Performance Rating Levels:
1. Level I (Needs Improvement): This rating level encompasses those DOC employees whose performance does not consistently meet expectations set forth in the performance plan, as well as those DOC employees whose performance is clearly unsatisfactory and consistently fails to meet requirements and expectations. Marginal performance requires substantial monitoring to achieve consistent completion of work and requires more constant, close supervision. Though these DOC employees do not meet expectations, they may be progressing satisfactorily toward a "Level II" rating and need to demonstrate improvement in order to satisfy the core expectations of the position.
 2. Level II (Satisfactory/Commendable): This rating level encompasses a range of expected performance. It includes those DOC employees who exhibit competency in work behaviors, skills, and assignments for the job, as well as those DOC employees who are successfully developing in the job. This rating also includes accomplished performers who consistently exhibit the desired competencies effectively while frequently exceeding expectations, standards, requirements, and objectives of the job assigned. These DOC employees are meeting all the expectations, standards, requirements, and objectives on their performance plan and on occasion may exceed them. This is the DOC employee who reliably performs the job assigned.
 3. Level III (Outstanding): This rating represents consistently exceptional and documented performance or consistently superior achievement beyond the regular assignment. DOC employees make exceptional contribution(s) that have a

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significant and positive impact on the performance of the unit or the organization and may materially advance the mission of the organization. The DOC employee provides a model for excellence and helps others to do their jobs better. Peers, immediate supervision, higher-level management, and others can readily recognize such a level of performance.

- N. Probationary DOC Employee: A person who is not a current certified DOC employee and who has been selected from a referral list for a permanent position but has not yet been certified to the class for that position. (Personnel Board Rule 1-62.1)
- O. Reviewer: Any person in the organization's chain-of-command designated to review supervisory performance evaluations. Typically the next level supervisor in the chain-of-command over the rating supervisor of a DOC employee. In no case will the reviewer and supervisor be the same.
- P. Salary Range: The spread between minimum and maximum salary rates for a specific class. A salary range is established based on the annual total compensation salary survey and vary by occupational groups.
- Q. Supervisor: The DOC employee assigned as the rating supervisor over one or more positions and is responsible performance planning, reviewing, and evaluating. Designated rating supervisors shall be evaluated on their performance management and evaluation of DOC employees. (Personnel Board Rule 6-5)
- R. Trial Service DOC Employee: A DOC employee who is promoted to a permanent position and who must complete a period of service that does not exceed six months before achieving certification with an overall performance rating of at least "Level II", or a DOC employee who, at the discretion of the appointing authority, voluntarily transfers to a position within the same class. Refer to Personnel Board Rule 1-77.1 for the full definition.

IV. PROCEDURES

A. Performance Planning

1. These requirements shall be applied in a timely manner by all appointing authorities and designated rating supervisors, including any person employed by the state who supervises a DOC employee (Personnel Board Rule 6-4).
2. Rating supervisors shall develop a performance plan and conduct a planning session with each assigned DOC employee at the beginning of a new planning cycle, on April 1, or within 30 days of a new hire, reinstatement, transfer to another or within the same facility/office (administrative, classification, facility in-house, in-house, or lateral), promotion, reappointment, demotion, supervisor change, or change of duties, with the following exceptions:
 - a. If a DOC employee is reallocated a new performance plan does not need to be completed.
 - b. Probationary DOC employees who fail Basic Training shall not receive a performance plan, as performance issues relating to Basic Training failure shall be addressed in the termination and/or resignation letter.
 - c. If a DOC employee is on extended military leave at the time a performance plan is required, the DOC employee shall receive a performance plan based on the competencies and basic duties of their assigned position. The performance plan may be modified, with new signatures required, upon the DOC employee's return to full duty encompassing additional employee-based IPOS.
3. A performance plan shall be based on the competencies listed: a) Accountability/Organizational Commitment; b) Job Knowledge; c) Communication; d) Interpersonal Skills; e) Customer Service; and f) Performance Management.

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- a. Each performance plan must carry a minimum of five individual performance objectives (IPOs), one IPO per competency.
 - b. The sixth competency, "Performance Management," applies only to DOC employees who are rating supervisors. This competency establishes an accountability component and is used to provide objectives, measures, and goals in order to rate a supervisor's compliance to and the timely completion of PMP requirements, and support of the DOC mission
4. The planning process will include a meeting between the rating supervisor and the DOC employee, in order to discuss expectations, IPOs, and the competencies. It is intended to be a partnership, but the rating supervisor has the responsibility for establishing the performance plan. If work lead is provided by someone other than the rating supervisor, the rating supervisor may request input from the work leader. The rating supervisor may involve the work leader in the performance planning phase of the PMP process.
 5. A performance plan shall be signed by the rating supervisor and DOC employee, and is only considered complete when all required signatures have been acquired. Whether the DOC employee signs or not, they shall still be evaluated on the performance plan.
 6. When a change of supervision occurs and there is no change of duties for an assigned DOC employee, the former rating supervisor has the option of closing out the performance plan by completing an interim performance evaluation or, with agreement of both supervisors, transferring the existing performance plan to the new rating supervisor. It is the responsibility of the new rating supervisor to review the DOC employee's performance history prior to and/or upon acceptance of the performance plan.
 7. Modifications to the DOC employee's performance plan may be necessary during the performance cycle, and must be made known to the DOC employee.
 - a. A modification to a performance plan includes a revision that changes the intent of an IPO; this does not include correcting grammar or a typographical error.
 - b. Any change to a performance plan will require new signatures.
 8. Failure by rating supervisors to develop a performance plan shall require that sanctions be imposed by appointing authorities according to State Personnel Board Rule 6-5.
 - a. Absent extraordinary circumstances, failure to plan in accordance with the DOC's established timelines shall result in a corrective action and ineligibility for merit pay.
 - b. If the DOC employee's performance plan is not completed within 30 days of the corrective action, the rating supervisor shall be disciplinarily suspended in increments of one workday following a pre-disciplinary meeting.
 - c. If the rating supervisor fails to complete the DOC employee's performance plan, it shall then be completed by the second level supervisor (reviewer), and on up the chain-of-command until complete.
 - d. The Office of Human Resources (OHR) shall notify appointing authorities, deputy/division directors, deputy executive director, and the executive director of delinquent performance plans so sanctions may be imposed.

B. Performance Review and Performance Evaluation

1. These requirements shall be applied in a timely manner by all appointing authorities and designated rating supervisors, including any person employed by the state who supervises a DOC employee. (Personnel Board Rule 6-4) Supervisors shall be reviewed and evaluated on their performance as a supervisor using the Performance

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Management competency. This competency establishes an accountability component and is used to provide objectives, goals, and measures in order to rate a supervisor's compliance to and the timely completion of PMP requirements and support of the DOC mission.

2. A performance review provides coaching and feedback during a performance cycle and compares actual performance and behavior with the objectives, goals, and measures shown on the performance plan. Coaching and feedback during the performance cycle are required (Personnel Director's Administrative Procedure 6-4 (F)).
 - a. At a minimum, one documented **midyear** performance review must be completed for each **certified** DOC employee at the midpoint (September 30) of each performance cycle to be due no later than October 31; however, more frequent meetings are strongly encouraged.
 - b. Performance reviews shall be completed within 30 days of the end of the **third** month, end of the **sixth** month, and the end of the **ninth** month on a **probationary** DOC employee. Refer to AR 1450-07, *Certification of Probationary and Trial Service DOC Employees*, for additional information.
 - c. A performance review shall be completed within 30 days of the end of the **third** month on a **trial service** DOC employee. Refer to AR 1450-07, *Certification of Probationary and Trial Service DOC Employees*, for additional information.
 - d. A discretionary performance review may be completed at any time during a performance cycle to address and document additional performance on a DOC employee.

3. A performance evaluation provides an equitable measurement of an employee's contribution during a performance cycle and compares actual performance and behavior with the objectives, goals, and measures shown on the performance plan. A performance evaluation closes out a performance cycle.
 - a. Rating supervisors shall provide a written performance evaluation at the end of each performance cycle for each assigned DOC employee.
 - 1) The annual performance evaluation must be completed, signed by all required parties, and presented to and signed by the DOC employee no later than April 30, no exceptions. Note, a DOC employee cannot sign prior to April 1.
 - 2) If a DOC employee moves to a position under another appointing authority or department during a performance cycle (i.e., new hire, reinstatement, transfer to another or within the same facility/office [administrative, classification, facility in-house, in-house, or lateral], promotion, reappointment, demotion, supervisor change, or change of duties), an interim overall performance evaluation shall be completed within 30 days of the effective date of the move and made available to the new appointing authority or department immediately upon completion.
 - a) When a change of supervision occurs for an assigned DOC employee and the new rating supervisor rejected the existing performance plan, the former rating supervisor shall complete an interim performance evaluation closing out the performance plan.
 - b) When a change of supervision occurs for an assigned DOC employee and the new rating supervisor accepted the existing performance plan, it is the responsibility of the new rating supervisor to review the DOC employee's performance history to ensure all relevant performance history is applied to future ratings.
 - 3) If a DOC employee separates, a performance evaluation is required for completion by the assigned rating supervisor immediately with all required signatures, and preferred prior to the DOC employee's last

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working day.

- a) If a DOC employee separates in the month of April, the DOC employee's final rating is encompassed in the March 31 final annual performance evaluation—an additional performance evaluation is not required.
 - b) No performance evaluation is required when a DOC employee retires from employment in the State Personnel System.
 - c) Probationary DOC employees who fail Basic Training shall not receive a performance evaluation, as performance issues relating to Basic Training failure shall be addressed in the termination and/or resignation letter.
4. DOC employees shall be given a rating based on the quality of work, which will be one of three rating levels: "Level I (Needs Improvement)", "Level II (Satisfactory/Commendable)", or "Level III (Outstanding)."
 - a. On a performance evaluation only, if a rating is not given to a DOC employee for any reason, the overall rating shall be "Level II" until a final rating is completed or is determined by outcome of the dispute resolution process, if applicable.
 - b. If a DOC employee is attending Basic Training at the time a final overall performance evaluation is required, the DOC employee may be rated an overall "Level II." The rating supervisor should consider the DOC employee's actual performance completed during Basic Training, to include successful completion of all available phases.
 - c. If a DOC employee is on extended military leave at the time a performance review or the final overall performance evaluation is required, the DOC employee may be rated an overall "Level II." The rating supervisor should consider the DOC employee's actual performance completed during the performance cycle. If the DOC employee is on extended military leave a majority of (six months or longer), or the entire performance cycle, the DOC employee shall be rated overall "Level II."
 5. A rating supervisor may rate a DOC employee's overall performance on a performance review or performance evaluation by assessing all aspects of the DOC employee's performance. Multi-source assessment processes, where feasible, should be considered for reviewing and evaluating DOC employees. These can include customer satisfaction surveys, upstream evaluations, and coworker or peer assessments.
 - a. The overall rating will normally be determined by the majority of competency ratings; however, when considering performance of IPOs and weighting relative importance of competencies, the overall rating could reflect the heaviest weighted competency. For example, a performance review or performance evaluation including two competencies at "Level II" and three competencies at "Level III" could have an overall rating of "Level II."
 - b. Quotas shall not be established for the number of DOC employees allowed to receive any of the performance ratings. (Personnel Director's Administrative Procedure 6-4 (H))
 6. The quality review process on a performance review or performance evaluation occurs before ratings are finalized and provided to DOC employees. The reviewer shall oversee recommended overall ratings for adherence to program policies and guidelines, quality, and consistency. Reviewers are encouraged to meet with other designated reviewers in their facility/office to ensure consistent completion of performance reviews and performance evaluations. The appointing authority shall verify adequate justification of overall "Level I" and "Level III" ratings on performance evaluations only by their review and signature.

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- a. If the reviewer does not agree with the performance review or performance evaluation, they shall consult with the rating supervisor to discuss concerns and identify possible modifications.
 - 1) If differences cannot be resolved between the reviewer and rating supervisor, the performance review and/or performance evaluation shall be discussed with the appointing authority and the appointing authority shall make the final decision.
 - 2) Upon feedback by the reviewer and/or appointing authority, the rating supervisor shall be responsible for making any changes to the performance review and/or performance evaluation.
 - 3) Any changes to the performance review and/or performance evaluation recommended by any party involved (not including the DOC employee) must be made prior to the DOC employee signature.

7. The performance review and/or performance evaluation processes will include a meeting between the rating supervisor with the DOC employee, in order to discuss meeting performance expectations based on actual performance and behavior as outlined in the performance plan. In the supervisor's absence, the reviewer may present the performance review and/or performance evaluation to the DOC employee.
 - a. If work lead is provided by someone other than the rating supervisor, the rating supervisor may request input from the work leader. The rating supervisor may involve the work leader in the performance review and performance evaluation phases of the PMP process.
 - b. DOC employees must be given the opportunity to provide input on their performance evaluation. This can be accomplished during the development of the performance evaluation and/or the employee signature process where the DOC employee has the option to provide comments.

8. A performance review shall be signed by the rating supervisor, reviewer, and presented to and signed by the DOC employee, and is only considered complete when all required signatures have been acquired. A performance evaluation shall be signed by the rating supervisor, reviewer, appointing authority (overall "Level I" or "Level III" ratings only), and presented to and signed by the DOC employee, and is only considered complete when all required signatures have been acquired.

9. Failure by rating supervisors to develop a performance evaluation shall require that sanctions be imposed by appointing authorities according to Personnel Director's Administrative Procedure 6-5.
 - a. Absent extraordinary circumstances, failure to evaluate in accordance with the DOC's established timelines results in a corrective action and ineligibility for merit pay.
 - b. If the DOC employee's performance evaluation is not completed within 30 days of the corrective action, the rating supervisor shall be disciplinarily suspended in increments of one workday following a pre-disciplinary meeting.
 - c. If the rating supervisor fails to complete the DOC employee's performance evaluation, it shall then be completed by the second level supervisor (reviewer), and on up the chain-of-command until complete.
 - d. Statute provides, in addition, that if any performance evaluations are not completed by July 1, the rating supervisor may be demoted. If failure to evaluate by July 1 happens for two consecutive years, the rating supervisor shall be demoted to a non-supervisory position.

10. OHR shall notify appointing authorities, deputy/division directors, the deputy executive director, and the executive director of delinquent midyear performance reviews and performance evaluations (interim and annual).

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C. Performance Improvement Plan (PIP): A performance improvement plan is available to rating supervisors to document and address areas needing improvement regarding a DOC employee's performance.

1. These requirements shall be applied in a timely manner by all appointing authorities and designated rating supervisors.
 - a. A performance improvement plan *shall* be completed by the rating supervisor upon an overall "Level I" rating on a performance review and/or performance evaluation. The performance improvement plan shall be completed within 15 days after the DOC employee has signed the performance review or performance evaluation.
 - 1) Pursuant to Personnel Board Rule 6-6, a DOC employee who receives an overall "Level I" rating on a performance evaluation shall be provided with a written performance improvement plan or a corrective action and a reasonable amount of time must be given to improve, unless the DOC employee is already under corrective or disciplinary action for the same performance matter.
 - (a) If performance is still "Level I" at the time of reevaluation under a performance improvement plan, a corrective action shall be given.
 - (b) If performance is still "Level I" at the time of reevaluation under a corrective action, disciplinary action may be taken after Personnel Board Rule 6-10 information gathering meeting is held. A Personnel Board Rule 6-10 information gathering meeting is not required for probationary DOC employees.
 - 2) A performance improvement plan is not a corrective action. Refer to AR 1450-12, *Corrective and Disciplinary Actions*, for additional information.
 - b. A performance improvement plan *may* be completed by the rating supervisor upon any "Level I" rating on a performance review and/or performance evaluation. If the rating supervisor opts to complete an optional performance improvement plan, it shall be completed within 15 days after the DOC employee has signed the performance review or performance evaluation.
2. A performance improvement plan should include the following: a specific statement outlining the unacceptable performance; specific performance changes (for both the rating supervisor and DOC employee); expected deadlines for performance changes, allowing sufficient time allowed for improved performance; dates for follow-up meetings to review progress; and consequences for failure to improve. Sufficient time should be based on the behavior or performance as outlined by facility administration.
3. A performance improvement plan shall be signed by the rating supervisor, reviewer, and presented to and signed by the DOC employee, and is only considered complete when all required signatures have been acquired. In the supervisor's absence, the reviewer may present the performance improvement plan to the DOC employee.
4. When a change of supervision occurs and the affected DOC employee has been working under the direction of a performance improvement plan administered by the previous rating supervisor, it is the responsibility of the new rating supervisor to review the guidelines of the performance improvement plan and complete all required follow-up.

E. Performance Documentation (PDOC): Performance documentation is a performance tool that may be completed by a rating supervisor or any DOC employee to document either good or poor performance of another DOC employee.

1. Upon completion by the initiating DOC employee (author), the facility staff resource coordinator (SRC) will verify the rating supervisor, area manager/reviewer, and appointing authority assignments on the performance documentation.

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2. After verification by the facility SRC, the performance documentation is reviewed and signed by the DOC employee's rating supervisor.
3. Upon review and signature by the rating supervisor, the area manager/reviewer may approve and sign the performance documentation, return the performance documentation to the initiating DOC employee (author) for modifications, or reject the performance documentation for deletion.
4. Upon approval and signature by the area manager/reviewer, the performance documentation is returned to the rating supervisor to present to the DOC employee. In the supervisor's absence, the area manager/reviewer may present the performance documentation to the DOC employee.
5. All information relating to the DOC employee's performance should be addressed within the performance documentation itself. If the performance documentation indicates the DOC employee's performance needs improvement, all information outlining performance, avenues to improve performance and sufficient time to improve should be included in the performance documentation. Sufficient time should be established based on the behavior or performance as outlined by facility administration.
6. Although a performance documentation does not qualify for recourse under the State Personnel Board, DOC employees are encouraged to meet with their appointing authority to discuss their concerns.

F. Signatures

1. All DOC employees have the following options for signature on a performance plan, performance review, or performance evaluation: 1) Accept & Sign; 2) Disagree; or 3) Refuse to Sign.
 - a. By selecting "Accept & Sign", a DOC employee is agreeing with the performance plan, performance review, or performance evaluation and may include comments.
 - b. By selecting "Disagree", a DOC employee is disagreeing with the performance plan, performance review, or performance evaluation and must include comments. If the DOC employee would like further action to take place after selecting "Disagree", on an annual March 31 performance evaluation only, the DOC employee must initiate and follow the internal dispute resolution process.
 - c. By selecting "Refuse to Sign", a DOC employee is refusing to sign the performance plan, performance review, or performance evaluation and must include comments. If the DOC employee would like further action to take place after selecting "Refuse to Sign", on an annual March 31 performance evaluation only, the DOC employee must initiate and follow the internal dispute resolution process.
2. All DOC employees have the following options for signature on a performance documentation: 1) Accept & Sign; 2) Disagree; or 3) Refuse to Sign. The ability to include comments is available with each signature option.
3. All DOC employees have the following option for signature on a performance improvement plan: 1) Accept & Sign, and may include comments.
4. All DOC employees shall have the following option for signature on an internal dispute resolution request: 1) Accept & Sign (upon submission), and 2) Receive & Sign (upon receipt of decision).
5. If a DOC employee is 1) unavailable to sign due to extended leave (leave without pay, military leave, family medical leave, short-term disability, or administrative leave) or separation; OR 2) has indicated a refusal to sign, the rating supervisor shall complete the signature process entirely, minus the DOC employee's signature, on the applicable document (i.e., performance plan, performance review, performance evaluation, performance improvement plan,

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and/or performance documentation) and notify the facility staff resource coordinator. The facility SRC shall provide OHR with a brief explanation as to why the DOC employee is unavailable OR refusing to sign, and complete appropriate distribution.

- a. A copy of the completed performance plan, performance review, performance evaluation, performance improvement plan, and/or performance documentation, along with the required notification letter, **SHALL** be mailed to the DOC employee, or hand delivered.
- b. A copy of the notification letter to the DOC employee shall be forwarded to doc_hrrecord@state.co.us for placement into the official DOC employee personnel file.

G. Dispute Resolution

1. The performance management dispute resolution process is an open, impartial process that is not a grievance or appeal. (Personnel Director's Administrative Procedure 8-83) The purpose of this process is to resolve disputes between a DOC employee and the rating supervisor, as soon as possible, and at the lowest level. The dispute resolution process is a problem solving approach and is not intended to be legalistic or adversarial. A DOC employee and rating supervisor shall have the opportunity to be heard and have an issue reviewed objectively. The dispute resolution process shall hold a DOC employee and rating supervisor accountable for their job duties, responsibilities, and actions. Retaliation against any person involved in the dispute resolution process is prohibited.
2. Disputable Issues (Personnel Director's Administrative Procedure 8-84)
 - a. The individual DOC employee's final overall performance evaluation, including lack of a final overall performance evaluation (Internal Stage). In accordance with Personnel Board Rule 8-87(A)(4), "A department's decision on issues involving an individual performance evaluation concludes at the internal stage and no further recourse is available."
 - b. The application of the DOC's performance management program to the individual DOC employee's final overall performance evaluation (Internal/External Stage).
3. Non-Disputable Issues
 - a. The content of the DOC's Performance Management Program. (Personnel Director's Administrative Procedure 8-85 (A))
 - b. Matters related to the funds appropriated. (Personnel Director's Administrative Procedure 8-85 (B))
 - c. The performance evaluations and merit pay of other DOC employees. (Personnel Director's Administrative Procedures 8-85 (C))
 - d. Performance plans, interim performance reviews and performance evaluations, performance improvement plans, and performance documentations.
4. Internal Dispute Process
 - a. Every effort shall be made by the parties to resolve the issue at the lowest possible level in a timely manner. Informal resolution before initiating the dispute resolution process is strongly encouraged. (Personnel Director's Administrative Procedure 8-86)
 - b. The time limit for filing an internal dispute resolution request with the appointing authority, or designee, is seven calendar days from the date and time the original final overall performance evaluation was signed by the

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DOC employee.

- c. The time limit for filing an internal dispute resolution request with the appointing authority, or designee, for a lack of final overall performance evaluation is 30 calendar days from the date the original final overall performance evaluation was due.
 - d. A decision must be provided, in writing, fully addressing the concerns of the DOC employee by the appointing authority. The appointing authority is the decision maker unless it is delegated in writing and publicized in advance.
 - 1) DOC employees must be notified of the authorized decision maker for their disputes. (Personnel Director's Administrative Procedure 8-87 (A) (2))
 - 2) If the DOC employee reports directly to the appointing authority, the dispute shall be assigned to their designee or the next person in the chain-of-command for resolution.
 - e. The review and decision by the appointing authority, or designee, must be completed and provided to the DOC employee within 20 calendar days from the date and time the dispute resolution request was submitted (signed) by the DOC employee. Timely decisions shall be rendered.
 - 1) Only issues originally presented, in writing, shall be considered throughout the dispute process. Appointing authorities are limited to addressing facts surrounding the current action and shall not substitute their judgment for that of the rating supervisor and reviewer; however, appointing authorities may instruct rating supervisors and reviewers to follow the DOC's PMP program, correct an error, or reconsider an individual performance plan or final overall performance evaluation.
 - a) A decision cannot alter the DOC's Performance Management Program.
 - b) No party has an absolute right to legal representation, but may have an advisor present. The parties are expected to represent and speak for themselves. (Personnel Director's Administrative Procedure 8-83)
 - 2) The decision shall include notice of the right to proceed to the external stage, provided that the dispute covers only those original issues involving the application of the DOC's performance management program to the individual DOC employee's final overall performance evaluation. The notice shall include deadlines and address for filing, the requirement to include a copy of the original written dispute, and the DOC's final decision. (Personnel Director's Administrative Procedure 8-87 (A))
 - 3) It is the DOC employee's responsibility to initiate the external process upon the DOC's final decision, or upon failure by the DOC to render a timely decision.
5. External Dispute Process (Personnel Director's Administrative Procedure 8-87(B))
- a. This stage is administered by the State Personnel Director. Only those original issues involving the application of the DOC's performance management program to the individual DOC employee's final overall performance evaluation may advance to this stage.
 - b. A DOC employee may file a written request for review with the State Personnel Director within five working days from the date of the DOC's final decision, or upon failure by the DOC to render a timely decision, using the "Colorado State Personnel System Consolidated Appeal/Dispute Form".
 - c. The request for external review shall include a copy of the original issue(s), submitted in writing, and the DOC's final decision (or notice that the DOC failed to provide a timely decision). The director, or designee, shall

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retain jurisdiction but may select a qualified neutral third party to review the matter. The State Personnel Director, or designee, shall issue a written decision that is final and binding within 30 calendar days.

d. External disputes may be sent by email, mail, hand-delivered, or faxed (if the fax is no more than six pages):

1) Mail or hand-deliver:

State Personnel Board
Attention: Appeals Processing
1525 Sherman St., 4th Floor
Denver, CO 80203

2) Fax: (303) 866-5038

H. Merit Pay (Personnel Director's Administrative Procedure 3-19)

1. Merit pay consists of both base and non-base building adjustments; and pay is effective on July 1. The DOC employee must be employed on July 1 to receive payment.
2. Prior to the payment of merit pay, the State Personnel Director shall specify and publish the percentage for any merit pay increase.
3. The DOC employee's current department as of July 1 is responsible for payment, unless arrangements are made whereas the transferring department will provide full payment of a portion of any non-base building merit pay increase.
4. For DOC employees hired into the state personnel system during the performance evaluation cycle, a prorated portion of any non-base building merit pay shall be provided. The proration shall be based on the number of calendar months worked.
5. Base building merit pay shall be a base building increase based on the final overall performance evaluation rating and salary position within the pay range on June 1.
 - a. If the final overall performance evaluation rating is "Level I", the DOC employee is ineligible for any merit pay.
 - b. Merit pay shall not be denied because of a corrective or disciplinary action issued for an incident after the close of the previous performance cycle.
6. Payment of base building merit pay shall not cause a DOC employee's base pay to exceed the grade maximum, and is paid as regular salary.
7. The payment of any remaining portion of base building merit pay that would cause base pay to exceed grade maximum shall be paid as a one-time, non-base building lump sum in the July payroll. The statutory salary lid does not apply to such a payment.
8. Non-base building merit pay shall be a non-base building or one-time lump sum payment and shall be calculated after any annual compensation adjustments, including base building merit pay.
9. Non-base building merit pay must be earned each year and shall be paid as a one-time lump sum in the July payroll. The grade maximum and statutory lid do not apply to non-base building merit pay. A DOC employee must be employed on the date of the payment in order to be eligible to receive a non-base building merit payment.

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10. Temporary state DOC employees, contract workers, non-classified DOC employees, physicians, and dentists are not eligible for merit pay under this regulation, as their performance is recognized in the contract process.

V. RESPONSIBILITIES

- A. The State Personnel Director is responsible for determining the performance salary adjustment funding according to specified percentages. Prior to the payment of merit pay, the director shall specify and publish the percentage for any base and non-base merit pay for performance levels according to available statewide funding.
- B. Appointing authorities are responsible for:
 - 1. Ensuring that their respective area complies with all aspects of the performance management program, to include the tracking of required performance reviews on probationary and trial service DOC employees.
 - 2. Ensuring mandatory PMP documents are being completed in the HRMES system.
 - 3. Final decisions regarding the internal dispute resolution process.
- C. The chief human resource officer is responsible for ensuring:
 - 1. Mandatory PMP supervisor training is offered for all new and current supervisory personnel through OHR.
 - 2. New DOC employees are introduced to the DOC performance management program during their first year of employment.
 - 3. The review and update of this administrative regulation on an annual basis, or as necessary.
 - 4. A financial audit report shall be submitted by OHR, reflecting DOC employee monetary percentages awarded for the number of overall "Level II" and "Level III" rated DOC employees.
 - 5. OHR is responsible for administering the performance management program, developing the lesson plan, providing training, and accounting for all final performance evaluations received.
- D. All supervisory DOC employees are responsible for the completion of all aspects of the performance management program within the time frames prescribed for their assigned DOC employees.
- E. DOC employees are responsible for actively participating in the planning, reviewing, and evaluation processes. DOC employees shall provide feedback on specific performance to assist rating supervisors with performance evaluations.
- F. Use of a performance plan, performance review, and performance evaluation is mandatory for permanent classified DOC employees and shall be considered as a factor in compensation, promotion, demotion, discipline, reduction in force, and all other actions in which quality of service considerations are a factor.

VI. AUTHORITY

- A. CRS 24-50-104. Job evaluation and compensation.
- B. Colorado State Personnel Board Rules.
- C. Senate Bill 00211.

VII. HISTORY

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August 15, 2014
 August 15, 2011
 August 1, 2010
 July 1, 2009
 March 1, 2009
 March 1, 2008
 July 15, 2007
 July 15, 2006
 July 15, 2005
 April 15, 2005
 January 15, 2005
 January 1, 2004

ATTACHMENTS:

- A. AR Form 100-01A, Administrative Regulation Implementation/Adjustments

ADMINISTRATIVE REGULATION
IMPLEMENTATION/ADJUSTMENTS

AR Form 100-1A (04/15/08)

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(FACILITY/WORK UNIT NAME) _____
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN NOT APPLICABLE WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT
OF THE AR

(SIGNED) _____ (DATE) _____
Administrative Head

