



The Colorado Department of Agriculture

Performance Management

Program

2014

Linking the Department's Mission
With Individual and Team Performance

The mission of the Department of Agriculture is to strengthen and advance Colorado's agriculture industry, promote a safe, high quality, and sustainable food supply, and protect consumers, the environment, and natural resources.

Linking the Department's Mission with Individual and Team Performance

Overview

This document describes the elements of the Colorado Department of Agriculture's (Department or CDA) Performance Management Program. Program elements are consistent with design criteria specified by Department of Personnel and Administration (DPA) and Chapter 6 "Performance" of the State of Colorado Personnel Board Rules and Director's Administrative Procedures.

The Purpose of this program is to link the Department's mission with individual and team performance. In particular, the Department's program is based upon clear measures of performance that reflect the most important functions and activities of the employee's work unit.

The Department currently has approximately 300 employees in many locations across the state. The Department has seven operating divisions; a Department organizational chart is displayed in Attachment 1.

The Department's Performance Management Program elements described in this report include:

- I. Annual Timetable
- II. Performance Planning and Evaluation Process
- III. Merit Pay
- IV. Dispute Resolution Process
- V. Training and Communication
- VI. Program Review, Modification, and Annual Reporting

Details of the program are included in three attachments:

- Attachment 1: Department Organizational Chart
- Attachment 2: Dispute Resolution Process
- Attachment 3: Notice and Intent to Dispute Form

I. Annual Timetable

The Department's 12-month performance evaluation cycle is currently April 1-March 31. The evaluations cycle is based on DPA guidelines and may be adjusted if guidelines change. Performance reviews and planning for each new cycle are to be completed in April. Any performance disputes are resolved during May and June.

II. Performance Planning and Evaluation Process

The Department's Performance Management Program is guided by the following fundamental principles:

1. A performance evaluation plan (Performance Agreement Form) and performance that is measurable.
2. Statewide Uniform Core Competencies.
3. Job Class Factors.
4. Individual performance objectives (IPOs) linked to the Department's mission.
5. Team performance objectives (optional).
6. Three rating levels: Needs Improvement, Meets Expectations, Exceeds Expectations (This is based on DPA guidelines and may be adjusted if guidelines change).

No quotas shall be established for levels of performance ratings. Quotas or forced distribution processes for determining the number of ratings in any of the three performance levels is prohibited.

7. A planning session within 30 days of hire and at the beginning of each performance cycle.
8. Coaching and feedback provided throughout the year and at least one documented review.
9. An accountability component to ensure compliance with the performance management plan.

Important characteristics of CDA's Performance Agreement form include:

1. The Performance Agreement explicitly relates performance evaluation to the employee's job description and to measures – both qualitative and quantitative. All three elements – job description (PDQ), performance measures, and performance evaluation – are closely connected and should be used in the evaluation process.

The Performance Agreement form uses three categories of performance factors:

<u>Categories of Performance Factors</u>	<u>Principal Types of Measures Used</u>
Job Class Performance Factors	Qualitative
Individual Performance Factors	Qualitative & Quantitative
Team Performance Factors (optional)	Quantitative

2. The statewide uniform core competencies as required by State Personnel Director's Procedure Chapter 6 are in each employee's performance plan. The core competencies are:
 - Communication
 - Interpersonal Skills

- Customer Service
- Accountability
- Job Knowledge

Core Competencies are rated as a pass/fail

3. Job class factors were developed by teams representing each major job class within the Department. These job class factors were derived primarily from the class descriptions developed by DPA for the job class and other applicable performance measures. These factors are regarded as universal for this job class across the Department. Lists of job class factors were developed for each of the following working titles: program assistants, general professionals, brand inspectors, fruit and vegetable inspectors, plant industry inspectors, accountants, and budget analysts.

Job class factors are evaluated using qualitative measures listed on page 7 of the Performance Agreement Form. These three qualitative measures were developed by DPA and will be used for qualitative evaluation of all job class factors across the Department.

4. Individual performance factors contain elements specific to the employee's position. These factors may include individual performance objectives (IPOs) and specific activities with targets for "Exceeds Expectations" ratings. These factors may be quantitative or qualitative, or both.

Each supervisor is required to have an individual performance factor that measures and evaluates his or her effectiveness as a supervisor, including their performance management and evaluation skills.

5. Team performance factors are optional. Each employee is part of a very important team—the section or organizational unit to which the employee belongs. The employee may also belong to other work groups that are internal or external to the Department.
6. Each employee's performance will be rated for each category of performance factors. Ratings are:

- Needs Improvement (Not eligible for merit pay)
- Meets Expectations (Eligible for merit pay)
- Exceeds Expectations (Eligible for merit pay)

The rating levels and eligibility for merit pay are set by guidelines from the Department of Personnel and are subject to change.

Definitions of Ratings:

Exceeds Expectations

This rating represents consistently exceptional and documented performance or consistently superior achievement beyond the regular assignment. Employees make exceptional contributions(s) that have a significant and positive impact on the performance of the unit or the organization and may materially advance the mission of the organization. The 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.

The rating of “Exceeds Expectations” is unique and difficult to achieve because it represents consistently exceptional performance or achievement beyond the regular assignment and requires additional documentation for validation. Due to the great variation in duties and activities across the Department, there are no plans to establish common Department-wide criteria for documenting exceeds expectations performance.

Meets Expectations

This rating level encompasses a range of expected performance. It includes employees who are successfully developing in the job, employees who exhibit competency in work behaviors, skills, and assignments, and accomplished performers who consistently exhibit the desired competencies effectively and independently. These employees are meeting all the expectations, standards, requirements, and objectives on their performance plan and, on occasion, exceed them. This is the employee who reliably performs the job assigned and may even have a documented impact beyond the regular assignments and performance objectives that directly supports the mission of the organization.

Needs Improvement

This rating level encompasses those employees whose performance does not consistently and independently meet expectations as set forth in the performance plan as well as those employees whose performance is clearly unsatisfactory and consistently fails to meet requirements and expectations. If an employee’s overall performance rating is a Needs Improvement, a Performance Improvement Plan or Corrective Action must be completed. Marginal performance requires substantial monitoring and close supervision to ensure progression toward a level of performance that meets expectations. Although these employees are not currently meeting expectations, they may be progressing satisfactorily toward a meets expectations rating and need coaching/direction in order to satisfy the core expectations or competencies of the position.

7. After the employee and supervisor have reached agreement on the plan within 30 days of hire and/or 30 days from evaluation end cycle (April 30 of each year), the plan shall be

forwarded to a second level supervisor for final approval. If a supervisor and reviewer fail to plan and/or evaluate, the responsibility goes up the chain of command until the plan and/or evaluation is completed, as required by law.

8. Supervisors shall meet with each employee at least once during the evaluation year for a progress review. This meeting must be held mid-evaluation cycle (October or November) and must be documented on the Performance Agreement Form. Additional progress reviews are recommended, and are required if an employee has performance concerns/problems.
9. The employee's final evaluation **must** be prepared by the supervisor and approved by the second-level reviewer **prior to** meeting with the employee. The Deputy Commissioner may review all evaluations within the Department *before* final overall ratings are provided to employees. The Deputy Commissioner may, at his/her discretion, appoint a review panel consisting of the Human Resources Director (or designee), and two division directors selected randomly to review the evaluations.
10. If a supervisor fails to give an employee a final evaluation by July 1, the employee's rating is deemed to be Meets Expectations.
11. For transfers, evaluations from former and current positions within the Department or other state agencies shall be weighted according to the time spent in each. For example, an employee with 3 months in the Department of Revenue (DOR) and 9 months in this Department, and with an evaluation from each department, should have a combined rating of 25% from the DOR evaluation and 75% from the CDA evaluation. The weighted average must equal a 2.75 or higher to qualify for an exceeds expectations overall rating. The only time a point value will be assessed is for the weighted average. If no evaluation is received from the other agency, the employee is deemed "Meets Expectations" for time spent at the other agency for calculation purposes.
12. For employees transferring from another state agency into the Department, policies and rules affecting merit pay adopted by CDA shall apply – not those policies and rules of the employee's previous state agency employer.
13. Absent extraordinary circumstances, failure by any supervisor including supervisors in the Senior Executive Service (SES), to provide timely plans and evaluations in

accordance with established program timelines will result in a corrective action and their ineligibility for merit pay. However, this does not require that a supervisor's overall performance rating be "Needs Improvement."

All supervisors who fail to complete evaluations within 30 days of the corrective action are subject to disciplinary suspension of one workday following the pre-disciplinary meeting. If the rater fails to complete an individual performance plan or evaluation, the reviewer is responsible for completion. If the reviewer fails to complete the plan or evaluation, the reviewer's supervisor is then held responsible until the plan or evaluation is completed as required. If a rating is not given, the overall evaluation shall be "Meets Expectations" until a final rating is completed.

14. If an employee fails a core competency or if the final overall rating is "Needs Improvement", a formal performance improvement plan or a corrective action must be issued and attached with the employee's final evaluation. If an employee fails an IPO, it is recommended that a performance improvement plan or a corrective action be issued.
15. The Human Resources Office is responsible for tracking supervisory compliance and the Division Director or Deputy Commissioner is responsible for imposing corrective action and/or sanctions on supervisors who fail to complete the performance plan or evaluation process.

III. Merit Pay

The State Personnel director shall specify and publish the percentage amounts to be awarded for any base and non-base merit pay for performance levels according to available statewide funding. See Department of Personnel Board Rules and Personnel Director's Administrative Procedures, Chapter 3 for more information.

IV. Dispute Resolution Process (DRP)

Please see CDA's dispute resolution process as outlined in Attachment 2.

V. Training and Communication

Each performance year cycle supervisors and employees will be provided with access to performance evaluation training through a variety of resources including departmental training by HR staff on the performance process, plan, and compensation recommendations. Training is mandatory for all raters.

In addition CDA will continue to:

- Maintain the Department's Performance Management Program on our employee-accessible website,
- Provide face-to-face training and information sessions for all employees, as part of their new employee orientation, or upon request.

VI. Program Management, Review, Modification, and Annual Reporting

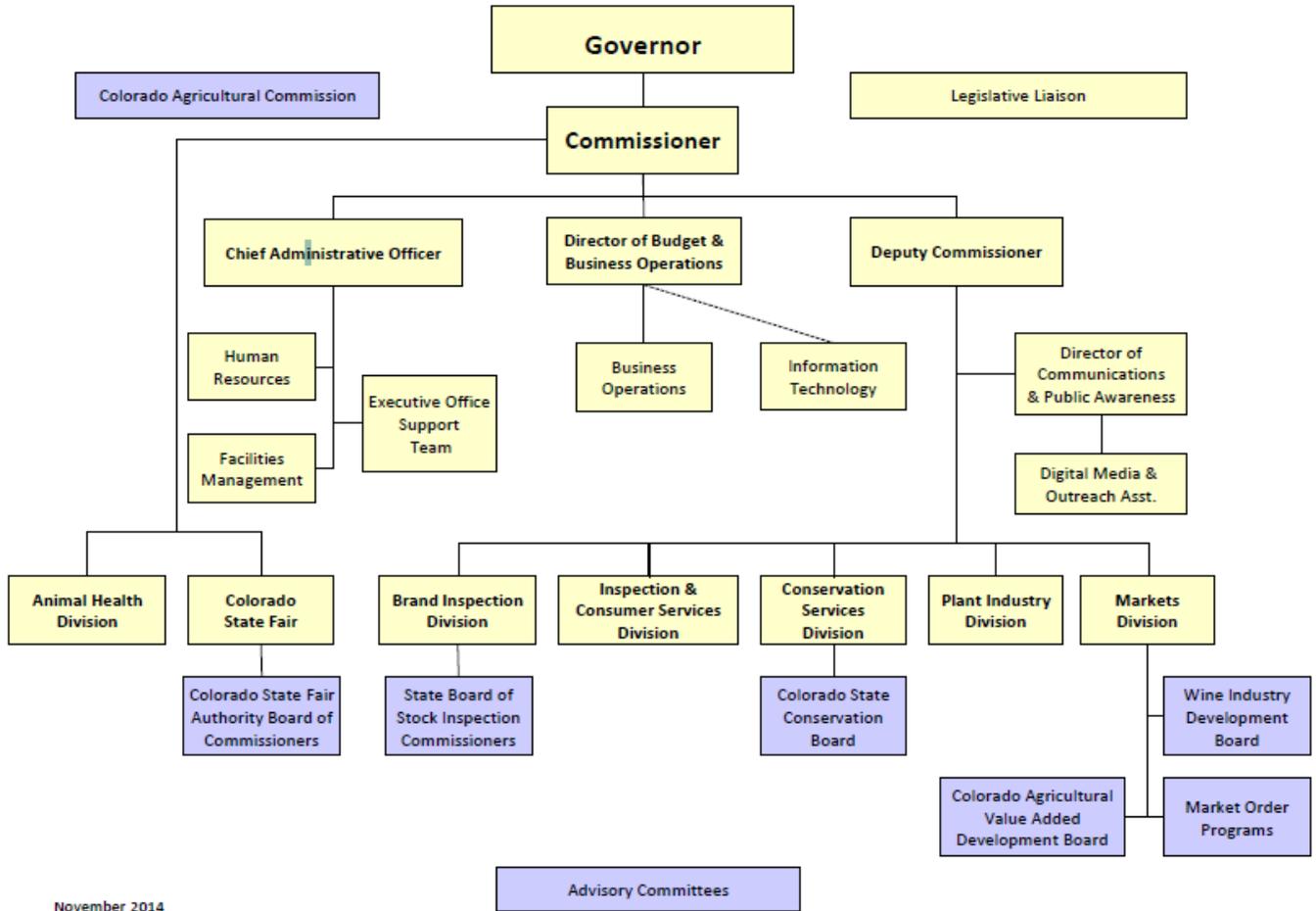
Changes have been made to the Department's previous program as required by statute, rule and procedure change.

CDA's HR Director and Senior Management team will continue to monitor and manage the program annually, with oversight by the Deputy Commissioner.

Reporting on results will be provided to DPA as required and requested on an annual basis.

Organization Chart

Colorado Department of Agriculture Organization Chart



November 2014

Attachment 2

DEPARTMENT OF AGRICULTURE Performance Dispute Resolution Process (DRP)

General Principles

State of Colorado Director's Administrative Procedure (Chapter 8), Performance Management Disputes, states that the performance management dispute resolution process is an open, impartial process that is not a grievance or appeal. No party has an absolute right to legal representation, but may have an advisor present (which may include a lawyer). The parties are expected to represent and speak for themselves.

The following are the guiding principles and recommendations for the Colorado Department of Agriculture's (CDA) performance management dispute resolution process. These guidelines are established to ensure a fair, consistent, understandable, and timely resolution.

I. Definition of Terms

1. **DRP** - as referred to in this guidance is CDA's Dispute Resolution Process.
2. **Employee** - is the person requesting the **DRP** review.
3. **Responding party** - is the person responding to the employee. In cases regarding the application of the Department's performance management program/policies/processes, the responding party may not necessarily be a supervisor.
4. **Supervisor** - is the person who evaluates the employee.
5. **Reviewer** – is the second-level reviewer of the employee's evaluation.
6. **Appointing Authority** – is the Deputy Commissioner who is the decision-maker for CDA's dispute resolution process. The appointing authority may serve as a facilitator in discussions, fact-finder and decision-maker during the course of a review.

II. Matters that are Disputable

Only the following items are disputable:

1. The individual final overall performance evaluation, including lack of a final overall evaluation.
2. The application of the Department's performance management program to the individual employee's plan and/or final overall evaluation.

Matters resulting from performance management and evaluation for employees are subject to this dispute resolution process. A copy of this **DRP** including timelines and name of appointing authority shall be made available to employees annually at the time of their evaluation.

Note: Employees may, after internal review, request an external review by the State Personnel Director. The request must be made within five working days of the agency's final decision and must include a copy of the original issues and final agency decision.

III. Matters that are not Disputable

The following matters are not disputable:

1. The content of a department's performance management program.
2. Matters related to the funds appropriated (Merit Pay).

3. The performance evaluations and achievement pay of other employees.
4. Alleged Discrimination in regards to performance management. (Alleged discrimination should be disputed utilizing the Consolidated Appeal/Dispute form located on the DPA website.)

IV. Informal Process

Disputes should be resolved at the lowest possible level before initiating a formal dispute process.

1. Some examples of informal actions are:
 - A. Employee may mark “disagree” on the Performance Agreement form and attach a narrative illustrating reasons for the disagreement, including extenuating circumstances.
 - B. Employee may mark “disagree” on the Performance Agreement form and request a meeting with the supervisor or reviewer, to explain why s/he disagrees, and to request reconsideration of the rating.
2. Timelines for informal review process
 - A. Employees have 5 working days to initiate the informal process after receipt of notice or knowledge of the action taking place.
 - B. A meeting will be held within 5 working days after the initiation.
 - C. The supervisor or reviewer then has 7 working days to issue a written decision.
 - D. The decision reached shall be binding unless the employee elects to proceed to the formal process.

V. Formal Internal DRP Procedures and Timelines

1. Final Decision Maker:

The Deputy Commissioner of Agriculture is the appointing authority (decision-maker) in the formal internal DRP. The appointing authority is the decision maker unless it is delegated in writing. Employees must be notified of the authorized decision maker for their disputes.
2. Timelines:
 - A. For employees who fail to reach an acceptable decision informally, the formal process begins with filing the Notice of Intent to Dispute (see attachment 3). Only issues documented in the Notice of Intent to Dispute shall be considered throughout the review process.
 - a. The Notice of Intent to Dispute must be filed within 5 working days after the informal decision has been issued.

3. Documentation of Dispute:
 - A. The employee must file a statement that provides detailed documentation of the dispute with the Notice of Intent to Dispute form.
 - B. The notice must be sent to the decision maker, the Division Director or designee, and the Human Resources Director.
 - C. The supervisor will file a response to the employee's statement within 5 working days of receipt of same. A copy of the supervisor's response will be sent to the decision maker, the employee, the Division Director or designee, and the Human Resources Director.
4. Meeting Timeframes:
 - A. The DRP meeting shall be held within 10 working days after the supervisor's response is received or was due, unless all parties agree to an extension.
5. Meeting Format:
 - A. The meeting is intended to take no longer than 2 hours. The dispute resolution process will be open and impartial and will allow all parties an opportunity to have their issues heard.
 - B. Formal Steps:
 - Step 1: The beginning of the meeting will involve clarification of the facts in the dispute.
 - Step 2: The next phase of the meeting will offer an opportunity for the employee and supervisor to reach a mutually agreeable resolution. If the resolution is declined by either party (i.e., an impasse is reached), the meeting moves directly into the final step.
 - Step 3: The final step in the resolution process involves more detailed fact-finding by the decision maker.
 - If an agreement has been reached, the decision maker will have the employee and supervisor initial the written notes detailing the agreement and a written report shall be issued within 7 working days of the meeting.
 - If no agreement is reached, the meeting is adjourned and the decision maker's decision will be issued within 7 working days of the meeting.
 - C. A resolution reached between the employee and the supervisor may include recommendations, which themselves are within the decision maker's discretion to accept or not.
6. Written Decision/Report:
 - A. The decision maker shall issue a written decision within 7 working days of the meeting.
 - B. The written decision/report should be brief, concise and should minimally contain a summary of the dispute, what was reviewed, and (if applicable) the agreement reached. If no agreement is reached, the written report will make a finding of the fact as to the process review and recommendations, if any.

- C. The decision maker is limited to finding facts as to whether the process was applied correctly, but shall not substitute his/her judgment for that of the rater or reviewer. The decision maker will have the ability to instruct the rater to:
 - a. Follow the agency's plan or process,
 - b. Correct an error,
 - c. Reconsider a rating or plan, or
 - d. Suggest other resolution processes such as mediation.
- D. The decision maker in the dispute resolution process cannot render a decision that would alter the Department's performance management program.
 - a. The decision maker's determination cannot be altered.
 - b. The decision maker's written report shall be given to the supervisor and the employee.
 - c. The decision maker's decision is the final Department decision.
 - d. The department's decision on issues involving performance management concludes at the internal stage and no further recourse is available.

7. Example of the timeline for DRP:

General Timeline for Resolving Disputes under the CDA Performance Management Program*	
DAY 1	Date the employee is in receipt of notice or knowledge of the action taking place.
DAY 5	Employee has initiated the informal process.
DAY 10	Meeting with Supervisor/Reviewer has occurred.
DAY 17	Supervisor provides employee with a written decision.
DAY 22	Notice of Intent to Dispute filed with Deputy Commissioner, supervisor, division director or designee, and human resources. (Including detailed documentation of the dispute.)
DAY 27	Supervisor/Division Director files dispute response with documentation to employee, division director, and human resources.
DAY 37	Dispute meeting held.
DAY 44	Written decision issued to participants, human resources office, division director.
DAY 49	Request for State Personnel Director review must be submitted.
DAY 79	Final and binding written decision issued by State Personnel Director.
*Working days, rather than calendar days, are used. The total time for the internal process, from the date of the initial event to the date of the recommendation/determination from decision-maker, would take a maximum of 44 working days.	

VI. External Process:

The State of Colorado Personnel Director is responsible for the administration of disputes related to the application of CDA's performance management program to an individual's performance plan or final evaluation **ONLY**.

1. Within 5 working days from the date of CDA's final decision, an employee may file a written request for review with the State Personnel Director.
2. The request for external review must include:
 - A. A copy of the original written dispute and department's final decision.
 - B. The "Consolidated Appeal/Dispute" form is to be submitted along with all copies of information relative to the dispute (i.e. performance evaluation, decision of appointing authority).
3. The request for review is to be mailed to:

State Personnel Director
1525 Sherman St., Second Floor
Denver, CO. 80203
4. A copy of the Consolidated Appeal/Dispute form must be sent to the Appointing Authority and the Human Resources Director. The Personnel Director, or designee, shall retain jurisdiction but may select a qualified neutral third party to review the matter.

Retaliation against any person involved in the dispute resolution process is prohibited and will not be tolerated.

ATTACHMENT 3

NOTICE OF INTENT TO DISPUTE

I, _____, hereby give notice that I intend to dispute the following:

(Check all that apply; provide documentation of the reason for the dispute)

_____ 1) My individual final overall performance evaluation.

_____ 2) The application of my department's performance pay program to my individual plan and/or final overall evaluation.

Signature: _____ Date _____

Print Name: _____

Employee ID Number: _____

Detailed documentation outlining the dispute must be attached and submitted with this form.

Cc: Supervisor
Division Director
Human Resources Director

Agency date stamp: