

Wisconsin Human Resources Handbook

Chapter 460

Establishing the Performance Evaluation Program

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Sec. 460.010 Introduction

An employee performance evaluation program is important to ensure that state employees provide services to the public efficiently and effectively. The primary purposes of the employee performance evaluation program, as set forth in Chapter ER 45.01, Wis. Adm. Code, are to communicate performance standards to employees; to provide observations/ feedback to employees on performance; to identify the training and development needed to improve the quality and quantity of job performance and, thereby, increase or maintain expected levels of productivity.

In addition to statutory and rule regulation, this chapter incorporates the guidance contained in the 1984 memo from the Department of Employment Relations Secretary Howard Fuller to the agency Appointing Authorities.

Sec. 460.020 Statutory and Rule Authority

1. “It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation or political affiliation. . . . It is the policy of the state to ensure its employees opportunities for satisfying careers and fair treatment based on the value of each employee's services.” s. 230.01(2), Wis. Stats.
2. “Standards of performance and ratings. (1) In cooperation with appointing authorities the director shall establish an employee performance evaluation program to provide a continuing record of employee development and, when applicable, to serve as a basis for pertinent personnel actions. Similar evaluations shall be conducted during the probationary period but may not infringe upon the authority of the appointing authority to retain or dismiss employees during the probationary period.” s. 230.37(1), Wis. Stats.
3. “When requested by the director or the administrator, (an appointing authority shall) provide reports on employee work performance and any other records or information the director or administrator requires to carry out this subchapter.” s. 230.06(1)(e), Wis. Stats.
4. “A probationary employee’s supervisor shall complete a performance evaluation under s. 230.37 of the employee’s work. The evaluation shall be in writing and shall indicate whether or not the employee’s services have been satisfactory and whether or not the employee will be retained in his or her position. A copy of the evaluation shall be given to the employee at a reasonable time before the completion of the employee’s probation. An employee shall gain permanent status unless terminated by the appointing authority prior to the completion of his or her probationary period.” s. 230.28(2), Wis. Stats.
5. “Supervisory Training. After initial appointment to a supervisory position, each appointing authority shall ensure that each classified service supervisor successfully completes a supervisory development program. A waiver of any part of the probationary period under s. 230.28 (1) (c) may not be granted before completion of the development program. The program shall include such subjects as state personnel policies, grievance handling, discipline, performance

evaluation, understanding the concerns of state employees with children, the supervisor's role in management and the concept of the total quality leadership process, including quality improvement through participatory management..” s. 230.046(2), Wis Stats.

6. “Recognizing the importance of identifying, evaluating and developing individual performance to ensure that services to the public are efficiently and effectively provided, the director shall, under s. 230.37, Stats., and in cooperation with appointing authorities, establish an employee performance evaluation program. The primary purposes of the employee performance evaluation program are to communicate performance standards to employees, to provide observations on performance, and to identify the training and development needed to improve the quality and quantity of job performance and, thereby, increase or maintain expected levels of productivity.” s. ER 45.01, Wis. Adm. Code
7. “Each state agency shall establish an employee performance evaluation program in accordance with the requirements set forth in this section.
 - (1) The intent and purpose of performance evaluation shall be communicated to all employees.
 - (2) Performance standards shall be established for and communicated to each employee prior to the period for which the employee is being evaluated and serve as a basis for evaluating performance.
 - (3) A formal performance evaluation review shall be conducted with each employee at least every 12 months. This review shall include ongoing informal performance discussions and periodic appraisals to ensure that the established responsibilities and performance standards for the employee’s position continue to be appropriate and understood by the employee. The review shall meet the guidelines established by the director.
 - (4) The agency shall maintain documentation of the performance evaluation review under sub. (3) in the employee’s personnel file.
 - (5) Agencies shall ensure that supervisors, managers and other persons responsible for evaluating employee performance receive orientation and training in the performance evaluation process. The director shall review and approve or disapprove the contents of this training.” s. ER 45.03, Wis. Adm. Code
8. “Subject to the review and approval of the director, each agency shall submit to the director:
 - (1) A description of the agency’s implementation and administration of a performance evaluation program which meets the requirements set forth in this chapter; and
 - (2) Identification of the use and effect of the information contained in the performance evaluation review documents.” s. ER 45.04, Wis. Adm. Code
9. “The requirements . . . shall also apply to evaluate the performance of any employee serving a probationary period as defined in ER-MRS 13, except that:
 - (1) An employee serving the first 6 months of a probationary period normally shall receive at least 2 formal performance evaluation reviews prior to the end of the probationary period.
 - (2) An employee serving a probationary period of longer than 6 months normally shall receive at least 2 formal performance evaluation reviews for each additional 6 month period or fraction thereof.
 - (3) Where a portion of a permissive probationary period is waived, the employee shall receive at least one formal performance evaluation review during the probationary period.” s. ER 45.05, Wis. Adm. Code

Sec. 460.030 Definitions

The following are definitions of terms used in this chapter.

1. **Performance Evaluation:** A continual process of identifying, measuring and developing job-related employee performance. When documenting performance evaluation, it is commonly completed through a written evaluation including a performance summary statement of an employee’s overall job performance based on the degree to which the employee has achieved performance standards.
2. **Performance Log:** Written records used by a manager to recall examples of effective and ineffective behavior with respect to selected performance criteria during an appraisal period.
3. **Performance Management:** A managerial process that consists of planning performance; managing performance (through observation and feedback); improving performance through development, appraising performance, and rewarding performance.
4. **Performance Period:** A predetermined span of time during which individual (or group) performance is measured.
5. **Performance Standard:** The specific, measurable description of the level of performance expected in accomplishing the tasks, outcomes or behavioral criteria pertinent to the job assignment established for an employee that provides the comparative basis for performance evaluation.

6. **Permanent Status:** The rights and privileges attained upon successful completion of a probationary period or career executive trial period required upon appointment to a permanent, seasonal, or session position.
7. **Position:** “A group of duties and responsibilities in either the classified or unclassified divisions of the civil service, which require the services of an employee on a part-time or full-time basis.” s. 230.03(11), Wis. Stats.
8. **Position Description (PD):** A structured statement describing the components of a position at the full performance level. A complete PD clearly specifies the goals or results which the employee is expected to achieve and significant worker activity or job task the employee must competently perform. A position description should describe and focus on the job itself and not on any specific individual who might fill the job.
9. **Probationary Period:** The time period during which an employee’s performance is evaluated upon appointment to a position prior to attaining permanent status.

Sec. 460.040 Agency Responsibility

Section 230.37, Wis. Stats., and s. ER 45.04, Wis. Adm. Code, provide direction regarding establishing an employee performance evaluation program by the director and by individual state agencies which they then submit to the director for approval. Direction is also provided to agencies to ensure that supervisors, managers and other persons responsible for evaluating employee performance receive OSER approved orientation and training in the performance evaluation process.

Unless OSER requests changes, the agencies may continue using their current program. As substantive changes are made to the program and/or training, submit those changes to OSER for approval prior to implementing the changes. Unless requested again in the future, agency performance evaluation programs will be reviewed during the OSER program review of agency classification and staffing actions and should be made available to the reviewers at that time.

As agencies identify practices that are effective, innovative and efficient, they are asked to submit them to OSER to be included as examples in the collection of best practices and other tools for use by agencies in modifying and improving their programs. Agencies considering modifying existing agency performance evaluation programs or developing a new one should check with OSER for tools and examples of best practices. This collection will be made available to agencies upon request.

Sec. 460.050 Standards for a Legal Performance Evaluation Program

Each agency is charged by the statutes and s. ER 45.03, Wis. Adm. Code, to “establish an employee performance evaluation program.” Section ER 45.03(3) states “A formal performance evaluation review shall be conducted . . . every 12 months. This review shall include ongoing informal performance discussions and periodic appraisals . . .” The section also states that “The review shall meet the guidelines established by the director.” Those established guidelines for the review are as follows.

1. A position analysis must be performed to ensure that the evaluation is based on the content of the position.
2. Objective, specific standards must be developed from the position analysis. These standards must be well-defined and important to the overall performance of the job. They are related to specific outcomes or behavioral criteria pertinent to the job assignment rather than vague, broad, or trait measures of performance.
3. A performance evaluation program must be designed for specific purposes which are reasonable and clearly defined, and the evaluation instrument and techniques must have the capacity to achieve these objectives.
4. A performance evaluation program must be developed based on objective performance standards. It must be applied equally and uniformly to all employees. Evaluations must be based on and collected under standardized circumstances and conditions, and must not have an adverse impact on any protected minority group in any given classification.
5. Supervisors must be able to observe the performance they are to rate and/or any tangible products, outcomes, and results. Performance standards should be behaviorally based so that all ratings can be supported by objective, observable evidence. Supervisors must support their evaluations with additional narrative documentation of their observations and reasons for judgments as to performance levels.
6. Employees must be informed of and understand the performance levels necessary for acceptable performance on the job prior to job performance review.
7. The results of evaluations must be reviewed with each employee, who should sign the performance evaluation form to indicate that this review has taken place. A mechanism for rebuttal must also be made available to employees in the event they disagree with the contents of the evaluation.

8. A separate process should be in place, in accordance with agency rules and bargained contract provisions, to provide warning and guidance to employees in an effort to correct unsatisfactory performance prior to any discharge for poor performance. Documentation for this process is not to be part of the performance evaluation documentation.

Sec. 460.060 Performance Evaluation Program Training Components

Each agency is charged by the statutes and s. ER 45.03(5), Wis. Adm. Code, to “ensure that supervisors, managers and other persons responsible for evaluating employee performance receive orientation and training in the performance evaluation process.” Training for evaluators must incorporate the statutes and rules identified in section 460.030 and the standards/guidance in section 460.050 and may be provided by OSER or an OSER-approved training given by the agency. Each agency must have in place, and provide training for, a process for performance evaluation, including writing and analyzing effective position descriptions and standards, agency performance evaluation procedures and forms, and other tools that will provide an effective evaluation. The steps to be taken both before and after the actual appraisal meeting are recommended to be included in the plan and in the training.

Sec.460.070 Administrative Information

This chapter was written to supply additional guidelines in the application of s. 230, Wis. Stats., and Chapter ER 45, Wis. Adm. Code. The basis of the process and standards required for a legal performance appraisal system was developed by the Department of Employment Relations (DER) in 1984 after extensive review of court cases and expert analyses of these cases. The Office of State Employment Relations (OSER), formerly DER, continues to support these findings and standards.