

BERKELEY POLICE DEPARTMENT

DATE ISSUED: May 6, 2004

GENERAL ORDER P-28

SUBJECT: PERFORMANCE APPRAISAL REPORTS

PURPOSE

- 1 - The purpose of the performance appraisal report system is to:
 - a. Assess the individual performance of employees in day-to-day activities.
 - b. Identify training needs for the individual which follow naturally from the assessment of the manner in which duties have been performed.
 - c. Assess potential within the individual for future assignment, career development and suitability for promotion.
 - d. Objectives of the performance appraisal report system are:
 - (1) To provide for fair and impartial personnel decisions.
 - (2) To maintain and improve performance.
 - (3) To provide a mechanism for personnel counseling.
 - (4) To facilitate proper decisions regarding probationary employees.
 - (5) To provide an objective and fair method for measurement and recognition of individual performance as compared with prescribed guidelines.
 - (6) To identify Department and employee training needs.

POLICY

- 2 - It is the policy of the Berkeley Police Department that all employees shall be evaluated periodically, and within the guidelines set in this order.

DEFINITIONS

- 3 - The following terms pertaining to performance appraisal reports are defined:

Evaluator: The individual rating another employee.

Evaluator's Comments: Narrative comments by the evaluator supporting the rating given.

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Exceeds Requirements: The results achieved are measurably better than would be expected of most personnel assigned similar duties and responsibilities. This rating requires explanation and comment in the "comment" section.

Meets Requirements: The employee is meeting the position requirements in a manner which is acceptable. The results achieved are those expected of most employees with similar duties and responsibilities.

Needs Improvement: Performance is below the acceptable level for the position. Considerable supervision or learning may be required before performance is satisfactory. An employee whose performance is consistently evaluated at this level should be rated "unsatisfactory." This rating requires explanation and comment in the "comment" section.

Not Applicable: The performance factor does not pertain to the rated employee.

Rated Employee: The employee of the Police Department being rated.

Rated Employee's Comments: Written response by the rated employee to his/her evaluation.

Reviewing Officer: A command officer of the "rated employee's" division will review the completed Performance Appraisal Report and Employment Development Plan. The reviewing officer will resolve, to the degree possible, any apparent differences of opinion between the evaluator and the rated employee regarding the employee's performance.

Because of the importance of this process, the Reviewing Officer shall note the quality, fairness, impartiality and uniformity of performance evaluations submitted by evaluators that he/she supervises. Evaluators are to be rated by their supervisors regarding the quality of ratings given to employees.

Appeal Officer: A designated command officer appointed by the Chief of Police to arbitrate differences between an evaluator and a rated employee that could not be resolved to the satisfaction of both parties by the reviewing officer.

Unsatisfactory: The employee has not demonstrated the ability or willingness to meet position requirements. This rating requires explanation and comment in the "comment" section.

PROCEDURE

- 4 - Submission of Performance Appraisal Report: During probationary periods, police employees will be evaluated as follows. Non-sworn probationary employees (including Police Aides) will be rated every 2 months for the first six months, and then annually thereafter. **PSD's will be rated every 2 months for fifteen (15) months, and then annually thereafter. CSO's and the Crime**

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Scene Technician will be rated every 2 months for nine (9) months, and then annually thereafter. Crime Scene Supervisor will be rated every 2 months for one (1) year, and then annually thereafter. Probationary Officers will be rated daily/weekly while in the FTO program, every 6 months after completing FTO training (through their two year probation period), and then annually thereafter. The supervisor who has supervised the employee for at least three (3) months (in accordance with the MOU) shall be the primary rater. He/she should obtain input from other supervisors, if any, who have also supervised the employee during the rating period.

- a. With the exception of modifications in Commanding Officer and Sergeants evaluations listed in paragraph 19 below, evaluations shall take place in accordance with the schedule below:
- b. Employees will be evaluated in the month in which their appointment or promotion date falls. For promotions, the promotion date becomes the new anniversary date for scheduling semi-annual evaluations.
- c. Appraisal forms will be distributed by the Administrative Division on the first day of the month in which the evaluation is to occur.
- d. An assigned evaluator will complete the appraisal form and discuss it with his/her commanding officer. Following this discussion, the evaluator will review the evaluation with the rated employee. This process is to be completed by the twentieth day of the month in which the appraisal is due.
- e. The Employment Development Plan (last page of the Performance Appraisal Report) shall be detached from the report at the conclusion of the interview and given to the employee for completion. The employee shall complete and return it to the evaluator within five days following the interview.
- f. The evaluator shall route the completed Performance Appraisal Report form and Employment Development Plan to the reviewing officer for review and signature. If necessary, the reviewer will attempt to resolve any disagreement between the evaluator and the rated employee. If there is disagreement which cannot be resolved by the reviewer, another command officer, designated by the Chief of Police as an appeal officer, shall act as an arbitrator. If resolution still has not been reached, this shall be indicated on the form.
- g. The completed Performance Appraisal Report and Employment Development Plan shall be submitted to the Administrative Division Captain no later than the last day of the month in which the evaluation is due. The Administrative Division Captain will review the form for completeness prior to it being filed. If training needs are evident and

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clearly defined, the Personnel and Training Bureau will be directed to fill them.

PERFORMANCE

- 5 - Performance appraisals will be submitted in accordance with paragraph 4 above.
- 6 - The appraisal form will be completed by placing a check mark in the box which most closely describes the employee's level of performance for each descriptive trait listed.
- 7 - Ratings of "Needs Improvement" and "Unsatisfactory" require explanation in the Comment Section. Evaluators must also support ratings if traits are marked "Exceeds Requirements."
 - a. When "needs improvement" or "unsatisfactory" work is noted by the supervisor, a written notification should be given to the employee when it occurs, and where possible, at least 90 days prior to the end of the rating period.
 - (1) The supervisor should also discuss the deficiencies with the employee and develop a plan to improve the "needs improvement" or "unsatisfactory" performance prior to the end of the rating period.
 - (2) **If the employee's performance does not improve, consideration should be given for the development of an Employee Performance Improvement Plan. See "Employee Performance Improvement Plan" section.**
- 8 - The evaluator shall summarize, under "Evaluator's Comments," the rated employee's overall performance during the rating period. It is this summary, plus comments supporting ratings other than "Meets Requirements" that form the basis of discussion between the evaluator and the rated employee.
- 9 - Following preparation of the evaluation, but prior to discussing it with the rated employee, the evaluator shall discuss it with his/her commanding officer. The evaluator shall then discuss it with the rated employee. The evaluator and the rated employee shall make every effort to come to an agreement on:
 - a. The level of performance during the rating period, i.e., "Unsatisfactory," "Needs Improvement," "Meets Requirements," or "Exceeds Requirements."
 - b. Identification of training needs (if any) of the rated employee and the means to accomplish those needs.

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- c. The establishment of objectives to be accomplished during the next rating period.
- 10 - The rated employee shall check the box indicating agreement or disagreement with the evaluation and sign the Employee's Certification Section to indicate the report has been reviewed and discussed with the evaluator. The employee may comment positively or negatively regarding the evaluation in the Employee Comments Section, adding additional pages if necessary. Written comments are encouraged.
- 11 - At the conclusion of the discussion between the evaluator and the rated employee, the employee shall be given the Employment Development Plan Section of the appraisal report. The supervisor shall counsel the employee about the beginning of the new rating period, the tasks of the position occupied, the level of performance expected, and the evaluation rating criteria. It shall be completed by the employee and returned to the evaluator within five days of the date the evaluation was discussed. The employee shall list:
 - a. His/her performance goals and objectives for the next rating period which, if accomplished, would meet or exceed expected standards of performance during that time;
 - b. Specific methods by which the employee will meet these objectives; and,
 - c. Plans to improve professional skills.
 - d. Both the employee and the evaluator shall sign the Appraisal Report and the Employment Development Plan. A copy of the completed reports will be made by the rated employee for his/her use. Both the rated employee and the evaluator should retain a copy.
- 12 - The evaluator will then forward the completed Appraisal Report and the completed Employment Development Plan to the reviewing officer for review and signature.
- 13 - In the event there is a disagreement between the evaluator and the rated employee; the reviewing officer will attempt to reconcile the disagreement.
- 14 - Should the rated employee not be satisfied with the reviewing officer's attempts to reach agreement, an appeal may be lodged with the Chief of Police. In such cases, the Chief of Police will appoint a command officer to act as an appeal officer.
- 15 - The appeal officer will review the evaluation and attempt to reach agreement between the evaluator and the rated employee.
- 16 - There will be no further appeal process after the appeal officer. The disputed

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evaluation will stand as written with the rated employee's comments indicating disagreement, the reviewing officer's comments regarding attempts to reach agreement, and the appeal officer's actions toward resolution of the dispute.

- 17 - The completed Performance Appraisal Report and Employment Development Plan will be forwarded to the Administrative Division Captain who will review them for completeness. If training needs are evident, the Personnel and Training Bureau will be directed to attempt to fill them.
- 18 - The Administrative Division Secretary shall file copies of the performance evaluations in the employee's personnel file and shall forward appropriate original reports to the City Personnel Department. Performance appraisal reports shall be retained as long as the employee works for the police department. Thereafter, they shall be filed with the employee's personnel file.

CAPTAIN, LIEUTENANT AND SERGEANT EVALUATIONS

- 19 - Captains, Lieutenants and Sergeants' performance evaluations will be processed in the same manner as outlined in paragraphs 1 through 18 above, except for the following:
 - a. The evaluator and the employee being rated will discuss the performance of the previous rating period. Any differences will be discussed and reconciled.
 - b. Any rating area or specific job functions that are rated as "Unsatisfactory" or "Needs Improvement" will be discussed, and a plan to improve performance will be developed.
 - (1) Both the evaluator and the employee being rated will develop this plan. The plan will have specific performance goals and objectives identified, including specific time frames set out for improvements.
 - (2) The improvement plan will be entered on Page 5, Employment Development Plan, of the Appraisal form.
 - (3) Both the evaluator and the employee being rated will sign the form.
 - c. The reviewing officer and appeal officer provisions listed above in paragraphs 12 through 16 shall apply.
 - d. Once the evaluation is completed and signed by the appropriate parties, the evaluation form will be placed in the personnel file of the employee being rated.

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EVALUATOR TRAINING

- 20 - Upon promotion to supervisor, evaluator training shall be provided to all new supervisors by their immediate supervisor. In addition to providing training regarding the specific procedures covered in this order, the new supervisor should be sent to the P.O.S.T. Assertive Supervision Course.

ANNUAL INSPECTION

- 21 - An annual inspection of the performance appraisal report system shall be completed at the direction of the Chief of Police. The review should include the number of contested performance appraisal reports and the number of instances of extreme rating variances; and, the reasons for them.

USE OF PERFORMANCE EVALUATIONS

- 22 - Performance Appraisals and Employee Development Plans are an integral part of the personnel system. The reports are used as criteria for selection of personnel for special and temporary assignments and promotion.

UPDATING PERSONAL RECORDS

- 23 - During the Annual Performance Appraisal, employees shall be given an opportunity to update their confidential packet titled "On Duty Death/Serious Injury". Once completed, the packet will be sealed and returned to a secure location.

EMPLOYEE PERFORMANCE IMPROVEMENT PLAN

- 24 - It is the policy of the Berkeley Police Department to provide assistance to employees who are performing below acceptable standards. A performance Improvement Plan can be developed when necessary to assist the employee with work performance.
- a. In developing a Performance Improvement Plan the supervisor needs to meet with the employee in person and verbally discuss the performance which needs improvement. The discussion should include specific standards that need to be met.
 - b. Upon completion of the discussion, a contract between the supervisor and the employee should be written up specifying steps that will be taken by the employee for performance improvement. The contract should be reviewed and approved by the employee's supervisor's superior office.
 - c. After the contract is developed, the supervisor needs to meet with the employee to review and sign the contract.

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- d. A future date needs to be set for review of the plan. At this meeting, the Employee Improvement Plan may be modified if necessary or if the employee meets work performance standards, the contract may be terminated.**

References: City of Berkeley Performance Appraisal Reports:
Field - Clerical - Technical and Professional - Administrative
MOU's: BPA, 790, and 535, Local 1
Special Order 87-32958, Performance Evaluations, July 1, 1987
Special Order 89-08898, Performance Evaluations, February 15, 1989

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SAMPLE CONTRACT

To: Employee

From: Supervisor

Subject: PERFORMANCE IMPROVEMENT CONTRACT

1. Citation: I want each team member to produce one citation per shift worked. This past month you produced three.
2. Action: You agreed to contact Traffic Division to ascertain the location(s) where you have the highest volume of accidents on your beat and provide traffic enforcement as needed and meet the standard by the end of the month. I agreed to relieve you of responsibility for (blank), to give you time to make contact with Traffic Division and research above.
3. Methodology: As we discussed, I would like to know what your plan or approach is to attain your stated goal. I have asked for a plan but only received a verbal response.

For the next three months I want a written plan on the first of each month regarding how you plan to attain the goal of meeting the required performance standard.

You agreed to submit the plan by (date), for review. Upon completion of attaining the goal for three months this contract will expire. If you fail to attain the goal during this period, the contract will be extended and further action may be taken.

Other than the above stated deficiencies you have done an admirable job at maintaining a healthy beat. I appreciate your working with me on this critical aspect regarding performance standards. If you have any questions, please let me know.

Sincerely

Supervisor

Employee

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