

The State Contract Series

For use in understanding the state employees' contract



Article 6 - Performance Evaluations And Step Increases

Q. How did the new Ohio Performance Review System get put in place?

A. For the 2000-2003 contract, the Fact Finder awarded language to the state that links the results of your annual performance evaluation to step increases. Further, the Fact Finder's ruling creates the possibility of using evaluations to award merit based incentive pay in the future. The union argued strenuously against this new language based on arguments that the state would be unable to effectively administer such a system on a statewide basis and that the state's review system that was in place at the time of Fact Finding was not suitable to for the task of determining overall satisfactory or unsatisfactory performance. The Fact Finder acknowledged some validity to the union's arguments by recommending that the state develop a new performance review system and gave the state a deadline of July 1, 2001 to have the new system in place. The Fact Finder also addressed some of the union's concerns by adding language that says an overall unsatisfactory rating may be grieved to Step 4 of the Grievance procedure.

A copy of the Ohio Performance Review System Manual, forms, instructions and grievance and appeal procedures is available on-line at <http://www.state.oh.us/das/dhr/oprs.html>

Q. Does the Ohio Performance Review System have any effect on employees who are stepped out (already at the top step of pay)?

A. Yes. While employees who are stepped out don't risk losing a step increase if they get an overall unsatisfactory rating, unsatisfactory performance evaluations can be considered a factor in evaluating experience as a consideration for promotions (See Arbitrations #707 and 707A), and unsatisfactory performance evaluations can also be considered as a factor in the level of discipline administered for a discipline offense in the future.

Q. Does a bargaining unit employee have a right to have a union representative present during any part of the performance review process?

A. No. Performance reviews are not disciplinary in nature and therefore there is no right to have a union steward with you during any part of the process. If an overall unsatisfactory rating is given at the end of the review period, you have a right to a steward if a grievance is filed.

Q. Is the Ohio Performance Review System really different from the system used by the state prior to 2001?

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A. Yes. It is a three phase system – Phase 1: Goal Setting; Phase 2: Performance Monitoring and Phase 3: Annual Performance Review meeting. The most significant difference is Phase 1: Goal Setting in the new system. Each individual employee and her/his supervisor are supposed to sit down and together determine the goals for the individual employee and the action steps that will be taken to achieve the goals, along with a timeline for the action steps.

Q. What should the goals that are set include?

A. Each goal should be specific, measurable, realistic, and within the employees control. A vague goal like “I will increase customer satisfaction” is not appropriate, while a goal like “I will increase the number of error free claims I submit for signature by 25%” is specific and has a measurement of success built in.

Q. Will all goals give me 12 months to get them completed?

A. Not necessarily. Some goals that you and your supervisor agree on may take only a few months to achieve.

Q. Are there different types of goals that are used in this system?

A. Yes. **Maintenance Goals** focus on improvements in efficiency or money savings or the maintenance of the current operation of your work unit. **Breakthrough Goals** provide *dramatic* improvement, and are the types of goals that are to be considered in awarding merit based pay in the future. Currently, only the Ohio Board of Regents has a merit based incentive pay program in place, therefore it is not in an employees interest to agree to Breakthrough Goals because you cannot receive a pay award for achieving them, while failure to achieve them risks receiving an overall unsatisfactory evaluation.

Q. Can I refuse to sign the goal setting form if I don't agree with the goals my supervisor wants me to achieve?

A. No. Failure to sign the forms will cause a loss of grievance rights if an overall unsatisfactory review is given at the end of the evaluation period. Each goal will be on a separate form, so if you disagree with a particular goal simply sign the form and write below your signature “I do not agree with this goal”.

Q. Will I still be evaluated on a goal if I don't agree with it?

A. Yes. But if you indicated on the goal setting form that you didn't agree, if you are given an overall unsatisfactory rating at the end of the review period, the goal itself can be disputed in any subsequent grievance if your original objection has merit.

Q. Are there a specific number of goals that an employee has to set?

A. No. But, because an unsatisfactory rating is determined by getting rated below target on a *majority* of goals, it is in your interest to always set more than three goals, and always an uneven number of goals.

Q. Will everyone in the same classification have exactly the same goals?

A. Not necessarily. While the goals for people in the same classification may very well be quite similar, an individual employee's work situation in their particular agency or work unit can have an effect on the type and level of goals that are agreed to by the employee and the supervisor.

Q. Once the goals are set, then what happens?

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A. Phase 2: Performance Monitoring begins. This will be the longest of the three phases. During Phase 2, supervisors are supposed to observe performance, maintain documentation of performance and communication, communicate frequently, revise goals if necessary, give constructive feedback, and monitor the employees progress toward achievement of the goals set in Phase 1.

Q. Should an individual employee also monitor their progress toward achieving the goals or should it be left solely to the supervisor?

A. Review your progress toward achieving your goals regularly, and if you think there is a problem that will prevent you from achieving a goal, contact your supervisor and ask for help or indicate the need to modify the goal. Document your communication with your supervisor.

Q. When does the actual Performance Review Meeting to give me my rating take place?

A. Phase 3: Annual Performance Review meeting must be completed within 60 days prior to the employee's next scheduled step increase, or the employee's anniversary date if the employee is stepped out. The Review Meeting is an actual meeting and conversation between the individual employee and their supervisor. The Annual Performance Review is completed when the Agency Appointing Authority (or his/her designee)

has signed and dated the review form. If the review is not completed within the 60 days prior to the next scheduled step increase, the employee cannot be denied the step increase.

Q. If I don't agree with my overall evaluation or any of the ratings on individual goals and dimensions, can I refuse to sign the review form?

A. No. If you do not agree with anything the supervisor has written on the form, there is space provided for you to state why you disagree, and you can attach additional comments if you wish to.

Q. If I don't agree with my overall evaluation or any of the ratings on individual goals or dimensions, or if I don't like a comment my supervisor has written on the form, can I file a grievance?

A. Only an overall unsatisfactory evaluation (*below* target on an *majority* of goals and a *majority* of dimensions) can be grieved. Performance Evaluation grievances are filed at Step 3, and the final grievance review is Step 4. However, if you get an overall satisfactory but still disagree with the rating on an individual goal or dimension or a supervisor's comment, an appeal can be filed. Article 22.03 outlines the appeal procedure, and you should contact your union steward and chapter leadership for assistance in filing.

References:

Article 22

Article 36.03

Arbitrations #707, #707A



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