



INTERNAL MANAGEMENT POLICY & PROCEDURE

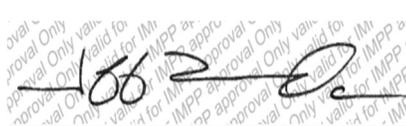
Applicability: Adult Operation Only JUVENILE Operations Only DEPARTMENT-WIDE

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HUMAN RESOURCES: Probationary Periods and Performance Management Process

Original Date Issued: 06-30-15 Replaces IMPP Issued: 06-30-15 **CURRENT EFFECTIVE DATE: 02-19-20**

Approved By:  Secretary

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POLICY

The work performance of all Department employees who are in permanent classified, permanent unclassified, or temporary unclassified positions must be reviewed pursuant to a Performance Management Process (PMP) that complies with principles and practices specified by the Department of Administration, Office of Personnel Services. The primary function of the Performance Management Process is to provide clear and objective direction and to develop personal and professional growth in the Department's employees.

DEFINITIONS

Employee: For the purposes of this policy, the word "employee" refers to any person who receives compensation for performing work for the Department in any permanent classified, permanent unclassified, or temporary unclassified position.

Essential Requirements: The basic behaviors or requirements (i.e., dependability and agency values) that are critical for all positions.

Performance Management Process: The method of reviewing an employee's work performance based on established performance standards and expectations for the major duties and responsibilities assigned.

Probation: For the purposes of this policy, probation refers to a period of time considered to be a working test following the initial appointment of a newly hired employee or an employee who is promoted to a position assigned to a higher pay grade per K.A.R 1-7-3 and 1-7-4.

Special Performance Review: A performance review that is conducted because of special circumstances at a time other than when a probationary or annual review is due. The purpose of this review is for the manager or supervisor to provide formal and documented feedback to the employee.

PROCEDURES

I. Position Description

- A. A current position description must be maintained for each employee in accordance with IMPP 02-105D.

II. Applicability and Duration of Probationary Periods

- A. All newly hired and rehired classified employees and employees who are promoted must serve a probationary period.
 1. The probationary period for a newly hired or rehired employee is a minimum of six (6) months and may be extended to one (1) year in accordance with K.A.R. 1-7-4(a), except as noted in Section II. A.2. and 4. (ACO 2-1C-15; 3-JTS-1C-12; ACI 3-4057; APPFS 3-3057)

2. All newly hired and rehired employees in the classification of Corrections Officer I (A) and Corrections Counselors must serve a probationary period of one (1) year in order to complete all classroom and on-the-job training requirements.
3. All newly hired and rehired employees in the classification of Juvenile Corrections Officer I (A) must serve a probationary period of six (6) months in order to complete all classroom and on-the-job training requirements.
4. All newly hired and rehired Parole Officer I employees must serve a probationary period of nine (9) months in accordance with the FOP memorandum of agreement.
5. The probationary period for an employee who has been promoted to a position assigned to a higher pay grade is six (6) months unless otherwise approved by the appointing authority in accordance with K.A.R. 1-7-4(b). (ACO 2-1C-15; ACI 3-4057; APPFS 3-3057)
6. A classified employee who has permanent status and who receives a promotion due to the upward reallocation of his or her position, must retain permanent status unless given prior written notice that a probationary period must be served. Such probationary period must be for a period of no less than three (3) months and no more than six (6) months.

III. Probationary Employee Performance Review

- A. Within the first week after appointment or promotion, the newly hired or promoted employee and the supervisor must meet to clarify the supervisor's expectations relative to the responsibilities assigned to the position, and document such on the Performance Review form.
- B. Each probationary employee must receive regular performance feedback sessions during the probationary period. Feedback sessions are conducted as often as necessary, but at least once every 30 days.
- C. The supervisor and employee must use the opportunity provided by feedback sessions and the formal performance review to ensure a common understanding of expectations (including objectives and competencies), assess progress, and discuss strategies for future performance.
 1. This process must be used by the supervisor to evaluate and identify training and development needs for the employee.
 2. Documentation of feedback sessions must be used as a resource when completing the formal Performance Review.
 3. The employee must be given a copy of the completed Performance Review form after each formal review.
- D. The work performance of each probationary employee must be formally reviewed using the Performance Review form prior to the end of the employee's initial six (6), nine (9) or 12-month probationary period as applicable to the position classification.
 1. In the event that a probationary employee's work or progress is less than satisfactory prior to the end of the probationary period, his or her supervisor must:
 - a. Forward a report to the appropriate human resources office detailing the employee's unsatisfactory work, feedback session documentation, and/or other efforts made to assist the employee in improving performance; and,
 - b. Recommend a course of action.
 2. Upon receipt of a less than satisfactory performance review rating prior to the end of the probationary period, the human resources manager for the employee's office or facility must:

- a. Consult with the supervisor and appropriate legal counsel regarding the report and,
 - b. Recommend a course of action to the appointing authority.
- E. Employees in permanent classified positions who successfully complete the probationary period must be given permanent status. (ACO 2-1C-15)
1. If the appointing authority or designee has not notified the employee of the performance review rating by the end of any probationary period, the employee must be deemed to have received permanent status.
- F. If the performance review rating assigned to a probationary employee at the end of the probationary period is less than satisfactory, the employee must not be granted permanent status per K.A.R. 1-7-10.

IV. Maintenance of the Performance Management Process

- A. It is the responsibility of managers and supervisors to complete performance reviews within established timeframes. Failure to complete accurate and timely performance reviews for assigned employees may be noted on the supervisor/manager's performance review and/or may be the subject of informal/formal disciplinary action.
- B. The appointing authority or designee is responsible for maintaining the integrity of the performance management process and for ensuring that, at least annually, every employee who holds a permanent classified position in his or her office or facility, participates in a planning process to identify and define performance expectations, receives a mid-year review, and receives a formal performance review based on documented evidence in accordance with K.A.R. 1-7-10. Formal performance reviews of unclassified staff are conducted in accordance with classified performance management schedules. (ACO 2-1C-2; ACI 3-4062; APPFS 3-3061)
1. An unscheduled special performance review may be conducted at any time. For employees in classified positions, a formalized and documented feedback session with the supervisor and incumbent (or a special review) must be conducted any time the incumbent has a change in supervisors if more than three (3) months has passed since the most recent review was completed. The outgoing supervisor must conduct the feedback session or a special review prior to relinquishing supervision to the new supervisor and provide written documentation of the feedback session (or special review) to the new supervisor.
- C. The performance of each employee of the Department must be reviewed on an ongoing basis pursuant to the guidelines set out in the Performance Management Process (PMP) review form and K.A.R. 1-7-10.
1. The employee must be assigned an Overall Rating upon completion of a required or a special performance review.
 - a. The Overall Rating must be:
 - (1) Exceptional;
 - (2) Exceeds Expectations
 - (3) Meets Expectations;
 - (4) Needs Improvement; or
 - (5) Unsatisfactory.
 - b. Each time an Overall Rating is assigned, the completed performance review form must be signed by the employee, supervisor, and reviewing manager.

- c. No rating is to be entered into the records of a permanent classified employee without the completion of a formal performance review. Only performance reviews that have been signed or noted in writing on the review by the supervisor or manager that the employee refused to sign or was unavailable for signature along with the reason becomes a part of the employee's official record.
- D. A permanent classified employee who receives a needs improvement or unsatisfactory performance review rating must receive a special performance review 30, 60, or 90 calendar days following the needs improvement or unsatisfactory performance review.

V. Processing of Employee Performance Review

- A. The supervisor must ensure that the reviewer is given the opportunity to provide input into each employee's performance review and rating prior to the review being discussed with the employee.
- B. For each employee's performance review with a proposed overall rating of exceptional or unsatisfactory, the supervisor must forward the Performance Review to the Human Resources Manager for the facility or office who must then review, seek input from the appointing authority and others as necessary, and approve the rating prior to the review being discussed with the employee. The Human Resources Manager must document such review and approval electronically by initialing the rating on the performance review form.
- C. The employee must be given the opportunity to provide input into his or her overall performance review rating and to sign the Performance Review form.
 - 1. The employee's signature must not abridge the appeal rights of an employee who has permanent status in a permanent classified position.
 - 2. The employee's refusal to sign the form does not invalidate the review.
- D. The original Performance Review form must be forwarded to the Human Resources Manager of the facility or Central Office, as appropriate, after the supervisor, the reviewer, and the employee have signed it.
 - 1. The supervisor and employee must retain a copy of the entire Performance Review form.
- E. After seven (7) calendar days, but within 15 calendar days of the employee being informed of the rating, the Human Resources Manager must review the performance review to:
 - 1. Ensure that the Overall Rating received by a permanent classified employee is entered into the State's computerized personnel and payroll system, and, for all employees covered by this IMPP, file the entire review in the employee's official personnel file; or,
 - 2. Identify errors or inappropriate procedures and return the review to the supervisor for corrections and for discussion with the employee and the reviewer.
- F. When an employee resigns or otherwise separates from employment with the State, the most recently compiled performance review material that was retained by the supervisor is forwarded to the appropriate Human Resources Manager for incorporation into the employee's personnel file. However, such information must not be included in any personnel file, which is transferred to another State agency.
 - 1. This procedure is not affected in the case of transfers, demotions, and promotions within the Department.
- G. The employee and supervisor must start a new Performance Review form at the beginning of each review period.

VI. Appeals

- A. Any classified employee with permanent status, unclassified employee, or temporary unclassified employee may appeal an Overall Rating that is lower than the highest possible rating. Employees may not appeal comments, the objectives, competencies and/or Development Plan, or other material except as they apply to the formulation of the overall rating.
 1. Any classified employee with permanent status, unclassified employee, or temporary unclassified employee may use the Department's grievance procedures to challenge comments, the Goals and/or Development Plan, or other material that does not apply to the formulation of the overall rating.
- B. A permanent classified employee, unclassified employee, or temporary unclassified employee wishing to appeal an Overall Rating must do so within seven (7) calendar days after being informed of the rating.
- C. Appeals by permanent classified employees must be handled in accordance with K.A.R. 1-7-12.
 1. Each facility and office must develop procedures for appeals by unclassified employees and temporary unclassified employees. Such procedures must be comparable to those provided for appeals by permanent classified employees.
- D. The appeals hearing is subject to the open meetings law, K.S.A. 75-4317, *et seq.*, except that the committee may go into executive session to discuss matters that have already been presented during the hearing.
 1. Recording of the proceedings is permitted provided the recording does not disrupt the orderly conduct of the hearing.
- E. Once a performance rating has been appealed and a new performance review has been generated by the appeal committee, all copies of the original performance review must be destroyed.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure are not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS

None.

REFERENCES

K.S.A. 75-2943, 75-2946, 75-4317, *et seq.*
K.A.R. 1-2-64, 1-2-65, 1-7-3, 1-7-4, 1-7-6, 1-7-7, 1-7-10, 1-7-11, 1-7-12
IMPP 02-105D, 02-115, 02-119
ACO 2-1C-15, 2-1C-21
ACI 3-4057, 3-4062
APPFS 3-3057, 3-3061
3-JTS-1C-12

HISTORY

06/30/15 Original (Consolidated KDOC IMPP 02-107 and JJA IMPP 02-107)

ATTACHMENTS

None.