

HOUSE BILL 275

P4

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By: **Chair, Appropriations Committee (By Request – Departmental – Budget and Management)**

Introduced and read first time: January 25, 2010

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2010

CHAPTER _____

1 AN ACT concerning

2 **State Employees – Employee Performance Appraisals – Revisions**

3 FOR the purpose of altering the factors that must be included in evaluating the
4 performance of certain managers and supervisors; providing that a certain
5 anonymous survey may be performed only under certain circumstances; altering
6 the manner in which an employee's performance may be rated on a performance
7 appraisal; repealing the requirement that an employee perform a certain
8 self-assessment; repealing the requirement that a certain self-assessment be
9 part of an employee's performance appraisal; altering the definition of
10 "grievance" under certain provisions of law to exclude a dispute about a certain
11 mid-year performance appraisal; making clarifying and conforming changes;
12 and generally relating to the conduct of employee performance appraisals for
13 State employees.

14 BY repealing and reenacting, with amendments,
15 Article – State Personnel and Pensions
16 Section 7–501, 7–502, 7–503, and 12–101(c)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 7-501.

2 (a) The performance of each employee in the skilled service, professional
3 service, and management service, including special appointments in each classification
4 of each of those services, shall be evaluated in accordance with this subtitle.

5 (b) The appointing authority shall ensure that each of the unit's employees
6 who is subject to this subtitle has performance evaluations in accordance with this
7 subtitle and procedures established by the Secretary.

8 (c) Each supervisor of an employee subject to this subtitle shall attend
9 mandatory training by the Department on the methods and procedures required in the
10 performance appraisal process.

11 (d) Factors in evaluating a manager's or supervisor's performance shall
12 include:

13 (1) attendance at any required performance appraisal training;

14 (2) adherence to established methods and procedures in conducting
15 performance appraisals;

16 (3) the timely completion of performance appraisals for employees
17 assigned to the **MANAGER OR** supervisor; and

18 (4) [except as provided in] **SUBJECT TO** subsection (e) of this section,
19 **IF REQUIRED BY THE MANAGER'S OR SUPERVISOR'S SUPERVISOR**, the results of
20 an anonymous survey of employees assigned to the **MANAGER OR** supervisor in
21 accordance with procedures established by the Secretary.

22 (e) [The anonymous survey requirement under subsection (d)(4) of this
23 section shall not be a factor in evaluating a manager's or supervisor's performance if
24 fewer than five employees are assigned to the manager or supervisor] **AN**
25 **ANONYMOUS SURVEY OF THE EMPLOYEES OF A MANAGER OR SUPERVISOR MAY**
26 **BE PERFORMED ONLY IF MORE THAN FIVE EMPLOYEES ARE ASSIGNED TO THE**
27 **MANAGER OR SUPERVISOR.**

28 7-502.

29 (a) An employee subject to this subtitle shall receive the following written
30 performance appraisals at 6-month intervals based on the employee's entry-on-duty
31 date:

32 (1) [a] **AN INFORMAL** mid-year performance appraisal; and

33 (2) an end-of-year performance appraisal with an overall performance
34 rating **IN ACCORDANCE WITH § 7-503 OF THIS SUBTITLE.**

1 (b) An employee's performance may be rated on a performance appraisal as
2 follows:

- 3 (1) outstanding;
- 4 (2) [exceeds standards;
- 5 (3) meets standards;
- 6 (4) needs improvement; or
- 7 (5)] **SATISFACTORY; OR**
- 8 **(3)** unsatisfactory.

9 7-503.

10 (a) (1) A supervisor shall prepare a preliminary performance appraisal for
11 each employee for which the supervisor has primary direct responsibility.

12 (2) An appointing authority may review a preliminary appraisal before
13 the supervisor presents it to the employee.

14 (b) [Each employee shall participate in the employee's performance appraisal
15 by preparing a self-assessment that:

16 (1) evaluates the employee's performance during a rating period;

17 (2) indicates the employee's suggestions for ways that the employee
18 and the employee's supervisor can enhance the employee's contribution to the unit's
19 mission, goals, and objectives; and

20 (3) suggests training or other methods to promote the development of
21 the employee's career objectives in the unit.

22 (c)] (1) An employee and the employee's supervisor shall review and
23 discuss the [employee's self-assessment and the] supervisor's [assessment]
24 **PRELIMINARY PERFORMANCE APPRAISAL.**

25 (2) The employee shall be notified, as provided in regulations adopted
26 by the Secretary, prior to the date of the review and the discussion.

27 (3) The purpose of the review and discussion is to:

28 (i) promote agreement and understanding about the
29 [assessments of the employee and supervisor] **SUPERVISOR'S PRELIMINARY**

1 **PERFORMANCE APPRAISAL** and to aid the supervisor in determining the final
2 ratings for the performance appraisal; and

3 (ii) 1. develop appropriate modifications to the employee's
4 position description, if needed;

5 2. establish specific written tasks and indicators, based
6 on measurable and objective standards that can be evaluated on outcome, that the
7 employee needs to accomplish during the next rating period in order to meet the
8 overall objectives of the position; and

9 3. identify any area in which training is needed for the
10 next rating period, based on the employee's strengths and weaknesses.

11 **[(d)] (C)** (1) An appointing authority shall approve a performance
12 appraisal before it is final.

13 (2) The final performance appraisal shall include:

14 (i) the employee's final performance ratings;

15 (ii) the specific tasks the employee is to achieve during the next
16 rating period;

17 (iii) a list of modifications to the employee's position description,
18 if any; and

19 (iv) any recommendations for training to enhance the employee's
20 skills.

21 (3) The supervisor shall:

22 (i) give the employee a copy of the final performance appraisal;

23 (ii) retain a copy; and

24 (iii) place a copy in the employee's personnel records.

25 12-101.

26 (c) (1) "Grievance" means a dispute between an employee and the
27 employee's employer about the interpretation of and application to the employee of:

28 (i) a personnel policy or regulation adopted by the Secretary; or

29 (ii) any other policy or regulation over which management has
30 control.

- 1 (2) "Grievance" does not include a dispute about:
- 2 (i) a pay grade or range for a class;
- 3 (ii) the amount or the effective date of a statewide pay increase;
- 4 (iii) the establishment of a class;
- 5 (iv) the assignment of a class to a service category;
- 6 (v) the establishment of classification standards; [or]
- 7 (vi) **A MID-YEAR PERFORMANCE APPRAISAL; OR**
- 8 **(VII)** an oral reprimand or counseling.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 10 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.