

Chapter 142

(House Bill 275)

AN ACT concerning

State Employees – Employee Performance Appraisals – Revisions

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

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

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

Article – State Personnel and Pensions

7–501.

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

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

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

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

(1) attendance at any required performance appraisal training;

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

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

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

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

7-502.

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

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

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

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

(1) outstanding;

(2) **[exceeds standards;**

(3) meets standards;

(4) needs improvement; or

(5)] **SATISFACTORY; OR**

(3) unsatisfactory.

7-503.

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

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

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

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

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

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

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

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

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

(i) promote agreement and understanding about the [assessments of the employee and supervisor] **SUPERVISOR'S PRELIMINARY PERFORMANCE APPRAISAL** and to aid the supervisor in determining the final ratings for the performance appraisal; and

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

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

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

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

(2) The final performance appraisal shall include:

- (i) the employee's final performance ratings;
- (ii) the specific tasks the employee is to achieve during the next rating period;
- (iii) a list of modifications to the employee's position description, if any; and
- (iv) any recommendations for training to enhance the employee's skills.

(3) The supervisor shall:

- (i) give the employee a copy of the final performance appraisal;
- (ii) retain a copy; and
- (iii) place a copy in the employee's personnel records.

12-101.

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

- (i) a personnel policy or regulation adopted by the Secretary; or
- (ii) any other policy or regulation over which management has control.

(2) "Grievance" does not include a dispute about:

- (i) a pay grade or range for a class;
- (ii) the amount or the effective date of a statewide pay increase;
- (iii) the establishment of a class;
- (iv) the assignment of a class to a service category;

- (v) the establishment of classification standards; [or]
- (vi) **A MID-YEAR PERFORMANCE APPRAISAL; OR**
- (VII)** an oral reprimand or counseling.

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

Approved by the Governor, April 13, 2010.