RULES OF THE
DEPARTMENT OF MANAGEMENT SERVICES
PERSONNEL MANAGEMENT SYSTEM

CHAPTER 60L-35
PERFORMANCE EVALUATION SYSTEM

60L-35.001 Scope and Purpose
This chapter sets forth the rules governing a uniform Performance Evaluation System, for reviewing and evaluating the job performance of employees in the state’s Career Service and employees in the Selected Exempt Service covered by collective bargaining agreements. The Performance Evaluation System enables employees to receive feedback concerning performance of assigned duties and responsibilities. It informs them of their strengths and areas of needed improvement in job performance, identifies current and future training needs, and provides documentation for awarding discretionary merit increases, and lump sum bonuses in accordance with Section 110.1245(2), F.S. Nothing in this rule shall limit the ability of an agency to take disciplinary action in accordance with Chapter 60L-36, F.A.C.

Rulemaking Authority 110.1055, 110.224(3), 110.605 FS. Law Implemented 110.1245(2)(b)5., 110.224, 110.605(1)(b) FS. History–New 6-19-08.

60L-35.002 Definitions.
For the purpose of administering this chapter, the following definitions shall apply:

(1) Agency Designated Evaluation Date – The date selected by an agency which begins the 60-day period within which annual evaluations shall be completed. An agency may select up to four (4) designated evaluation dates per calendar year in order to accommodate operational needs.

(2) Evaluation Period – The annual period of time covered by the performance plan.

(3) Overall Rating – The employee’s level of performance for the evaluation period, which is derived as follows:

(a) Calculate the average of all of the individually-rated performance expectations. In calculating this average, all digits three or more places to the right of the decimal shall be dropped. No rounding shall be used in this calculation.

(b) Locate the numeric range in which the calculated average falls on the below chart and assign the corresponding overall rating.

<table>
<thead>
<tr>
<th>NUMERIC RANGE</th>
<th>OVERALL RATING</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.50 – 5.00</td>
<td>Outstanding</td>
</tr>
<tr>
<td>3.50 – 4.49</td>
<td>Commendable</td>
</tr>
</tbody>
</table>

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(4) Performance Evaluation – A written assessment of an employee’s performance of assigned duties and responsibilities as reflected in the employee’s performance expectations and documented on a performance evaluation form.

(5) Performance Expectation – A statement that describes satisfactory performance of an essential duty or responsibility as listed in the position description or satisfactory demonstration of an attribute or value that the agency deems necessary for the accomplishment of its core missions. For purposes of this rule, a duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position.

(6) Performance Plan – A written notification prepared by the rater that identifies the performance expectations by which the employee will be evaluated during the evaluation period.

(7) Rater – The employee’s current immediate supervisor or a designated managerial employee who has knowledge of the employee’s duties, responsibilities and job performance.

Rulemaking Authority 110.1055, 110.224(3), 110.605 FS. Law Implemented 110.1245(2)(b)5, 110.224, 110.605(1)(b) FS. History–New 6-19-08.

60L-35.003 Minimum Requirements.

(1) The rater shall conduct a performance planning session with the employee to identify the performance expectations by which an employee shall be evaluated and to review the performance expectations and rating scale. The rater shall also provide an opportunity for employee feedback regarding what is expected of the employee in the position. A performance plan shall be signed by the rater and the employee, indicating that the performance expectations have been discussed. A copy of the signed performance plan shall be made available to the employee. In the event an employee refuses to sign the performance plan, the rater shall make a signed and dated notation on the plan that the employee refused to sign.

(2) The rater shall manage performance by:

(a) Conducting an oral performance planning session with each employee at the beginning of every evaluation period and providing to the employee a copy of the corresponding performance plan.

(b) Conducting written and oral performance evaluations of his/her employees at least annually. Such evaluations must be completed within sixty (60) calendar days following the agency designated evaluation date.

(c) Providing employees with coaching and meaningful feedback regarding job performance throughout the evaluation period.

(d) Timely informing the employee in writing of performance expectation deficiencies that could result in a "Below Expectation” or “Unacceptable” rating and the necessary corrective action to be taken prior to the end of the evaluation period.
(e) Meeting in person with the employee, when practicable, for performance planning and performance evaluation.

(3) At a minimum, a written performance evaluation shall include:

(a) A rating of the employee’s job performance during the evaluation period for each performance expectation identified in the performance plan. Each performance expectation shall be measured using the following scale.

<table>
<thead>
<tr>
<th>RATING</th>
<th>NUMERIC SCALE</th>
<th>INDIVIDUAL PERFORMANCE EXPECTATIONS</th>
<th>RATING SCALE</th>
<th>DEFINITION AND EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional</td>
<td>5</td>
<td>Employee consistently exceeds the performance expectation of the position. Examples include, but are not limited to: The employee requires little or no supervision from management in accomplishing his/her tasks and seeks opportunities to enhance the organization. The employee possesses highly advanced job knowledge. The employee is relied upon to solve complex problems and applies creativity and innovative approaches in formulating solutions.</td>
<td></td>
<td></td>
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<tr>
<td>Above Expectation</td>
<td>4</td>
<td>Employee consistently meets and often exceeds the performance expectation of the position. Examples include, but are not limited to: The employee requires minimal supervision from management in accomplishing his/her tasks. The employee possesses a thorough knowledge of the job, and often solves or assists in solving complex problems.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meets Expectation</td>
<td>3</td>
<td>Employee consistently meets and may occasionally exceed the performance expectation of the position. Examples include, but are not limited to: The employee requires moderate supervision from management in accomplishing his/her tasks. The employee possesses sufficient knowledge and/or initiative to execute his/her duties and responsibilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Below Expectation</td>
<td>2</td>
<td>Employee exhibits inconsistent job performance, but has the capacity to improve to meet the performance expectation of the position. Examples include, but are not limited to: At times the employee requires close supervision where he/she should be operating on his/her own. The employee sometimes lacks the initiative, and/or job knowledge to execute his/her duties and responsibilities.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unacceptable</td>
<td>1</td>
<td>Employee consistently fails to meet the designated performance expectation. Examples include, but are not limited to: The employee requires close supervision and his/her work requires continual correction. The employee’s job knowledge is insufficient to meet daily requirements.</td>
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<td></td>
</tr>
<tr>
<td>N</td>
<td>None given</td>
<td>No longer applicable or unable to determine.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) Comments relating to the employee’s job performance for each performance expectation rating of “Exceptional” and “Above Expectation”.

(c) Comments relating to the employee’s job performance for each performance expectation rating of “Below Expectation” and “Unacceptable”, as well as prescribed developmental activities and corrective action(s) for areas where improvement is required.
(d) The overall rating of the employee’s job performance during the evaluation period, which shall not be adjusted or affected by the ratings of any other employees being rated.

(e) At the agency’s discretion, performance plans and evaluations may be reviewed by a higher level authority and comments may be provided. However, completed performance plans and evaluations shall not be changed by a higher level authority.

(4) Employees with an overall rating of either “Needs Improvement” or “Unsatisfactory” shall be considered to have not met their performance expectations for the position during that evaluation period.

(5) Other than probationary employees addressed in subsection 60L-35.004(3), F.A.C., employees who do not receive a performance evaluation within sixty (60) calendar days following the agency designated evaluation date shall be considered to have met their performance expectations as documented on their performance plan, and will receive a rating of “Meets Expectation” for each performance expectation and an overall rating of “Satisfactory”.

(6) A description of training and educational opportunities for the employee may be included as part of the performance planning/evaluation process. Training opportunities may include those available under Sections 110.1099 and 110.235, F.S.

(7) The performance evaluation shall be signed by the rater and the employee. The signature of the employee shall indicate only that the employee’s job performance has been discussed with the employee and does not imply that the employee agrees or disagrees with the rater’s assessment of his/her performance. The employee may attach written comments to the performance evaluation form in response to the evaluation. In the event an employee refuses to sign the performance evaluation, the rater shall make a signed and dated notation on the evaluation that the employee refused to sign.

(8) A performance evaluation is considered to be complete when it has been discussed with the employee and the employee has signed or refused to sign the evaluation. The evaluation shall then be included in the employee’s personnel file, and a copy shall be made available to the employee.

(9) Agencies may develop additional internal performance evaluation policies and procedures that comply with this performance evaluation rule.

(10) An agency may use forms developed by the Department of Management Services or forms developed by their agency to evaluate and document their employees’ performance.

Rulemaking Authority 110.1055, 110.224(3), 110.605 FS. Law Implemented 110.1245(2)(b), 110.224, 110.605(1)(b) FS. History–New 6-19-08.

60L-35.004 Career Service.

(1) Agencies shall comply with this performance evaluation rule when reviewing and evaluating the performance of Career Service employees.

(2) Upon original appointment, promotion, demotion, or reassignment to a position with significantly different job duties or responsibilities, the rater shall timely conduct a performance planning session with the employee.
(3) Career Service employees in probationary status shall have a performance evaluation completed on or before the end of the probationary period provided that, if the probationary period is extended pursuant to agency policy, the extension shall be noted on the evaluation form and the employee shall have another performance evaluation completed on or before the end of the extended probationary period. Failure to evaluate the probationary employee on or before the end of the probationary period will result in the employee successfully completing the probationary period.

(4) If an employee successfully completes the probationary period within 60 calendar days of the agency designated evaluation date, the probationary period overall rating shall become the employee’s overall rating for the annual evaluation period that corresponds with that agency designated evaluation date.

Rulemaking Authority 110.1055, 110.224(3) FS. Law Implemented 110.1245(2)(b), 110.224 FS. History–New 6-19-08.

60L-35.005 Selected Exempt Service.

(1) Agencies shall comply with this performance evaluation rule when reviewing and evaluating the performance of Selected Exempt Service employees covered by collective bargaining agreements.

(a) Upon original appointment to a position with significantly different job duties or responsibilities, the rater shall timely conduct a performance planning session with the employee.

(b) Agencies may also incorporate any elements that the agency head deems appropriate for evaluating performance in relationship to the requirements of the position filled by the employee, so long as such elements do not conflict with this rule.

(2) In accordance with Section 110.605(1)(b), F.S., agencies shall develop their own respective performance evaluation system for reviewing and evaluating the performance of all other Selected Exempt Service employees.

Rulemaking Authority 110.1055, 110.605(1) FS. Law Implemented 110.1245(2)(b), 110.605(1)(b) FS. History–New 6-19-08.

60L-35.006 Transitional Provision.