

**BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION NO. 2017 –**

**SUBJECT: PROPOSED MODIFICATIONS TO THE UNIVERSITY RULES
REGARDING PERFORMANCE MANAGEMENT**

WHEREAS, The Board of Trustees (the “Board”) of the University of the District of Columbia (the “University”) pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06 (2001 & 2011 Supp.)), and under the District of Columbia Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, § 1-601.1 et seq.), has the authority to adopt, prescribe, and enforce rules and regulations it considers necessary for the governance and administration of the University; and

WHEREAS, the Board seeks to create a new Chapter 19, set forth in Title 8B of the District of Columbia Municipal Regulations (DCMR), entitled “University of the District of Columbia Performance Management Program;” and

WHEREAS, the regulatory framework for the University’s new Performance Management Program will require the University to communicate institutional and individual work expectations and measureable goals; identify responsibility and accountability for accomplishing work; identify and address employee developmental needs; provide feedback, and use appropriate measures as the basis for recognizing and rewarding accomplishments and as the basis for other personnel actions; and

WHEREAS, the regulatory framework will also require the University to define a performance appraisal period; the components of performance plans; performance rating levels; performance-based discussions with employees; the annual performance rating; the performance improvement plan and procedures for addressing disagreements with the annual rating; and

WHEREAS, the Board seeks to repeal and supersede UDC Resolution No. 2014 – 36 – Proposed Amendment to the University Rules Regarding Performance Management.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby takes proposed rulemaking action to adopt Chapter 19 of Title 8B of the DCMR as indicated in the Notice of Proposed Rulemaking attached hereto as Exhibit A and to repeal UDC Resolution No. 2014-36; and

BE IT FURTHER RESOLVED, that the General Counsel is hereby directed to publish this Notice of Proposed Rulemaking in the D.C. Register as soon as is practicable for a comment period of not less than thirty (30) days, in accordance with the provisions of D.C. Official Code §2-505 (a).

Submitted by the Operations Committee:

September 12, 2017

Approved by the Board of Trustees:

September 19, 2017

Christopher Bell
Chairperson of the Board

EXHIBIT A

NOTICE OF PROPOSED RULEMAKING

The Board of Trustees of the University of the District of Columbia pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act) effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06(3),(13) (2001 & 2011 Supp.), and under the District of Columbia Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, § 1-601.1 et seq.), hereby gives notice of its intent to amend Chapter 19 (University of the District of Columbia Performance Management Program) of subtitle B (University of the District of Columbia) of title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rule is to create a regulatory framework for the University's new Performance Management Program.

The Board of Trustees will take final action to adopt these amendments to the University Rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 19, UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE MANAGEMENT PROGRAM, of subtitle B, UNIVERSITY OF THE DISTRICT OF COLUMBIA, of title 8, HIGHER EDUCATION, is adopted as follows:

1900 UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE MANAGEMENT PROGRAM

- 1900.1 The purpose of this chapter is to set forth rules for the University's Performance Management Program.
- 1900.2 The provisions of this chapter apply to all University employees, except as follows:
- (a) Faculty (including Academic Chairs) ;
 - (b) Employees serving a probationary period;
 - (c) Employees serving on temporary, or time-limited appointments; and
 - (d) The University Administration (President's Cabinet).
- 1900.3 Performance Management integrates the processes the University uses to:
- (a) Communicate and clarify institutional and individual work goals to employees;
 - (b) Identify individual, and where applicable, team responsibilities and accountability for accomplishing work unit and institutional goals;

- (c) Identify and address developmental needs for individuals and, where applicable, teams;
- (d) Provide feedback to employees about performance expectations and work accountability;
- (e) Assess and improve individual, team, and institutional performance;
- (f) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
- (g) Use the results of the Annual Performance Evaluation as a basis for appropriate personnel actions, including training, promotion, demotion, administrative action, or other types of personnel actions.

1900.4 The Performance Management Program implemented by this chapter will accomplish the following:

- (a) Establish work expectations in relation to institutional strategic goals;
- (b) Hold supervisors and employees accountable for performance, which will include a direct relationship between the performance evaluations received pursuant to this chapter and the receipt of any periodic salary increases;
- (c) Objectively evaluate an employee's work performance based upon articulated criteria that have been made known to the employee prior to the performance evaluation;
- (d) Improve employee performance through developmental plans and continuous employee skill development;
- (e) Recognize an employee's accomplishments and identify an employee's deficiencies so that appropriate rewards or assistance can be provided; and
- (f) Tie employee performance to work unit and University outcomes.

1901 PERFORMANCE APPRAISAL PERIOD

1901.1 The Performance Appraisal Period begins October 1 and ends September 30 of the following year.

1902 PERFORMANCE PLANS

1902.1 A Performance Plan sets forth the performance expectations and development objectives that each employee is expected to accomplish during the Performance Appraisal Period.

1902.2 A Performance Plan includes the following:

- (a) Critical Performance Elements (Key Competencies);
- (b) S.M.A.R.T. Goals (Specific, Measurable, Attainable, Realistic, and Time Related); and
- (c) An Individual Development Plan.

1902.3 Modifications to the Performance Plan generally cannot be made during the final ninety (90) days before the end of the Performance Appraisal Period. However, if such a modification is necessary, the appraisal period can be extended to provide the employee with 90 days to demonstrate satisfactory performance. The employee must be advised of any extension of the appraisal period.

1902.4 Each supervisor must complete a Performance Plan outlining what is expected of each employee, as follows:

- (a) Within thirty (30) days of the beginning of each Performance Appraisal Period;
- (b) Within thirty (30) days of the effective date of an official detail if the detail is for a period of more than ninety (90) days;
- (c) Within thirty (30) days of the effective date of an appointment, reassignment, transfer, promotion or demotion to a new position or to a position with significantly different duties and responsibilities. Provided, however:
 - (i) If the appointment, reassignment, transfer, promotion or demotion takes effect more than ninety (90) days prior to the end of the Performance Appraisal Period, the new Performance Plan will take effect during the same Performance Appraisal Period;
 - (ii) If the appointment, reassignment, transfer, promotion or demotion takes effect within ninety (90) days of the end of the Performance Appraisal Period, the new Performance Plan will take effect at the beginning of the next Performance Appraisal Period, unless the performance appraisal period has been extended in accordance with §1902.3.

- 1902.5 A Performance Plan must be in place for at least ninety (90) days before an employee's performance is subject to an Annual Performance Evaluation.
- 1902.6 If an employee is reassigned, transferred, promoted, or demoted within ninety (90) days of the end of a Performance Appraisal Period, the employee's previous supervisor will perform the Annual Performance Evaluation for the portion of the Performance Appraisal Period during which the employee reported to the supervisor.

1903 CRITICAL PERFORMANCE ELEMENTS

- 1903.1 Critical Performance Elements identify key competencies or the necessary knowledge, abilities, skills and personal characteristics that must be demonstrated for satisfactory performance. These key competencies are so necessary for successful performance that failure to accomplish a Critical Performance Element will result in an Overall Performance Rating of Unsatisfactory performance.
- 1903.2 At the beginning of each Performance Appraisal Period, a supervisor will discuss with the employee how each Critical Performance Element relates to the employee's job.
- 1903.3 At the end of the Performance Appraisal Period, the supervisor will evaluate the employee's performance of each Critical Performance Element during the period.
- 1903.4 There are four (4) Critical Performance Elements applicable to non-supervisory employees:
- (a) **Job Knowledge** – the employee exhibits an understanding and knowledge of their profession and works to improve job knowledge through professional development or other related activities, approved by the supervisor if applicable, that benefit the University and are related to the employee's job;
 - (b) **Accountability** – the employee demonstrates personal responsibility for ensuring the efficient and accurate completion of work assignments;
 - (c) **Customer Service** – the employee provides quality service; demonstrates consistent and continual adherence to prescribed University customer service goals/standards and treats all customers in a professional and courteous manner; and
 - (d) **Communication** – the employee presents ideas and information verbally and in writing, in a clear, concise, and timely manner.

- 1903.5 There are four (4) Critical Performance Elements applicable to supervisors:
- (a) **Leadership** – the supervisor creates and nurtures a performance-based culture that supports efforts to realize the University’s missions and accomplish its goals; inspires, motivates and guides others; and partners with others to ensure goals are met.
 - (b) **Strategic Planning and Operational Efficiency** – the supervisor contributes to the development, execution, and evaluation of the University’s strategic plan, and displays a keen awareness of and attention to short- and long-term goals, stakeholder interests, and opportunities for work process improvement.
 - (c) **Management of Others** – the supervisor identifies potential in others and provides ongoing feedback to improve performance; encourages meaningful career development opportunities for their staff and conducts the full scope of performance management responsibilities to ensure a well-functioning team.
 - (d) **Job Knowledge** – the employee exhibits an understanding and knowledge of their profession and works to improve job knowledge through professional development or other related activities, approved by the supervisor if applicable, that benefit the University and are related to the employee’s job.

1903.6 Up to two (2) additional non-supervisory Critical Performance Elements may be added for supervisors, if appropriate.

1904 S.M.A.R.T. GOALS

1904.1 S.M.A.R.T. Goals set forth performance expectations, results, expected outcomes, and deliverables with objective standards that are “Specific, Measurable, Attainable, Realistic, and Time-Related.” S.M.A.R.T. Goals are to be established for and accomplished during a Performance Appraisal Period.

1904.2 A Performance Plan includes a S.M.A.R.T. Goal for each Critical Performance Element that sets forth the specific expectations and responsibilities to be accomplished by the employee, with objective standards for measuring the quality, quantity, and/or timeliness of the work.

1904.3 At the beginning of each Performance Appraisal Period, a supervisor will discuss with the employee how each Critical Performance Element and associated S.M.A.R.T. Goal relates to the employee’s position.

1904.4 At the end of the Performance Appraisal Period, the supervisor will evaluate the employee’s performance of each Critical Performance Element as measured against the associated S.M.A.R.T. Goal.

1905 INDIVIDUAL DEVELOPMENT PLAN

- 1905.1 An individual development plan (IDP) is a tool to assist employees with career and professional development. Its primary purpose is to help employees reach short and long-term career goals. Supervisors will consider how well employees accomplish career and professional development goals when evaluating the Job Knowledge Critical Performance Element.
- 1905.2 At the beginning of the Performance Appraisal Period, a supervisor will prepare an IDP for each employee, identifying areas for growth and development. The IDP will be prepared in collaboration with the employee.
- 1905.3 The IDP is designed to encourage continuous learning and development.

1906 PERFORMANCE RATINGS

- 1906.1 The Overall Performance Rating reflects the evaluation of an employee’s actual performance of Critical Performance Elements, measured against the associated S.M.A.R.T. Goals, during the Performance Appraisal Period.
- 1906.2 The Overall Performance Rating shall be determined by adding together the numerical scores for each of the S.M.A.R.T. Goals for each Critical Performance Element, divided by the total number of Critical Performance Elements (to derive an average numerical score). . If any Critical Performance Element is rated as Unsatisfactory, the overall rating will be Unsatisfactory.
- 1906.3 The rating levels used to measure an employee’s performance of each S.M.A.R.T. Goal will be as follows:

(a) Exceptional (Yields 3 points)

This is a level of rare, high quality performance. The quality and quantity of the employee’s work substantially surpasses the “Meets Expectations” performance level. The impact of the employee’s work is so significant that organizational objectives are exceeded. The accuracy and thoroughness of the employee’s work is exceptionally reliable and application of technical knowledge and skill goes beyond what is expected for the job. The employee significantly improves the work processes for which he or she is responsible.

(b) Exceeds Expectations (Yields 2 points)

Performance consistently exceeds normal standards in all critical areas for the position. Performance is sustained and uniformly high with thorough and on time results.

(c) Meets Expectations (Yields 1 point)

Performance at this level represents the range of accomplishments that are expected of all employees. The employee remains consistently on target to achieve. Problems are not frequent or significant enough to create serious adverse consequences and are dealt with effectively. The work product is usually accurate and delivered on time.

(d) Unsatisfactory (Yields 0 points)

The quality and quantity of the employee's work is unsatisfactory. The employee's work products fall short of requirements for the position. Tasks are not completed with the needed degree of accuracy or thoroughness. Products arrive late and/or often require major revisions because they are incomplete or inaccurate in content.

If any Critical Performance Element is rated as Unsatisfactory, the overall rating will be Unsatisfactory.

(e) N/A or Not Applicable

This employee either does not perform this type of work or there has been an insufficient opportunity to observe the employee perform.

1906.4 "Exceptional" and "Unsatisfactory" ratings must be supported by a written justification.

1907 PERFORMANCE –BASED DISCUSSIONS: INITIAL PLANNING DISCUSSION TO DRAFT THE PERFORMANCE PLAN

1907.1 Each supervisor is required to develop a Performance Plan for each employee under their supervision, as outlined in §1902.

1907.2 The supervisor and employee must discuss the Critical Performance Elements set forth in §1903 and how they relate to the employee's position; develop a S.M.A.R.T. Goal for each Critical Performance Element in accordance with §1904; and prepare an IDP in accordance with §1905.

1908 PERFORMANCE –BASED DISCUSSION: MID-POINT PROGRESS DISCUSSION

1908.1 The Mid-Point Progress Discussion is a formal meeting between a supervisor and employee to discuss the employee's performance and development, which typically occurs at the midpoint of the Performance Appraisal Period (March 1-March 31).

1908.2 An Annual Performance Evaluation will not be based solely on a Mid-Point Progress Discussion. An employee's performance during the entire Performance Appraisal Period will be considered to determine the extent to which the employee achieved the S.M.A.R.T. Goal for each Critical Performance Element.

1909 PERFORMANCE-BASED DISCUSSION: ANNUAL PERFORMANCE EVALUATION

1909.1 An Annual Performance Evaluation will be based on an employee's performance during the entire Performance Appraisal Period to assess the extent to which the employee satisfied each Critical Performance Element as measured against the associated S.M.A.R.T. Goal.

1909.2 In preparation for the Annual Performance Evaluation, each employee must prepare and submit a self-evaluation to his or her supervisor as input into the performance evaluation process.

1909.3 Supervisors will consider employee self-evaluations in addition to other relevant considerations and must prepare the Annual Performance Evaluation within thirty (30) days of the end of the Performance Appraisal Period.

1909.4 Supervisors (who serve as Rating Officials) must prepare a recommended Annual Performance Evaluation (the average numerical score of the individual recommended ratings for each S.M.A.R.T. Goal for each Critical Performance Element) with their manager (Approving Official) before finalizing the Annual Performance Evaluation and communicating it to the employee.

1909.5 The Rating Official discusses the recommended Annual Performance Evaluation with the employee.

1909.6 Should the employee disagree with the Annual Performance Evaluation, the employee may submit a written response within five (5) working days of receipt to the Approving Official for consideration.

1909.7 Within ten (10) working days of receipt of either the recommended Annual Performance Evaluation from the supervisor or receipt of the employee's written response to the supervisor's rating, the Approving Official will decide the final rating.

1909.8 A copy of the final written Annual Performance Evaluation will be provided to the employee.

1909.9 After completion of the performance management cycle, each supervisor will submit original signed Annual Performance Evaluations to the University's Office of Human Resources. The Office of Human Resources shall retain ratings for three (3) years.

1910 PERFORMANCE IMPROVEMENT PLAN

1910.1 The purpose of a Performance Improvement Plan (PIP) is to establish clarity, for both the employee and supervisor, about areas of performance that are deficit and in need of improvement. The PIP is a management tool for correcting such performance deficiencies and is not a form of discipline. It is used to monitor and measure deficient work product, processes and/or behaviors as efforts are undertaken to improve performance or modify behavior. The PIP also serves as the basis for further action if deficient performance continues.

1910.2 The PIP will be developed by the employee's immediate supervisor, and provide concrete, measurable actions and/or steps to be taken for the employee's performance to improve in specifically identified area(s).

1910.3 At the sole discretion of the supervisor, the PIP may be issued for a 30-, 60-, or 90-day period. A PIP may be extended in 30-day increments up to a maximum of 90 days.

1910.4 Within fourteen (14) days of the conclusion of the PIP period, and in consultation with the University's Office of Human Resources, the supervisor will make a written determination as to whether the employee has met the requirements of the PIP. A copy of the supervisor's decision will be provided to the employee.

1910.5 If the employee receives a rating of "Meets Expectations" at the end of the PIP, no further action is required of the supervisor.

1910.6 An employee who successfully completes a PIP must maintain a rating of "Meets Expectations" throughout the next full Performance Appraisal Period. If the employee's performance once again falls (at any time during the next Performance Appraisal Period) to a rating of "Unsatisfactory" for a Critical Performance Element and/or S.M.A.R.T. Goal for which a PIP has been previously issued, an adverse action may be initiated without another PIP, pursuant to the provisions of Chapter 15 of this Title.

1910.7 If the employee fails to improve their performance deficiencies during the PIP and their performance remains "Unsatisfactory", the supervisor, in consultation with the Vice President of Human Resources, must propose one of the following actions:

- (a) Demotion to a lower graded position with the appropriate reduction in salary if such a position is available; or

(b) Separation from the University.

1910.8 Adverse actions to demote or separate an employee who has failed to perform satisfactorily will be accomplished pursuant to the provisions of Chapter 15, Progressive Discipline, except for at-will employees.

1911 DEFINITIONS

Annual Performance Evaluation – the average of the numerical scores assigned to each of the S.M.A.R.T. Goals for each of the Critical Performance Elements, which reflects how well an individual employee has accomplished the performance expectations established in the Performance Plan during the review period.

Approving Official – the second or next level of supervisor who reviews and approves the Annual Performance Evaluation, and in case of an employee appeal, decides the final rating.

Critical Performance Element – the key competencies or the necessary knowledge, abilities, skills and personal characteristics that must be demonstrated for satisfactory performance. These key competencies are so necessary for successful performance that failure to accomplish a Critical Performance Element will result in an Overall Performance Rating of Unsatisfactory performance. It is linked to the specific duties performed in a particular work unit but focused on the individual employee. A Critical Performance Element must be performed at least at the “Meets Expectation” level in order for an employee to be retained in the position.

Individual Development Plan (IDP) - is a tool that identifies training and learning activities that will enhance an employee’s knowledge, skill, and abilities to perform current work duties, and can help prepare the employee for future career advancement opportunities. The IDP is used for developmental purposes and is considered as part of the evaluation of the Job Knowledge Critical Performance Element.

Performance Improvement Plan (PIP) - is a performance management tool designed to offer the employee an opportunity to demonstrate improvement in his or her performance.

Performance Management – the systematic process by which the University involves its employees, as individuals and members of a group, to ensure the accomplishment of University mission and goals.

Performance Appraisal Period - is the length of time covering the performance evaluation process, beginning on October 1 and ending on September 30.

Performance Plan – the formalized process of identifying and communicating the organizational, work unit and individual goals expected of the employee. The Performance Plan consists of Critical Performance Elements, S.M.A.R.T. Goals, and an Individual Development Plan.

Rating Official – the supervisor who evaluates employee performance and recommends the Annual Performance Evaluation Rating, which is approved by Approving Official.

Self-evaluation – the employee’s narrative description of accomplishments based on the established performance expectations.

S.M.A.R.T. Goals – the expression of performance expectations that consist of goals that are Specific, Measurable, Attainable, Realistic, and Time Related. A S.M.A.R.T. Goal will set forth the specific expectations and responsibilities to be accomplished by the employee and it includes standards for measuring the quality, quantity, and timeliness of the work performed.

All persons desiring to comment on the subject matter of the proposed rulemaking must file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of General Counsel, Building 39-Room 301-Q, University of the District of Columbia, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Comments may also be submitted by email to karen.hardwick@udc.edu. Individuals wishing to comment by email must include the phrase “Comment to Proposed Rulemaking: Performance Management” in the subject line.



FISCAL IMPACT STATEMENT

TO: The Board of Trustees
FROM: Managing Director of Finance *David L. Finkler*
DATE: August 21, 2017
SUBJECT: Policy Changes to the Performance Management - Chapter of the 8B DCMR

Conclusion

It is projected that there is no fiscal impact involved in effectuating changes to the Performance Management chapter of 8B DCMR.

Background

The current 8B DCMR regulation is being updated to clarify that performance management will not apply to faculty, employees with a temporary or time-limited appointment, or Cabinet level appointments.

The University shall modify Chapter 1100 provisions on performance management and create a new Chapter 1900. Only a regulatory framework will be included in the DCMR. Performance management will be set forth in a new Policy Document.

Financial Impact

There are no funding requirements associated with the recommended Title 8B of the DCMR. This request has been approved based upon the information provided. There are no anticipated risks at this time.