



Vermont Department of State's Attorneys and Sheriffs

Memorandum

To: Vermont State's Attorneys

From: Annie Noonan

Date: May 12, 2022

Re: Staff Performance Evaluations

In accordance with Article 10 Performance Evaluation and Corrective Action contained within the VSEA – SAO contract, you are required to write performance evaluations for employees. This memo provides you with the basic information as to the process and timeframes, PLUS, it includes the required Performance Evaluation Form that you must utilize.

First, "why" must you do evaluations?

The union contract requires it, as does the Vermont statute.

It provides feedback to the employee so that they can know you recognize their positive efforts and/or where you want to see improvement and change in areas that are deficient.

It can help you and the employee identify areas where training may be needed.

It provides goals that can assist the employee with career advancement opportunities.

It gives the employee a formal opportunity to tell you what they think about their job, performance, operations, etc.

When must you do an evaluation?

1. Mid-Term Original Probation (3 months from hire)
2. Original Probation (6 months from hire)
3. Annual (Must be provided to the employee within 45 days after the applicable anniversary date of hire with SAS – see attached list of your employees)

If there are any performance issues, you may be required to complete one of the following evaluations (after discussion with SAS LR Director):

Extended Probation

Special Evaluation with Prescriptive Period of Remediation

Warning Evaluation and Period

Separation Final Evaluation

How do you do an evaluation?

You are required to make the evaluation in writing, "based exclusively on job duties, responsibilities, and other performance related factors as set forth in the applicable job description and performance evaluation form". We have attached the job description and each title's evaluation form (note – each title has its own evaluation form). A meeting to discuss an Annual, Special, Warning or Separation evaluation is required. The Department encourages a meeting for every evaluation type.

You are required to tell the employee during the rating period of any work deficiencies "which may adversely affect a rating, and where appropriate, to possible areas of improvement". This notice can be in regard to a specific rating category or more than one, or even about overall performance concerns.

You should be providing regular feedback to the employee – both verbally and in writing (even a brief email) that compliments good performance or gives feedback as to improvement when needed. There should not be surprises during evaluation time, particularly if noting deficiencies. Emails that capture conversations you may have had with the employee about performance issues, and Letters of Supervisory Feedback, are important tools to document that the employee received notice during the rating year.

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Vermont DHR recommends coaching employees, and provides this guidance:

Coaching involves the following strategies: Provide appropriate direction, resources, and support. Observe, assess, and address performance. Share constructive feedback. Create a motivational culture. Support employee development. It is important to identify areas of performance deficiencies and correct them as soon as possible with clear and constructive feedback, specific change(s) needed, timeframe for coming into 'compliance', and offers to provide additional guidance if needed. Encourage the employee's participation in problem solving and ways to improve performance. Ask employee for a self-assessment. Add your perspective, sharing observations. Reinforce (positively) favorable performance and accomplishments. Discuss solutions to performance issues/problems. Ask how you can help the employee succeed.

The four “grades” / ratings:

There are 4 ratings: *Unsatisfactory, Satisfactory, Excellent and Outstanding*. These are found on the front page of the evaluation form. “U”, “S”, “E”, and “O” (obviously).

Here are some pointers on the grading system:

- Outstanding: Far exceeds requirements and standards of regular duties essentially “all the time”. The performance is marked by initiative and high quality of work; outstanding interpersonal skills and relationships; being a consistent “team player” who diligently works to help the office and co-workers succeed. Has demonstrated the skills and abilities to be a leader in the office and department. Always meets SAS Core Values.
- Excellent: Frequently exceeds requirements and standards of their position requirements and SAS Core Values.
- Satisfactory: Performance meets the regular requirements of the position adequately and competently, including SAS Core Values. If the performance is considered marginal in any area or overall, the evaluation needs to be specific and clear ---- i.e. the deficiencies should be clearly identified and a timeline for improvement established, including a possible follow-up evaluation.. The employee should be cautioned in the document, and at the performance meeting, about the consequence of continued problems in their performance.
- Unsatisfactory: Unsatisfactory performance does not meet the requirements of the position. The employee must be counseled during the rating period about their performance prior to issuing an Unsatisfactory annual evaluation. As a reminder, an employee with an overall Unsatisfactory rating does not receive their Step Increase until such time as their performance is deemed to merit a Satisfactory rating.

If you are planning to rate an employee as overall *Unsatisfactory*, you need to talk to the SAS LR Director long before getting to this point, since discussions with and written documentation to the employee are required. If you are rating an employee anywhere on the S, E or O scale, you are free to do that without any consultation – just be sure to meet the rating period deadlines. Make sure you consider the employee’s efforts and attitude to do their best, even if they sometimes make mistakes. Someone who is trying hard and working diligently may need extra mentoring, training and oversight. You can give an employee an overall Satisfactory, with some sub-categories as Unsatisfactory. However, it is expected that an employee can perform the duties of the job with reasonable guidance and time.

In regard to attitude and behavior, our employees are rated on, and expected to conform with, the Core Values for all SAS employees (see page 2 of the evaluation, and reprinted below). If an employee is performing work tasks in a Satisfactory manner, but creates problems in the office by their attitude or behavior, then they are not a fully Satisfactory employee. If you and/or your staff feel like you have to “walk on eggshells” around an employee, or that the employee makes the office atmosphere uncomfortable or unhappy for the rest of the staff, it needs to be addressed in the employee’s evaluation. It may be that one or more of the Core Values are not being met. If an employee is failing in any of these areas, it has to be dealt with, and you should be talking to the SAS LR Director as to how to address the issue. The period to “remediate” failing performance in Core Values is “Immediately”, and that is what you tell the employee.

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SAS CORE VALUES

Respectful to colleagues, partner agencies’ staff, crime victims, members of the public.
Helps create and maintain effective working relationships.
Helps to create a positive, inclusive workplace, welcoming individuals from all backgrounds and valuing diversity
Does not engage in gossip, bullying, or incivility of co-workers or others with whom the office interacts
Shares work information with colleagues, helps others to be successful in their work and learn (office / department systems, rules, technology, etc.)
Demonstrates empathy, emotional intelligence and maturity, including, but not limited to, when dealing with crime victims and other vulnerable populations.
Is accurate in written and verbal reporting of work related information.
Reports to work on time; accurately reports work hours and leave time.
Follows SA Office, Departmental and State work rules and procedures.

For more info or guidance on completing your staff evaluations, contact me at 802-828-5394 or annie.noonan@vermont.gov;

Thanks!