

Article 4 EVALUATION AND PERSONNEL FILES

~~The District & SEIU agree to delay implementation of AB275.~~

§ 4.1 Evaluation

§ 4.1.1 Evaluations shall be a fair and impartial assessment of the unit member's job duties and performance of those duties.

§ 4.1.2 The primary focus of the evaluation assessment is to be constructive rather than disciplinary.

§ 4.1.3 The unit member shall receive a copy of the supervisor's written evaluation at least two (2) working days prior to the performance evaluation meeting.

~~§ 4.1.4 All evaluation documents and meetings are to be completed during regular work hours.~~

~~§ 4.1.5 The District shall provide electronic evaluation forms for unit member and supervisor use.~~

~~§ 4.1.6 All evaluations shall include an area of rating for Inclusion, Diversity, Equity, Anti-Racism, and Accessibility.~~

§ 4.2 Frequency

§ 4.2.1 New hires and unit members promoted shall serve a probationary period of six (6) months. They shall be evaluated at the end of their third (3rd) and fifth (5th) months of probationary service. The District and SEIU shall mutually agree on the evaluation form and format. ~~If a probationary unit member's evaluation is less than satisfactory, the probationary period may be extended up to an additional six (6) months.~~ (See Appendix C.1 for the Probationary Evaluation form.)

§ 4.2.2 Permanent unit members shall be evaluated every ~~three~~ two years during the months of March and April. ~~The next regular evaluation cycle will occur in the months of March and April, 2024.~~ The District and SEIU shall mutually agree on the evaluation form and format. (See Appendix C.2 for the Classified Regular Evaluation form.)

~~§ 4.2.3 Disciplinary action based on performance or conduct shall not be initiated based upon events prior to the unit member becoming permanent or more than two (2) years prior to the filing of a statement of disciplinary action. (See Article 21 for further details.)~~

§ 4.3 Purpose

§ 4.3.1 Probationary unit member evaluations shall be used as the basis for determining whether or not the unit member shall attain permanent status with the District.

§ 4.3.2 Permanent unit member evaluations shall serve as a means to allow the unit member to

assess their job duties and performance, compare that assessment with the Supervisor's assessment, and, through constructive dialogue and setting of objectives, increase communications between the unit member and supervisor and assist the parties in maximizing the unit member's value to the District.

§ 4.4 Interim Evaluation

§ 4.4.1 The purpose of the interim evaluation is to provide an opportunity for supervisors to coach employees or for employees to request a formal plan in order to enhance specific areas of job performance. In the event that a supervisor has any concerns with an employee's overall job performance, or a particular area of job performance, an interim evaluation may be done at any time using the Classified Interim Evaluation form. (See Appendix C.3 for the Classified Interim Evaluation form.)

Prior to a supervisor performing an interim evaluation, a face-to-face meeting will be held with the employee regarding performance concerns. **The interim evaluation shall be reviewed with the Vice President of Human Resources, or designee, prior to the meeting with the supervisor and the employee.**

§ 4.5 Performance Improvement Plan (PIP)

§ 4.5.1 Evaluations with an overall performance appraisal of needs improvement or unsatisfactory shall require a Performance Improvement Plan **which shall not exceed one hundred eighty (180) days from the evaluation date.**

§ 4.5.2 **Prior to the meeting with the supervisor and the employee, the supervisor shall review the PIP with the Vice President of Human Resources, or designee, to ensure that components 1-5 are met.**

Performance Improvement Plans are expected to contain the following components:

1. Statements of the performance or conduct that are unsatisfactory or that need improvement.
2. Statements of the expected performance or conduct.
3. A follow-up/training plan, which may include the types of training or assistance provided to help the employee achieve the expected performance or conduct.
4. Time period by which the changes in performance or conduct are to be made.
5. **A mid-point progress meeting between the unit member and the supervisor.**

See Appendix C.5 for the Performance Improvement Plan form.

§ 4.5.3 The supervisor will submit a Performance Improvement Plan Outcome Report to the employee at the completion of the time period prescribed for changes in the employee's performance or conduct. **Prior to the PIP outcome report completion and discussion with the employee and supervisor, the supervisor shall review with the Vice President of Human Resources, or designee to ensure the process has been followed. This time period shall not exceed one hundred eighty (180) days from the evaluation date.** This report will indicate either:

1. Satisfactory completion.
2. **Some progress, Complete** a new Performance Improvement Plan **is required.**
3. Unsatisfactory progress, move to the disciplinary process (serves as verbal notice for the disciplinary process).

A copy of this outcome report and the associated Performance Improvement Plan will be placed in the employee's personnel file. See Appendix C.6 for the Performance Improvement Plan Outcome Report form.

§ 4.6 Discussion

§ 4.6.1 Each evaluation shall include a meeting between the unit member and the evaluator (Supervisor) to discuss and review the evaluation. Any negative comments shall be accompanied by specific recommendations for improvement and, where possible, provisions for assisting the unit member in implementing any recommendations made. The unit member shall have the right to attach a written response to any statement on the evaluation form prior to inclusion in the personnel file, within ten (10) days from meeting. **The signature is an acknowledgement that the employee has received the evaluation. The unit member's signature on the evaluation form does not necessarily indicate that they agree with its content.**

§ 4.7 Appeal

§ 4.7.1 In the event of a disagreement between the unit member and the evaluator, the unit member may appeal to the Vice President of Human Resources. The Vice President of Human Resources shall schedule a conference with the unit member and evaluator prior to making a final determination. Following the conference, the Vice President of Human Resources shall serve a written decision regarding their determination of the appeal. This decision shall be final.

§ 4.8 Personnel Files

§ 4.8.1 The personnel file of each unit member shall be maintained in Human Resources.

§ 4.8.2 Supervisors may establish and maintain confidential working files of unit member's they supervise. No clerical or administrative support staff are authorized to access these working files. Supervisors' working files shall include only information directly related to employee work performance. Performance-related supervisor notes and correspondence not placed into a unit member's official personnel file should be destroyed within five years of their creation date.

§ 4.8.3 The unit member shall be provided with copies of any derogatory written material ten (10) ~~work days~~ **workdays** before it is placed in the unit member's personnel file. The unit member shall be given an opportunity during normal working hours and without loss of pay to initial and date the material, and to prepare written response to such material. The written response shall be attached to the material and shall be reviewed by the Vice President of Human Resources before such material is placed in their personnel file.

§ 4.8.4 A unit member shall have the right, at a prearranged time, to review **their** personnel file, ~~with the exception of the material that includes ratings, reports, or records which were obtained prior to the employment of the unit member involved.~~ The review shall be made in the presence of an administrator or designee. Copies of materials desired by the unit member shall be furnished upon request.

§ 4.8.5 All personnel files shall be kept in confidence. Each file shall contain a log to be developed by Human Resources. The log shall be used by those with authorized access to personnel files for other than ministerial purpose (i.e., filing documents in the file) to record the date of access, the purpose of access, and whether any documents were copied or removed from the file. If the document is permanently removed from the file it shall be done with the knowledge and consent of the unit member.

The Vice President of Human Resources will consider employee's personnel file(s) as confidential information. All Federal and California State laws guaranteeing rights to privacy and confidentiality ~~will~~ **shall** be followed.

~~§ 4.8.6 — No charge shall be made based upon events prior to the unit member becoming permanent or more than two (2) years prior to the filing of a statement of charges.~~

§ 4.8.67 Materials within the personnel file may be sealed by mutual agreement of the District and the unit member.

§ 4.8.78 The only section in this article that may be subject to the grievance procedure is Section 4.8, Personnel Files.