



Writing Effective Evaluations

Presented by:
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West Valley-Mission Community College District
April 8, 2022

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Overview

Sarah Levitan Kaatz is a Partner in Lozano Smith's Monterey office. She specializes in labor and employment law and student issues for school districts. Ms. Kaatz spent two years with the U.S. Department of Labor in its Office of Administrative Hearings before joining Lozano Smith.

Since joining Lozano Smith in 1999, Ms. Kaatz has advised K-12 school districts and community college districts with regard to classified and certificated employment issues, labor relations and student related concerns.

Experience

Ms. Kaatz has represented clients in numerous administrative proceedings, discipline hearings and appeals, and grievance arbitrations. She negotiates collective bargaining agreements on behalf of school district clients using both traditional and interest based bargaining approaches. She regularly advises clients regarding discrimination complaints, personnel investigations, labor law compliance and related personnel issues.

Presenter Experience

Ms. Kaatz is a frequent presenter to school audiences, including the Association of California School Administrators (ACSA) and the California School Boards Association (CSBA), on issues such as sexual harassment prevention, employment discrimination, employee and student discipline, and cyber-bullying. She is also a regular presenter of student and employment topics at Lozano Smith's Central Coast Education Law Consortium.

For four years, Ms. Kaatz was the attorney coach for Seaside High School's Mock Trial Team and took the team to State for two of those years.

Education

Ms. Kaatz earned her J.D. from Hastings College of the Law in San Francisco, and was a member of the Moot Court Board. She established roots on the Central Coast while an undergraduate student at the University of California at Santa Cruz, where she earned her B.A. *with honors*.

Practices
Labor & Employment
Student
Investigative Services

Education
J.D., Hastings College of Law
B.A., University of California, Santa Cruz
(with honors)

Admissions
California

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- Administrative Hearings
- Charter School
- Community College
- Facilities & Business
- Governance
- Investigations
- Labor & Employment
- Litigation
- Municipal
- Public Finance
- Public Safety
- Special Education
- Student
- Technology & Innovation
- Title IX

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Lozano Smith




Overview

- The Big Picture
- Top 5 Rules of Evaluations
- The Document
- The Meeting
- The Deadlines

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The Big Picture



- Communication & Relationships
- Ongoing Obligation
- What is the goal?

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Communication & Relationships

The "Change" Pyramid

Correct
Teach & Communicate
Listen & Learn
Build the Relationship

Dealing with things that are going wrong

Helping things go right

Source: *The Anatomy of Peace: Resolving the Heart of Conflict*.
San Francisco, CA: Berrett-Koehler, 2006.

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Top 5 Evaluation Tips

No surprises!

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Don't sugarcoat



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Spend the time



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Words matter, good and bad



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Be specific



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Exercise

Barriers and Solutions

1. Do you feel that your evaluations are helpful to your employees?
 - Why or Why Not?
2. Do you have trouble thinking of what to write in the comments?
 - Share tips on how to explain or expand on a rating
3. What are the barriers to either doing the evaluations or writing complete and thoughtful evaluation?
 - What is one tip to overcoming the barrier?

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The Document




**First,
Evaluate Yourself**

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Self-Evaluation Checklist

1. Get prior evaluations (1-2 years)
2. Look for patterns
 - Everyone Meets or Everyone Exceeds
 - Using the same comments
3. Look for "Top 5" Culprits



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The Evaluation

- Start with the prior year's evaluation
- Look at the goals
- Review notes, emails, personnel documents from the prior year
- Where appropriate, get feedback from others
- Check your assumptions, biases



The Evaluation

Try some of the following:

- Write the comments before you check the ratings box
- Do it with an old-fashioned pen and paper. Scribble. Be comfortable with a draft
- Commit to two sittings
- Try audio recording what you want to say on your phone
- Try not to repeat the words from the criterion



Rating Scales

- Calibration discussions
- Read the descriptions of each category
- Make sure the comments explain and match the category



Rating Scales

Any ratings below Satisfactory should include:

- 1** Details to describe what needs improvement and/or what they are doing incorrectly.
- 2** Recommendations on how to improve performance.
- 3** Resources or tools available to the employee to remedy the performance problem.

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Rating Scales

<p>Superior:</p> <ul style="list-style-type: none"> Consistently performs above standards Why? Think about what puts that person above the rest Think about whether you can be Superior in a category, such as respecting the work schedule 	<p>Satisfactory:</p> <ul style="list-style-type: none"> Meets standards; performs as expected Give specifics, where possible. Describe the job Help them achieve Superior. What can they do?
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Rating Scales

<p>Needs to Improve:</p> <ul style="list-style-type: none"> Does not meet standard, <u>but has potential to improve</u> Requires excessive direction and supervision Explain situations where the direction was needed. What should they have done? 	<p>Unsatisfactory:</p> <ul style="list-style-type: none"> Does not meet standards Work has not improved despite assistance <ul style="list-style-type: none"> What was the assistance? Does not perform functions despite direction <ul style="list-style-type: none"> Can you tell if they can't or don't want to? Can you explain how you know that?
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Dealing with Trending

Issues may trend up or down during a cycle

- Don't ignore the trend
- If it is trending down, mention it and state it is improving
- If it is trending up, note that it is a new issue that needs to be addressed



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Descriptive Words




- Achieves, accomplishes, solves, manages
- Provides, administers, implements
- Anticipates, supports, communicates
- Excels, exhibits, demonstrates, grasps
- Generates, monitors, directs
- Collaborates, creative, resourceful, inventive
- Takes responsibility, "owns"
- Or does not do the above



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Drafting Exercise

The Meeting



The Meeting

- Prepare for this
- Rehearse
- List the top three things messages you want them to hear

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The Meeting

- Check in.
- A little warm up or appropriate small talk?
- Look at their body language
- Watch for changes in body language. What caused it?
- Consider your own body language

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The Meeting

- Start with a positive
- Make it a conversation. Ask questions.
- Ask them what their goals are. What do they want to do better?
- What can you do better to support them? What can the organization do?
- End on a positive

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Meeting Exercise


The Deadlines

Evaluating Faculty

Importance of Evaluation Timelines



- Probationary Faculty are subject to a March 15 notice in the spring of the year each contract ends
- Must have an evaluation!
- Failure to meet timelines may result in a grievance that is subject to binding arbitration under the contract
- This process is in essence a challenge to the non-reemployment



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Importance of Evaluation Timelines

- For tenured faculty, timelines are important for different reasons
- Evaluations may be used in a personnel action (discipline)
- If timelines are not met, the evaluation will probably be challenged
- This can set back the timeline for action



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Procedure



- Team Formation
- Pre-Appraisal Conference
- Observations
- Appraisal
- Post Appraisal Conference
- Performance Plan
- Plan for Corrective Action



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Definitions

- Performance Appraisal = Evaluation
- Performance Plan = For contract faculty, a written one-year action plan developed by the appraisal team
- Plan for Corrective Action=A written plan for Needs-to-Improve or Unsatisfactory ratings which reflects specific actions, recommendations and timeline for improvement
- Satisfactory= Meeting criteria
- Needs-to-improve= Consistently NOT meeting a “preponderance” of the criteria. It is anticipated it can improve.
- Unsatisfactory= Unable or unwilling move out of needs-to-improve in one or more areas.



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Evaluating Tenured Faculty

Frequency for Regular Faculty members:

- Every three years
- May be waived if resignation or retirement is pending
- If on Needs-to-Improve or Unsatisfactory, every semester

Additional appraisals permitted if:

- Serious complaints that relate to the Criteria
- Surveys indicated a problem
- Reverts to deficiencies from Needs-to-Improve Plan
- Consistently fails to meet a "significant number" of criteria
- Consistently fails to meet record-keeping obligations



Evaluating Tenured Faculty

- Pre-Appraisal Conference by the end of the 5th week of the semester
- Observations completed by Week 13
- Student surveys between Weeks 6 and 13
- Post Appraisal Conference to VP prior to Finals Week
- Once in Needs-to-Improve or Unsatisfactory status, coordinate with Human Resources on all timelines and appraisals



Evaluating Contract Faculty

- Frequency:
 - Year 1 and 2: Every semester
 - Year 3 and 4: Each Fall semester
- Purpose is to determine whether the tenure track contract member should be granted tenure.



Evaluating Contract Faculty



- Pre-Appraisal Conference by the end of the 4th week of the semester
- Observations completed by Week 11
- Student surveys between Weeks 6 and 11
- Post Appraisal Conference to VP prior to Finals Week



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Evaluating Associate Faculty

- Frequency:
 - New: First semester and 2 additional times within the first 6 semesters
 - With REP-1: 2 additional times within 4 semesters
 - With REP-2: Every 6th semester
- Additional Appraisals for same reasons as Tenured/Contract faculty, plus: If the Associate is given a new assignment significantly different from prior assignments.
- CBA, Article 108



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Evaluating Associate Faculty

- Pre-Appraisal Conference by the end of the 5th week of the semester
- Observations completed by Week 13
- Student surveys between Weeks 6 and 13
- Post Appraisal Conference to VP prior to Finals Week



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Evaluating Classified Supervisors

Evaluation Schedule

- Frequency
 - Probationary: Twice during probationary period, but may release at any time
 - Permanent Employees: At least every two years. Those with "unacceptable" performance may be evaluated more often.
 - Conditional Status: (Promotional) At the end of the six-month probationary period
- Off-Cycle Evaluations: Whenever requested by supervisor or employee
- "Special" Evaluation: As part of an Improvement Plan

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Procedure

- Not intended to give negative feedback on an annual on-time basis
- Discuss negative issues with unit members within 20 days of incident and follow-up in writing
- Complete the evaluation and meet with member
- Written remarks shall be specific
- May have union representation
- May attach a response
- Supervisor shall meet with the employee on request

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Improvement Plans

- Provide a "written plan of specific activities"
- Plan approved by the department administrator
- May not include requirements beyond what is required for the position (example, weekend training)
- Must have a timeline for re-evaluation within six months
- May have interim evaluation
- May meet with member to discuss modifying the plan
- After Improvement Plan, if member receives a "does not meet expectations," discipline may occur



Evaluating Classified Unit Members

Evaluating Classified Employees (Article 6)

- Frequency
 - Probationary: 5 and 10 months. Optional third evaluation at 12 months.
 - "Probationary workers may not be terminated without having 2 evaluations thirty (30) days apart."
 - Permanent Employees: Annually. After three years, every 2 years.
 - Conditional Status (Promotional): At six months
- Off-Cycle Evaluations: for "sound and justifiable reasons"
- Appeal to evaluator, then Superintendent



Procedure

- Discuss negative issues with unit members within 30 days of incident and follow-up in writing
- Employee may meet with supervisor and "author" of any document
- Favorable documents should be included and discussed
- Written remarks shall be specific
- May have union representation
- May attach a response
- Supervisor shall meet with the employee on request



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Improvement Plans



- If over "Needs to Improve/Unsatisfactory", supervisor will develop an improvement plan
- May be denied step increase
- Include objectives and timeline
- Include interim performance appraisal
- "Next level" supervisor may be involved in the development of the Improvement Plan and in subsequent progress reviews



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Evaluating Confidential and Peace Officers

Evaluating Confidential and Peace Officers

- Frequency for Confidential
 - Probationary: 4 months. (Previously 4 and 8 months)
 - Permanent Employees: Annually. After three years, every other year.
- Frequency for Peace Officers
 - Probationary: 6 months. (Previously 6 and 11 months)
 - Permanent Employees: Every other year.



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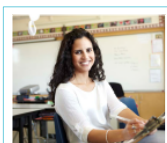
Takeaways



Know your timelines



Plan



Don't forget the goal



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