



Florida Fish and Wildlife Conservation Commission  
Division of Law Enforcement

## TITLE: PERFORMANCE EVALUATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	Applicability
52	May 16, 2017	March 28, 2013	ALL MEMBERS

### References:

S. 110.224 and 110.605(1)(b) F.S.; 60L-35 F.A.C.; FWC IMPP 6.4; CFA 9.03, CFA 12.01, CFA 12.02, CFA 12.03, CFA 12.04 and CFA 12.05

## 1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to maintain a performance evaluation system in accordance with Chapter 60L-35, Florida Administrative Code, and in accordance with FWC Internal Management Policy and Procedure (IMPP) 6.4, *Performance Evaluation System*. This performance evaluation system shall be the People First (PF) online “Performance & Talent Management” system.
- B** It is the policy of the FWC Division of Law Enforcement that each member's annual performance evaluation shall be utilized to direct member performance toward the accomplishment of the Division's core missions. Supervisors must utilize evaluations to inform members of their performance strengths and to identify areas of improvement.

### C Definitions

- (1) Administratively Closed Evaluation** – A programmed automatic closure of an evaluation that can no longer be accessed in the PF online evaluation system if the evaluation was not completed by the assigned rater by the designated due date. There are two (2) types of ratings given for administratively closed evaluations:
  - (a)** Administratively closed evaluations for permanent or probationary members in which the assigned rater fails to complete an evaluation within the allowed 60-day rating period receive a rating of “Satisfactory” (or 3.0) by default.
  - (b)** Administratively closed evaluations for permanent or probationary members may occur when a specific personnel action (promotion, demotion or reassignment) takes place and the designated rater does not complete a close out evaluation prior to the date of the personnel action, resulting in no score.
- (2) Completed Evaluation** – An evaluation is deemed “complete” when performance has been discussed with the member and the member has acknowledged or refused to acknowledge the evaluation. The evaluation shall then be included in the employee's personnel file and a copy shall be made available to the employee.
- (3) Corrective Action Plan** - Documented steps to improve member performance that the rater outlines. This plan documents the specific steps that the member shall take prior to the end of the evaluation period or probationary evaluation period in order to correct performance deficiencies that could result in an expectation rating of “Below” or “Unacceptable”, or that the member shall take no later than 90 days following a completed performance evaluation to

address each expectation rating of “Below” or “Unacceptable” received.

- (4) **Employee Performance Evaluation System** – The PF online evaluation system which maintains member expectations, evaluations and ratings.
- (5) **Evaluation or Review Period** – The beginning and ending dates specified in the People First performance evaluation system. The agency’s designated annual evaluation period is July 1 through June 30.
- (6) **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 policy, a duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position.
- (7) **Performance Evaluation** – An assessment completed in the People First system of the member’s performance of assigned duties and responsibilities as reflected in the member’s performance expectations.
- (8) **Permanent Status** – The status attained by a Career Service employee who successfully completes a 12-month probationary period.
- (9) **Personnel Action** – An employee action that requires an evaluation to be opened. The applicable personnel actions are original appointments, promotions, demotions and reassignments.
- (10) **Probationary Status** – The status given to a member upon appointment to an established Career Service position. The probationary period is 12 months. Agency policy does not allow extension of probationary periods.
- (11) **Rater** – The member’s current immediate supervisor or a designated managerial employee with knowledge of the member’s duties, responsibilities and job performance within the designated evaluation period.
- (12) **Rubric** – The specific explanation that describes how each rating (1 through 5) will be earned for a performance expectation.
- (13) **Second-level Reviewer** – The rater’s immediate supervisor. If unavailable, the next-level supervisor or other designated managerial employee will be the reviewer.
- (14) **SMART Expectations** – A series of statements on the performance evaluation that describes satisfactory performance of an essential duty or responsibility. A duty or responsibility is essential if it must be successfully performed in order to fulfill the requirements of the position. These statements are to be specific, measurable, achievable, relevant and time-bound (SMART).

## 2 RESPONSIBILITIES

- A** Raters and reviewers will be held accountable for conducting performance evaluations in accordance with the provisions of this General Order, any applicable State Rules and/or Statutes, any FWC policy or procedure governing a member evaluation system. Supervisors are required to complete at least one performance evaluation in each 12-month period for supervised FTE members.
- B** Annual performance evaluations and performance planning sessions shall be conducted no later than 60 (sixty) calendar days after the agency designated evaluation date of June 30, except as outlined in section 3 (Procedures), subsection E, *Performance evaluations of members on probation*.
- C** The Division of Law Enforcement is responsible for ensuring that all members hired or promoted into supervisory positions receive supervisory orientation, including supervisory responsibilities and training on the evaluation of subordinates using the Division’s performance expectations and the PF online “Performance and Talent Management” system.

### 3 PROCEDURES

#### A The Division's use and objectives of the Performance Evaluation System are to:

- (1) Develop SMART performance expectations, including key division responsibilities, with an assessment of results at the end of the review period;
- (2) Inform each member, at the beginning of a rating period, of the performance expectations for the position occupied, level of performance expected, and rubric criteria used for ratings on the performance evaluation. The rater shall conduct a performance planning session with the member within the first 60 days of the evaluation period or personnel action and provide an opportunity for member feedback regarding expectations for the rating period. Raters and members shall acknowledge the opening of the evaluation in the People First system. Raters should make note of members who refuse to acknowledge the opening of their evaluation.
- (3) Inform members of their strengths and to identify where improvements are needed to include identification of training needs;
- (4) Be used as a basis for improving the performance of the division's workforce;
- (5) Provide documentation in support of recommendations for salary increases, promotions, demotions, reassignments, or dismissals; and
- (6) Assist in determining the order of layoff and/or reemployment.

#### B At least one performance evaluation will be completed in each 12-month period for FTE members and at a minimum provide that:

- (1) A member's performance evaluation will be based only on the performance during the actual designated rating period.
- (2) Only the criteria specific to the position description occupied by the member during the designated rating period and discussed with the member at the beginning of the designated rating period will be used to evaluate the member.
- (3) All members will be rated by their immediate supervisor.
- (4) The immediate supervisor and second-level reviewer will acknowledge and date the performance evaluation within the PF online evaluation system.
- (5) The member's performance shall be rated on a rubric rating scale for each performance expectation according to the following scale:

##### (a) Rating Scale

Rating	Numerical Scale	Definition and Examples
Exceptional	5	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.
Above Expectations	4	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.
Meets Expectations	3	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.
Below Expectations	2	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.
Unacceptable	1	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.
N	None Given	No longer applicable or unable to determine

- (b)** Members may be rated on the completion of their performance expectations in the strategic goal areas of Resource Protection, Boating and Waterways, Public Safety, Outreach, Member Conduct and Professional Excellence, or other specialized job duties/functions that fall outside of these areas. Members will receive a numerical rating for each of his/her performance expectations based on the rubric rating scale assigned to each expectation. These ratings will be automatically calculated and averaged by the PF online evaluation system to determine the member's overall rating score. The rater shall document explanatory comments in the designated fields on the performance evaluation for **all** ratings of 1, 2, 3, 4, 5, or N on each performance expectation. Summary explanatory comments should include specific information as to the outcome of each performance expectation. Comments covering multiple ratings are not permitted.
- (c)** Templates for the most common employment positions found within the Division of Law Enforcement, as well as Performance Plan Supplements, can be located in the Division's Online Forms Library (forms FWC/DLE-420, FWC/DLE-421A, FWC/DLE-421B, FWC/DLE-422, and FWC/DLE-423),
1. Supervisors may add additional performance expectations to the templates to accommodate regional, area or assignment-specific needs, or other job specific duties/functions.
- (d)** The overall rating of a member's performance is automatically calculated by determining the rating average as entered into PF for each expectation. Expectations assessed as "N"

will not be calculated as an expectation scored. Overall ratings fall into one of five categories given in the following table:

<b>Overall Rating Scale:</b>	
<b>Numeric Range</b>	<b>Overall Rating</b>
4.50 – 5.00	Outstanding
3.50 – 4.49	Commendable
3.00 – 3.49	Satisfactory
2.50 – 2.99	Needs Improvement
2.49 and below	Unsatisfactory
N	Not calculated in rating

- (6) The PF online evaluation system automatically enters the designated evaluation dates and calculates the final rating score.
- (7) Completed performance evaluations are electronically stored in the PF online evaluation system. Any required progress reports for probationary members shall be attached to the employee’s evaluation in PF. These documents are distributed to the member electronically. (See section 3 (Procedures), sub-section F (1), *Performance evaluations of members on probation*.)

**C Review of completed performance evaluations include at a minimum:**

- (1) The second-level reviewer shall acknowledge and date the performance evaluation prior to the rater discussing it with the member. The second-level reviewer may make comments regarding the member’s job performance.
- (2) The rater shall meet with the member to discuss the member’s job performance during the designated evaluation period.
- (3) The member may include a written response to the performance evaluation within the PF evaluation form and/or in writing; however, written comments shall be received by the FWC Office of Human Resources within 60 days of the evaluation completion date.
- (4) The member will have the opportunity to acknowledge the completed performance evaluation to indicate the member has read and understands the document.
- (5) The rated member will be able to print a copy of their completed performance evaluation and any attachments directly from the PF online evaluation system. The rated member will be able to print a copy of their completed performance evaluation and any attachments directly from the PF online evaluation system.

**D Contesting the performance evaluation**

- (1) Any member who does not agree with their performance evaluation may indicate their disagreement by including their comments within the PF evaluation form prior to acknowledging the document and/or may provide written comments to the FWC Office of Human Resources within 60 days of the evaluation completion date
- (2) Career Service Employees may grieve the performance evaluation using the Career Service Employees Grievance Process.

## **E Performance evaluations of members on probation**

- (1) Career Service employees new to the agency, current agency members who have been promoted, reassigned or demoted with probationary status, and agency OPS members who are appointed to an FTE position will serve a 12-month probationary period. During the probationary period, members shall be informed of their progress.
- (2) Evaluations shall be completed within the 60-day period prior to the end of the 12-month probationary period. Evaluations not completed within this timeframe will be administratively closed on the 61st day following the end of the evaluation period and the employee will receive an overall rating of 3.0/Satisfactory by default.
- (3) If the probationary end date is within the 60 days prior to or after July 1, the closing probationary evaluation will also be considered as the annual evaluation. If end date is outside of the 60 days prior to or after July 1 period, an evaluation shall be opened for the remainder of the annual evaluation period ending June 30.
- (4) The probationary period for newly hired law enforcement officers begins the day after graduating from the FWC Training academy. Supervisors shall establish performance expectations in the PF online evaluation system upon member's arrival to their assigned region.
  - (a) Performance expectations are reviewed between new member and member's supervisor.
  - (b) The probationary performance expectations shall include successful completion of the field training program as the first performance expectation.
  - (c) If the member successfully completes the field training program, the supervisor shall select a rating of "N (None Given) and include comments "Successfully completed FTO – release to solo patrol on XX/XX/XXXX."
  - (d) Upon successful completion of the field training program, the supervisor shall meet with the member and set the performance expectations for the remainder of the evaluation period.

## **F Employee Reassignment, Change in Duties or Separation**

- (1) Current FWC FTE members who receive an original appointment, promotion, demotion or reassignment and employees who remain in their current position but have a significant change in duties not requiring reclassification (requires an updated position description be submitted to the Office of Human Resources) should have their current evaluation closed out. Evaluations do not need to be closed because of a change in supervision or a lateral appointment if there are no significant changes in the member's duties.
- (2) If practicable, a close-out review should be completed prior to a member's separation from the agency. The evaluation will not be available to close-out after the effective date of the separation when the personnel action has been processed.

## **G Poor Performance/Failure to Meet Expectations**

- (1) The rater is responsible for the continual assessment of their members' performance, documenting performance and taking appropriate action if a member fails to satisfactorily meet performance expectations. Failure to meet an expectation may be indicated if the member is earning a 1 or 2 for one or more of their performance expectations. Appropriate action may include the following:
  - (a) Meeting with the member to discuss the current performance evaluation noting the areas in which the member is failing to meet expectations. Ratings below "Meets Expectations" require the rater to provide written comments to the member identifying the specific expectation where the performance is deficient and document specific activities or corrective action for improvement in that area.
  - (b) Meeting with the member frequently to discuss improvements the member has made and areas in which the member's performance remains deficient. These meetings shall be

documented in writing and a copy provided to the member and attached to the PF evaluation.

- (c) Determining if the member should attend training to improve their performance in areas of deficiency.
  - (d) Consulting with the appropriate chain-of-command, the Division's Personnel staff and/or the Director of Human Resources to determine if discipline should be administered.
  - (e) Probationary members not meeting expectations may be removed from the position at any time during the 12-month probationary period and will not be allowed to achieve permanent status. This action shall be coordinated through the appropriate chain-of-command and the FWC, Director of Human Resources prior to the end of the member's probationary period.
- (2) Permanent members will be given written notice of substandard performance prior to the end of the rating period.

H All performance expectations, evaluations, and any attachments to include discussions regarding performance, will be maintained in the PF online evaluation system.

#### 4 FORMS

FORM NUMBER	FORM TITLE
N/A	Setting Up Smart Expectations Training PowerPoint
FWC/DLE-420	SMART Expectations Member Rating Rubric Officers, Investigators, and Pilots
FWC/DLE-421A	SMART Expectations Performance Plan Template Part A
FWC/DLE-421B	SMART Expectations Performance Plan Part B Supplement and Summary
FWC/DLE-422	SMART Expectations Member Rating Rubric Field Lieutenants
FWC/DLE-423	SMART Expectations Member Rating Rubric Captains
Note:	Templates for Member Performance Expectations exist for many of the Division's positions and can be found on the Division's Forms site.

**No forms are referenced or used with the PF online evaluation system.**