

STATE OF MISSISSIPPI DEPARTMENT OF EDUCATION	TOPIC: PERFORMANCE DEVELOPMENT SYSTEM
EMPLOYEE PROCEDURES MANUAL	SECTION: 9.0 PAGE 1 OF 8 EFFECTIVE DATE: NOVEMBER 1, 2010 REVISION#1: MAY 10, 2017

AUTHORITY AND SCOPE

The MSPB was established, in part, to “advance employees on the basis of their relative ability, knowledge and skills..., to provide equitable and adequate compensation to retain employees..., and to retain employees on the adequacy of their performance, to correct inadequate performance, and to separate employees whose inadequate performance cannot be corrected. (See Mississippi Code Annotated § 29-9-103(a)-(d). To implement these principles in accordance with MSPB’s mandate to develop rules and regulations requiring a uniform system of personnel administration governing promotions, transfers, demotions, separations, reports of performance and employee training, the MSPB has developed a Performance Development System (hereinafter referred to as a “PDS”) for use by all employees under the purview of the MSPB. (See Miss. Code Ann. §25-9-119 (c)). This system assesses an employee’s performance at either the Outstanding (4.0) Performance Level, the Successful (3.0) Performance level or the Improvement Needed (2.0) Performance Level or the Not Demonstrated (1.0) Performance level and provides employees with an Individual Development Plan (hereinafter referred to as an “IDP”) that fosters performance growth and includes specific goals to be accomplished during the review period.

Assessing employee performance is a continuous process, providing MDE management with a factual basis to identify employees for productivity increases, promotion, correction of inadequate performance, or separation when inadequate performance cannot be corrected. These assessments are also used in the retention point formula for a Reduction in Force, for job development and training, and for other job related personnel management actions.

Disciplinary issues should be handled by established disciplinary procedures and should not be part of the PDS process. The PDS must be administered in a fair manner without unlawful discrimination based on political affiliation, race, color, handicap, genetic information, religion, national origin, sex, religious creed, age, or disability.

APPLICABILITY

Every employee whose position is under the salary setting authority of the MSPB shall have their job performance assessed at least once annually. Assessments must be based only on the employee’s performance of his or her assigned duties compared against the competencies/behavioral anchors for those duties. IDP’s are a continuous process and should be in place for all employees.

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DEFINITIONS

PERFORMANCE DEVELOPMENT SYSTEM (PDS): A system which assesses an employee's performance as either successful or unsuccessful and provides employees with a plan that fosters individual employee development.

NOT DEMONSTRATED (1.0): Employee does not show competency.

IMPROVEMENT NEEDED (2.0): Employee shows frequent, but not consistent competency.

SUCCESSFUL (3.0): Employee consistently shows competency.

OUTSTANDING (4.0): Employee is above the level of expected competency.

INDIVIDUAL DEVELOPMENT PLAN (IDP): A written action plan, jointly developed by the employee and the reviewing supervisor, to foster individual performance growth.

REVIEW PERIOD: A time period of a least ninety days and not more than 365 days for which an employee's performance is reviewed.

FINAL ASSESSMENT: The last assessment of the review period which results in a determination of employee's overall performance.

VALID ASSESSMENT: An assessment completed as a result of an employee's job performance for at least ninety days and no more than 365 days.

PERFORMANCE IMPROVEMENT PLAN (PIP): A written action plan, jointly developed by the employee and the reviewing supervisor, to outline actions required to bring a final Unsuccessful (1) Performance assessment to a Successful (3.0) Performance assessment level.

REVIEWING SUPERVISOR: The last person to have supervised the employee for a minimum of a ninety day period at the time the Final Assessment is due.

FIRST LEVEL REVIEWER: The Reviewing Supervisor's immediate supervisor.

SECOND LEVEL REVIEWER: The immediate supervisor of the First Level Reviewer.

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GENERAL RULES

- A. During the first year of employment for *probationary employees/new hires*, the PDS shall be initiated within fourteen days of the hire date. An initial assessment shall be made within fourteen days prior to the end of the sixth month from date of hire. (In cases where completion of required job training results in reclassification, the initial assessment may be conducted earlier than six months from date of hire.) A Final Assessment shall be completed within fourteen days prior to the end of the twelfth month from date of hire.
- B. For each subsequent twelve month employment period, a Final Assessment shall be required to be completed at least once.
 1. For positions under the salary setting authority of the MSPB, personnel transactions (promotion, transfer, reclassification, reallocation, and demotion) require that a Final Assessment be completed within ninety days prior to the effective date of the personnel transaction.
 2. All personnel transactions requested will result in the Review Period resetting to begin with the date the employee enters the position or the effective date of a reclassification/ reallocation and end one year from that date (except for employees in the probationary period of twelve months).
 3. If the most current Final Assessment is more than ninety days prior to the effective date of the personnel transaction, the personnel transaction will not be processed until a new Final Assessment is completed, recorded, and approved for the employee in his or her current position. Then, the pending personnel transaction request will be completed. When the request is approved, the next Review Period will begin with the effective date of the personnel transaction and end 365 days later.
- C. An employee who is detailed or temporarily assigned to a different position for a period expected to be at least 180 calendar days shall be provided with the duties and competencies/behavioral anchors of the detailed or temporarily assigned position. Development and communication of these duties and competencies/behavioral anchors shall follow the guidelines established by this Chapter/Policy. Upon completion of the detail or temporary assignment, the employee shall receive a Final Assessment.
- D. If an employee is on detail to special duty or temporary assignment for a period of less than ninety days at the time of the Final Assessment due date, the Reviewing Supervisor is the last person to have supervised the employee prior to the detail or temporary assignment, providing such official meets the definition of a Reviewing Supervisor.

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GENERAL RULES (continued)

- E. An employee shall have been in a position for a period of at least ninety days before being eligible to receive a Final Assessment. If the employee is in the position less than ninety days, it is assumed that the employee has performed at the Successful (3.0) Performance level.
- F. A Reviewing Supervisor who leaves the supervisory position is responsible for submitting to the First Level Reviewer, a Final Assessment for each supervised employee.
- G. Where an employee has not been supervised by any one Reviewing Supervisor for at least ninety days during the Review Period, or the Reviewing Supervisor has not completed a Final Assessment and is no longer available to complete such, the employee will receive a Final Assessment from the person who is identified as the First Level Reviewer. In such cases, the Final Assessment shall be reviewed and approved by the Second Level Reviewer.
- H. Within fourteen days prior to the end of the Review Period, the documented Final Assessment will be completed by the Reviewing Supervisor through an assessment interview with the employee to discuss the employee's level of performance.

PROCESS

The Beginning of the Review Period

During the first fourteen days of the Review Period, the Reviewing Supervisor and employee are to determine the job duties and competencies/behavioral anchors of the position and to identify what constitutes a Successful (3.0) Performance level.

MDE will utilize applicable MSPB job descriptions to determine common/generic essential job duties to be used to complete the Job Content section and competencies/behavioral anchors to be used to complete the Competencies sections of the Performance Development Assessment (PDA). Common/generic duties and competencies/behavioral anchors may be identified, developed, and issued for certain occupations and types of positions within MDE. The Reviewing Supervisor and the employee will review together MDE established duties and competencies/behavioral anchors.

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The Beginning of the Review Period (continued)

The Reviewing Supervisor and the employee are also to determine specific competencies to be developed through completion of associated learning activities by creating the employee's IDP that will be utilized throughout the Review Period. Examples of learning activities contained in an employee's IDP include, but are not limited to, relevant classes to attend and books to read. Duties and competencies/behavioral anchors established as criteria for an employee's assessment are management decisions that are NOT grievable.

Required Review of Duties and Competencies/Behavioral Anchors

MDE will provide for a First Level Reviewer who will review the duties and competencies/behavioral anchors identified for each position/employee. The purpose of the review will be:

- A. To ensure consistency, where appropriate, in the duties and competencies/behavioral anchors for similar positions in the agency;
- B. To review the distribution and priority of work as implied by the duties and competencies/behavioral anchors;
- C. To ensure consistency between the duties and competencies/behavioral anchors and organization function statements as well as job descriptions; and
- D. To ensure compliance with the provisions of this Policy.

Changes to Duties and Competencies/Behavioral Anchors

Changes to duties and competencies/behavioral anchors made during the Review Period must be signed and dated by the Reviewing Supervisor, employee, and First Level Reviewer documenting that a meeting was held and the changes discussed.

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Supplemental Employee Performance Folder

A Supplemental Employee Performance Folder (hereinafter referred to as a “SEPF”) must be maintained by the Reviewing Supervisor on each employee for the current Review Period. The folder should contain: (1) a current (less than twelve months old) Performance Development Assessment (PDA) signed by the employee and the Reviewing Supervisor; (2) any narrative statements about the employee’s performance; (3) examples of work when appropriate; (4) results of each review session; (5) Performance Improvement Plan, if pertinent; (6) a copy of the employee’s IDP; and (7) any information the employee may want to contribute.

The SEPF may be used for written descriptions of specific employee performance, both positive and negative, observed by the Reviewing Supervisor and related to the employee’s duties and competencies/behavioral anchors. If an employee has failed to meet a competency for reasons beyond his/her control, then this fact and the reasons should be noted in the employee’s SEPF record.

The SEPF must be maintained in a secure file by the Reviewing Supervisor and not be shared with anyone except the employee who is the subject of the data and the First Level Reviewer. All material in the SEPF must be made available for the employee to review within a reasonable time after request.

Review Sessions

The purposes of the review sessions during the Review Period are:

- A. To provide feedback to the employee concerning the overall assessment of performance during the Review Period.
- B. To review and update duties and competencies/behavioral anchors in light of changing requirements of the employee’s position.
- C. To identify areas of performance requiring improvement and to identify methods/training needed to facilitate that improvement.
- D. To update the employee’s IDP.

Review sessions may be held at any time. However, the Reviewing Supervisor shall conduct a mid-point review session with the employee during the Review Period. The Reviewing Supervisor must give reasonable advance notice to the employee of the date and time for any review session.

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Informal Efforts

When the result of the final assessment of an employee's overall job performance is determined to be at least Improvement is Needed (2.0) Performance level but lower than the Successful (3.0) Performance Level, the Reviewing Supervisor must discuss with the employee specific action/steps to be taken by both the Reviewing Supervisor and the employee to improve performance. The Reviewing Supervisor should initiate the following informal actions; (1) counseling on a systematic, job-related basis; (2) regular and careful review of work; and (3) on-and/or off-site training. At the agency's discretion, if 180 days into the new rating period the employee's performance is assessed as continuing in this range, the Reviewing Supervisor may initiate a formal Performance Improvement Plan (hereinafter referred to as a "PIP").

Performance Improvement Plan

A. Formal Performance Improvement Plan

When the result of the final assessment of an employee's overall job performance is determined to be at the Not Demonstrated (1.0) Performance Level but lower than the Improvement is Needed (2.0) Performance Level the Reviewing Supervisor must initiate a formal Performance Improvement Plan.

The employee must be given notice that his/her overall performance must be improved to the level of Successful (3.0) Performance by the end of a ninety day performance observation period. A mid-point review session should be held with the employee around the forty-fifth day of the ninety day period. A mid-point review session should be held with the employee around the forty-fifth day of the ninety day period. Failure by the employee to improve job performance to the level of Successful (3.0) Performance by the conclusion of the ninety day PIP period may constitute cause for dismissal, demotion, or transfer.

B. Improvement in Performance

At the conclusion of the ninety day PIP period and after a Final Assessment, if the employee's performance has improved to the Successful (3.0) Performance level, the Reviewing Supervisor will begin a new Review Period as outlined in this Policy.

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Performance Improvement Plan (continued)

C. Continued Not Demonstrated (1.0) and Improvement is Needed (2.0) Performance

At the conclusion of the ninety day PIP period and after a Final Assessment, if the employee's performance has not improved to the Successful (3.0) Performance level, the Reviewing Supervisor shall submit through appropriate lines of administration, the recommended action to be taken as a result of the employee's failure to improve performance. Recommended actions may include the initiation of a second formal PIP, demotion, transfer, or termination.

The End of the Review Period

Within fourteen days prior to the end of the Review Period, a Final Assessment interview must be held. Refusal by the employee to sign the assessment form does not affect or negate the Final Assessment. His/her refusal to sign the assessment form at the end of the Review Period acknowledging that the Final Assessment has been discussed with him/her may be, following a warning, considered an act of insubordination.

Grievance/Appeals Process

State service employees who disagree with an assessment (excluding the contents of duties and competencies/behavioral anchors) may seek review by appeal to the Employee Appeals Board of the MSPB after exhausting agency grievance procedures.