



**BEFORE THE 2014 JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC14-021**

**RELATIVE TO ADOPTING A PERFORMANCE MANAGEMENT SYSTEM
INCLUSIVE OF UPDATED PERFORMANCE EVALUATION FORM
AND AN EVALUATION RATING GUIDE**

WHEREAS, as part of the Judiciary's Strategic Focus Area # 3 under its 2012-2015 Strategic Plan, a comprehensive review was conducted of the current performance management system, including the evaluation forms and rating guide utilized; and

WHEREAS, an updated Performance Management System has been developed that aligns employee performance outcomes with the Judiciary's mission, core values and organizational goals; and

WHEREAS, this updated Performance Management System is intended to provide for on-going assessment of employee performance so that deficiencies can be addressed immediately and good work commended accordingly; and

WHEREAS, attached as Exhibit A hereto is the proposed Performance Management System Evaluation Rating Guide; and

WHEREAS, attached as Exhibit B hereto is the proposed Performance Evaluation form, PE-001.

NOW, THEREFORE, BE IT RESOLVED, that the Judicial Council hereby adopts the Performance Management System, including the Performance Management System Evaluation Rating Guide attached as Exhibit A and the Performance Evaluation form, PE-001 attached as Exhibit B.

BE IT FURTHER RESOLVED, that any employee evaluations due on or after October 1, 2014, shall be conducted pursuant to this adopted Performance Management System.

DULY ADOPTED this 22nd day of September, 2014 at a duly noticed meeting of the Judicial Council of Guam.



ROBERT J. TORRES, Chairman

Dated: 9/23/14

ATTEST:



JOANNA S. McDONALD, Assistant Secretary

Dated: 9/23/14



Performance Management System Evaluation Rating Guide Judiciary of Guam

MISSION STATEMENT

The Judiciary's purpose is to administer justice by interpreting and upholding the laws, resolving disputes in a timely manner, and providing accessible, efficient, and effective court services.

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I. INTRODUCTION

The Performance Management System is designed to identify ways to achieve the Judiciary's mission, core values and organizational goals through constant assessment and feedback leading to the overall improvement of employee performance. This system is an ongoing assessment of employees in a manner geared to link individual goals to the Judiciary's core values.

The Human Resources Office has the responsibility of overseeing the performance management system, however, the key to success is shared by all members of management and employees. The scope of this system is based on three (3) elements, performance calendar, performance evaluation review and performance improvement planning.

1. **Performance Calendar**: To be used as a tool which allows supervisors to document positive and negative work performance and behaviors on a daily basis.
2. **Performance Evaluation Review**: The process of assessing progress towards goals. (Form PE-001)
3. **Performance Improvement Planning (PIP)**: process specifically developed to address an individual's unsatisfactory performance issues. PIP may be used by supervisors as a means to identify specific areas for improvement, timelines to improve and measurable outcomes that define success. (Form PE-002) Refer to Section XI.

II. PURPOSE

The purpose of this performance management system is to provide feedback on employee past performance and to agree on standards for future performance for professional growth and development. For these objectives to be achieved, both employee and supervisor must have a good understanding of the process and fully support it.

The Performance Evaluation Form is used to evaluate employee performance using defined factors and levels of performance applied fairly and consistently to all employees.

Pursuant to the Judiciary's Personnel Rules and Regulations (Rule 3.20, 6.00, 7.00), employees are required to have their performance evaluated for permanency in the classified service, for salary increment purposes and when determining the order of layoffs. The Administrator of the Courts is also authorized to request performance evaluations at any time for other reasons as specified in the Personnel Rules.

III. DEFINITION: PERFORMANCE EVALUATION

A performance evaluation is a periodic evaluation of an employee's assigned duties and responsibilities. A proper evaluation produces greater employee job satisfaction, better communication and employee relations, and most importantly, improves job performance.

Performance evaluations should be a positive and beneficial experience for both the supervisor and the employee.

Performance evaluations are a way to communicate and document positive reinforcement for effective performance and constructive criticism in areas of job performance that do not meet performance standards.

The performance evaluation process is an effective management tool that enhances employee performance and job satisfaction when applied correctly. The growth and development of each employee is essential to the overall performance of the team and will enhance effectiveness as a leader and manager.

IV. PERFORMANCE EVALUATION REVIEW PERIOD

The performance evaluation review period is the time to establish a clear definition of the employee's duties and responsibilities, set performance standards, and develop a reasonable understanding of goals. Monitoring employee performance includes conducting periodic progress reviews and providing ongoing feedback. Monitoring and documenting employees' work efforts are critical to managing and evaluating performance.

A. **Mid-Review** – The monitoring process includes conducting at least one formal progress review during each evaluation period at approximately midway through the rating cycle to discuss the employee's current level of performance. The Mid-Review performance evaluation shall be submitted as follows:

- | | | |
|---------------------------------|---|---|
| 1. Permanent Appointment | – | 3 Months |
| 2. Salary Increment | – | 6 Months, Pay Steps 1-6
9 Months, Pay Steps 7-9
12 Months, Pay Steps 10 & Above |

B. **Probationary** (Permanent Appt.) - All employees in the classified service shall serve a probationary period of six (6) months to determine whether to be given permanent status or be terminated for "Unsatisfactory" work performance. **Evaluations are due at least ten days prior to their 6th month of probationary appointment.**

C. **Salary Increment**- Eligible employees may be granted the applicable 12 month, 18 month, or 24 month salary increment in accordance with the compensation policy. **Evaluations are due 15 days prior to their salary increment effective date.**

D. **Transfer / Reassignment** – Evaluation must be completed prior to an employee being transferred to another division given the supervisor has met the 120 day supervision requirement.

E. **Other** - As requested by the Administrator of the Courts.

V. RATING RESPONSIBILITY

The employee's immediate supervisor is responsible for conducting performance evaluations. The supervisor must have supervised the employee for not less than 120 calendar days during any single rating period. If the supervisory criteria is not met, then the previous supervisor will be required to make an evaluation of the employee's previous duties. In the event there are multiple ratings with conflicting overall evaluations, the Administrator of the Courts will determine the final overall rating.

VI. REVIEW PROCESS

- A. The supervisor will utilize the **Performance Calendar** as a tool to observe, monitor and document the employee's job performance both positive and negative throughout the review period. Good documentation and performance counseling is an integral part of the evaluation process. Good communication is required in all phases of the process, but especially during the monitoring phase.
- B. **Record Keeping:** Supervisors shall maintain an individual "performance file" for each employee under their supervision. The file should contain documentation on observed job performance, positive and negative, during the evaluation period. This documentation will become valuable in assigning a rating level for the performance factors. At a minimum supervisors should:
- Keep a separate file on each employee.
 - Allow the employee to examine his or her own file upon request.
 - Before placing documentation of an incident into the file, always discuss it with the employee.
 - While the employee should be fully aware of the contents of his or her performance file, the file should be completely confidential. No one except the employee, the supervisor, and others in the direct line of supervision should have access to it.
 - In the event an employee is transferred in between review periods, the file may be transferred to the new rating supervisor.
- C. Schedule the performance evaluation conference with the employee at least two days in advance. Provide the employee with a copy of his or her job standards, if applicable. Encourage the employee to review the copies prior to the conference.

VII. PERFORMANCE FACTORS

Performance factors represent areas of individual performance that are essential to success in the position and to the success of the Judiciary. Each position and functional area within the Judiciary has specific job expectations associated with these Performance Factors. There are six (6) performance factors identified for all employees and one (1) additional factor for supervisory positions. The performance factors are:

1. Professionalism
2. Excellence in Customer Service (Internal/External)
3. Integrity
4. Interpersonal Communication Skills
5. Excellence in Work
6. Adaptability/Flexibility
7. Develops, Motivates & Inspires (**Supervisory Positions Only**)

VIII. PERFORMANCE LEVELS

Employee performance will be evaluated consistent with the performance factors. The level of performance shall be rated as Superior (3 Points), Satisfactory (2 Points) and Unsatisfactory (1 Point). ***Comments on rating factors other than Satisfactory are required to justify the rating.*** Use the definitions below when selecting a rating.

1. **Superior.** Employee exceeds expectations and consistently excels and sets a standard for others to emulate. They produce a high volume of work output at a rapid pace with few, if any, errors. They are significantly better in terms of quality, quantity, timeliness, and customer service than one would expect from most employees assigned to the same position.
2. **Satisfactory.** Employee demonstrates a level of accomplishment that clearly meets expectations. It reflects good, solid and consistent performance. They have the ability to execute and control routine functions and several major functions with occasional guidance. They may occasionally exceed expectations or excel at some aspects of the job.
3. **Unsatisfactory.** Employee does not meet expectations and demonstrates a level of accomplishment that is below the standards of performance. They consistently perform assigned responsibilities inadequately. They require more direction and guidance than normally expected for routine functions. Employee may be slow to complete tasks, may make errors that they shouldn't, and may fail to learn the responsibilities of their position or the rules of the organization due to lack of effort or skills.

IX. PERFORMANCE EVALUATION RATING POINT SYSTEM

This Performance Management System utilizes the Rating Point System, assigning points as follows:

- | | | |
|--------------------------|---|----------|
| 1. SUPERIOR | = | 3 points |
| 2. SATISFACTORY | = | 2 points |
| 3. UNSATISFACTORY | = | 1 point |

After the employee has been evaluated on all the applicable performance factors and sub-factors, calculate the total number of Superior, Satisfactory and Unsatisfactory ratings in the designated section of the evaluation, as applicable.

The overall rating level is as follows:

Supervisory Positions:

Superior:	77 & Above
Satisfactory:	65-77
Unsatisfactory:	Below 65

Non-Supervisory Positions:

Superior:	63 & Above
Satisfactory:	53-62
Unsatisfactory:	Below 53

Additionally, the following rating conditions shall be implemented to insure consistency and fairness to all employees:

1. Three (3) or more ratings of “*Unsatisfactory*” automatically gives an employee an overall rating of “*Unsatisfactory*”.
2. Any adverse action, EEO or Drug-Free Workplace Policy violation disqualifies an employee to get an overall rating of “*Superior*”.
3. A single rating of “*Unsatisfactory*” in any of the rating factors disqualifies an employee to get an overall rating of “*Superior*”, regardless of the total points.

X. PREPARING FOR THE REVIEW

- Be personally familiar with the employee’s work history and current level of performance.
- Check source documents (attendance records, production records, employee performance file, statistics, etc.) to be certain that the performance evaluation is accurate to avoid “back pedaling” and damage to credibility and fairness of review.
- Make defensible judgments about employee performance based on objective, underlying facts that you have gathered during the year.
- Ascertain that there is objective evidence to support a good faith belief in a statement before making any negative statement about an employee.

XI. CONDUCTING THE REVIEW

- Conduct the performance evaluation in a room that ensures confidentiality.
- Focus on evaluating the employee's accomplishments rather than commenting on the employee's personality traits or the personal characteristics contributing to his or her performance.
- Avoid inaccurate evaluations. These are worse than no evaluations.
- Evaluate the employee's overall performance during the entire evaluation period, rather than simply focusing on his or her most recent performance.
- Avoid rating everyone as "average," as this reflects an avoidance of making judgments or lack of familiarity with employee performance.
- Give high marks only for high performance.
- Give a balanced review, listing an employee's strengths and weaknesses and backing up conclusions with specific facts, examples, and details.
- Be as specific as possible about any performance deficiencies, making the employee aware of any applicable performance standards and work rules.
- Review the completed written performance evaluation to determine if any statements could be misconstrued by the employee.
- **If the employee's overall rating is "Unsatisfactory", the Performance Improvement Plan (PIP) must be completed and attached.** Set specific future performance goals and let the employee know what needs to be done to achieve them before the next evaluation.
- Give the employee a reasonable opportunity to remedy work deficiencies or work rule violations if appropriate.
- State the need for specific training only if you can indicate how it will be attained.
- Where applicable, clearly state that failure to improve work performance or continued violation of work rules will result in the imposition of discipline, up to and including discharge.
- Afford the employee an opportunity to comment orally and in writing on the performance evaluation and ask him or her to sign off on it. **Explain that their signature does not mean that they agree with the results, only that they have had an opportunity to review and discuss the evaluation.**
- If an employee's feedback points out inaccuracies or unfairness in the review, take immediate action to correct the review in order to demonstrate fairness and to maintain the credibility and integrity of the review process.
- **Advise employees who disagree with their performance review that they may file a written statement with the Division Head within five work days from the date of their signing of the performance evaluation.** The statement should explain the reason for disagreement. A final decision concerning the evaluation shall be made by the Administrator of the Courts. Comments by the employee will be made a permanent and integral part of the performance evaluation.
- Personnel Action will not be processed unless all Necessary Special Qualifications for the position are met.

XII. LEAVE OF ABSENCE / LIGHT DUTY

- An employee who is on leave of absence without pay for more than twenty (20) consecutive days, with the exception of military leave, the increment date shall be extended the number of days in excess of the twenty (20) days beyond the anniversary date thus creating a new increment date.
- An employee who is on light duty status during a qualifying period will be extended the number of days he/she is on light duty and will subsequently change the employee's anniversary date for eligibility of salary increment.

DRAFT



**JUDICIARY OF GUAM
PERFORMANCE EVALUATION
FORM # PE-001**

DRAFT 9-19-14

EMPLOYEE NAME:	POSITION TITLE:	DIVISION/SECTION:

EVALUATION PERIOD COVERED:	SUPERVISOR'S NAME / POSITION TITLE:

TYPE OF EVALUATION		
<input type="checkbox"/> Permanent Appointment New Employees (Rule 6.00) _____ Mid-Review _____ Six Months	<input type="checkbox"/> Salary Increment Mid-Review _____ 6 Months _____ 9 Months _____ 12 Months <input type="checkbox"/> Other _____	<input type="checkbox"/> Salary Increment _____ 12 Months _____ 18 Months _____ 24 Months

Note: Comments are required for ratings other than Satisfactory.

PERFORMANCE LEVELS	1 UNSATISFACTORY DOES NOT MEET EXPECTATIONS	2 SATISFACTORY MEETS EXPECTATIONS	3 SUPERIOR EXCEEDS EXPECTATIONS
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PERFORMANCE EVALUATION FACTORS

1. PROFESSIONALISM

a. Treats people with respect, candor and kindness and is a valuable team player.	1	2	3
b. Maintains control and composure in all work situations.	1	2	3
c. Is dependable in terms of punctuality and attendance and uses leave appropriately.	1	2	3
d. Complies with established working hours.	1	2	3
e. Maintains high level of character and professionalism on duty.	1	2	3

COMMENTS: _____

2. EXCELLENCE IN CUSTOMER SERVICE (Internal / External)

a. Provides service that is responsive, courteous and reliable.	1	2	3
b. Adept at assessing and understanding the needs of customers.	1	2	3
c. Serves customers in a timely manner.	1	2	3
d. Treats all customers fairly.	1	2	3

COMMENTS: _____

3. INTEGRITY

a. Upholds and behaves according to the Judiciary's Code of Conduct and EEO Policy and Procedures.	1	2	3
b. Adheres to the Judiciary's Personnel Rules & Regulations, promulgated policies and directives.	1	2	3
c. Takes responsibility for one's action.	1	2	3
d. Protects the confidentiality of sensitive data and judicial information.	1	2	3

COMMENTS: _____

4. INTERPERSONAL COMMUNICATION SKILLS

- a. Accurately articulates information and or prepares reports effectively.
- b. Organizes and expresses ideas and information clearly.
- c. Uses appropriate and efficient methods of conveying information.
- d. Is an active listener and verbally communicates effectively.

1	2	3
1	2	3
1	2	3
1	2	3

COMMENTS: _____

5. EXCELLENCE IN WORK

- a. Possesses knowledge and skills appropriate for the position.
- b. Performs all aspects of one's job, accurately and efficiently.
- c. Manages time effectively and meets deadlines and commitments.
- d. Makes sound decisions within the scope of one's work with little or no supervision.
- e. Recognizes problems and recommends solutions.
- f. Is open to feedback and suggestions.
- g. Recommends improvement on the work process to eliminate wasteful steps.

1	2	3
1	2	3
1	2	3
1	2	3
1	2	3
1	2	3
1	2	3

COMMENTS: _____

6. ADAPTABILITY/FLEXIBILITY

- a. Maintains a positive attitude towards organizational changes.
- b. Accepts and looks for ways to incorporate change.
- c. Accepts authority's implementation of change and innovative ideas.
- d. Demonstrates resourcefulness to act independently and carry out assignments.

1	2	3
1	2	3
1	2	3
1	2	3

COMMENTS: _____

7. DEVELOPS, MOTIVATES & INSPIRES (Supervisors/Division Heads Only)

- a. Acts as a role model and mentor.
- b. Inspires individuals and teams to excel/exceed expectations.
- c. Provides staff with opportunities to grow and develop.
- d. Maintains high levels of employee morale.
- e. Holds all team members accountable for results.
- f. Recognizes and celebrates team contributions/Division successes.

1	2	3
1	2	3
1	2	3
1	2	3
1	2	3
1	2	3

COMMENTS: _____

SPECIFIC AREAS FOR IMPROVEMENT(Only If Applicable):

DETERMINING OVERALL RATING: Add the total points assigned to each performance factor. Compare the total points earned to the total point ranges to determine overall performance level of either Superior, Satisfactory or Unsatisfactory. Refer to the Rating Conditions below which may affect overall rating.

SUPERVISORY - Maximum Points = 102

UNSATISFACTORY _____ X 1 = _____
 SATISFACTORY _____ X 2 = _____
 SUPERIOR _____ X 3 = _____
 Total Points: _____
 SUPERIOR: 77 & ABOVE
 SATISFACTORY: 65-76
 UNSATISFACTORY: BELOW 65

NON SUPERVISORY - Maximum Points = 84

UNSATISFACTORY _____ X 1 = _____
 SATISFACTORY _____ X 2 = _____
 SUPERIOR _____ X 3 = _____
 Total Points: _____
 SUPERIOR: 63 & ABOVE
 SATISFACTORY: 53-62
 UNSATISFACTORY: BELOW 53

RATING CONDITIONS:

1. If 3 or more rating factors are unsatisfactory, the overall rating will be "Unsatisfactory."
2. If there are any Adverse Actions/EEO/Drug Free Workplace Violations during this evaluation period, the employee is ineligible for an overall rating of "Superior." The rating supervisor must verify with the division head and HR for any violations within the evaluation waiting period.
3. The employee is not eligible for an overall rating of "Superior" if any of the rating factor is "Unsatisfactory."

Employee's overall rating must be "Satisfactory" or "Superior" in order to be granted a permanent appointment or salary increment. If the overall rating is "Unsatisfactory", documentation (counseling forms, letter of warning, reprimand etc...) and the Performance Improvement Plan must be attached, unless the supervisor is requesting the employee be dismissed.

OVERALL RATING: _____

This evaluation represents the employee's performance for the review period stated. The applicable ratings are based on my observation and review of work output. The following (v) is submitted for action:

PROBATIONARY PERIOD EVALUATIONS:

_____ The employee has **met or exceeded** the required **job performance expectations** during the probationary period. Therefore, I recommend the employee be **awarded the position in the permanent classified status**.

_____ The employee has **not met** the **job performance expectations** during the probationary period. Therefore, I **recommend dismissal or termination from employment** (Justification and documentation is required).

SALARY INCREMENT EVALUATIONS:

_____ The employee has **met or exceeded** the **job performance expectations** to be eligible for the salary increase. Therefore, I recommend the employee be **granted the salary increment**.

_____ The employee has **not met** the **job performance expectations** to be eligible for the salary increase. Therefore, I recommend the employee be **denied the salary increment**.
 [] In conjunction with this denial of salary increment, a Performance Improvement Plan must be completed and reviewed with the employee.

NECESSARY SPECIAL QUALIFICATIONS REQUIRED:

P.O.S.T. Certification Requirements Met: () Yes () No
 Valid Chauffeurs License (Mshls) / Valid Drivers License: () Yes () No
 Firearms ID / Training(i.e. Basic Firearms, Judicious Use of Deadly Force etc..): () Yes () No
 Other NSQ's: () Yes () No

This report represents my best observation and judgment of the employee's performance during this evaluation period.

 EVALUATOR'S NAME & SIGNATURE

 DATE

I have reviewed and had the opportunity to discuss this performance evaluation with my supervisor on _____, and I understand that my signature does not imply that I agree with this report.

[] Pursuant to Rule 7.22, I understand that I have five (5) working days to appeal my supervisor's final performance evaluation and I am hereby stating my intention to appeal my performance evaluation.

 EMPLOYEE

 DATE

DIVISION HEAD: I have reviewed and concur with the supervisor's rating for this evaluation period.

Remarks:

 DIVISION HEAD

 DATE

[] APPROVE THE RECOMMENDATION

[] DISAPPROVE THE RECOMMENDATION

 ADMINISTRATOR OF THE COURTS

 DATE