

# Wisconsin Human Resources Handbook

## Chapter 462

### Performance Evaluation (PE) Process

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#### Sec. 462.010 Introduction

The primary purposes of the employee performance evaluation program, as set forth in Chapter ER 45.01, Wis. Adm. Code, are to communicate performance standards to employees; to provide observations/feedback to employees regarding their performance; to identify the training and development needed to improve the quality and quantity of their performance and, thereby, increase or maintain expected levels of productivity.

This chapter is applicable to classified employees with permanent status in class, project employees, classified probationary employees, and employees serving with the state as an assistant district attorney or an assistant state public defender. This chapter is not applicable to limited term employees.

#### Sec. 462.020 Statutory and Administrative Code Authority

1. It is the policy of this state to provide for equal employment opportunity by ensuring that all personnel actions including hire, tenure or term, and condition or privilege of employment be based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation or political affiliation. ... It is the policy of the state to ensure its employees opportunities for satisfying careers and fair treatment based on the value of each employee's services." s. 230.01(2), Wis. Stats.
2. "Standards of performance and ratings. (1) In cooperation with appointing authorities the administrator shall establish an employee performance evaluation program to provide a continuing record of employee development and, when applicable, to serve as a basis for pertinent personnel actions. Under the employee performance evaluation program established under this subsection, the administrator shall require each appointing authority to conduct at least an annual performance evaluation of each employee appointed by the appointing authority. Similar evaluations shall be conducted during the probationary period but may not infringe upon the authority of the appointing authority to retain or dismiss employees during the probationary period." s. 230.37(1), Wis. Stats.
3. "When requested by the director or the administrator, (an appointing authority shall) provide reports on employee work performance and any other records or information the director or administrator requires to carry out this subchapter." s. 230.06(1)(e), Wis. Stats.
4. "A probationary employee's supervisor shall complete a performance evaluation under s. 230.37, Wis. Stats. of the employee's work. The evaluation shall be in writing and shall indicate whether or not the employee's services have been satisfactory and whether or not the employee will be retained in his or her position. A copy of the evaluation shall be given to the employee at a reasonable time before the completion of the employee's probation. An employee shall gain permanent status unless terminated by the appointing authority prior to the completion of his or her probationary period." s. 230.28(2), Wis. Stats.

5. “Supervisory Training. After initial appointment to a supervisory position, each appointing authority shall ensure that each classified service supervisor successfully completes a supervisory development program. The program shall include such subjects as state personnel policies, grievance handling, discipline, performance evaluation, understanding the concerns of state employees with children, the supervisor's role in management and the concept of the total quality leadership process, including quality improvement through participatory management..” s. 230.046(2), Wis Stats.
6. “Recognizing the importance of identifying, evaluating, and developing individual performance to ensure that services to the public are efficiently and effectively provided, the administrator shall, under s. 230.37, Wis Stats. and in cooperation with appointing authorities, establish an employee performance evaluation program. The primary purposes of the employee performance evaluation program are to communicate performance standards to employees, to provide observations on performance, and to identify the training and development needed to improve the quality and quantity of job performance and, thereby, increase or maintain expected levels of productivity.” s. ER 45.01, Wis. Adm. Code.
7. “Each state agency shall establish an employee performance evaluation program in accordance with the requirements set forth in this section.
  - (1) The intent and purpose of performance evaluation shall be communicated to all employees.
  - (2) Performance standards shall be established for and communicated to each employee prior to the period for which the employee is being evaluated and serve as a basis for evaluating performance.
  - (3) A formal performance evaluation review shall be conducted with each employee at least every 12 months. This review shall include ongoing informal performance discussions and periodic appraisals to ensure that the established responsibilities and performance standards for the employee’s position continue to be appropriate and understood by the employee. The review shall meet the guidelines established by the administrator.
  - (4) The agency shall maintain documentation of the performance evaluation review under sub. (3) in the employee’s personnel file.
  - (5) Agencies shall ensure that supervisors, managers and other persons responsible for evaluating employee performance receive orientation and training in the performance evaluation process. The administrator shall review and approve or disapprove the contents of this training.” s. ER 45.03, Wis. Adm. Code.
8. “Subject to the review and approval of the administrator, each agency shall submit to the administrator:
  - (1) A description of the agency’s implementation and administration of a performance evaluation program which meets the requirements set forth in this chapter; and
  - (2) Identification of the use and effect of the information contained in the performance evaluation review documents.” s. ER 45.04, Wis. Adm. Code.
9. “The requirements . . . shall also apply to evaluate the performance of any employee serving a probationary period as defined in ER-MRS 13, Wis. Adm. Code, except that:
  - (1) An employee serving the first 6 months of a probationary period normally shall receive at least 2 formal performance evaluation reviews prior to the end of the probationary period.
  - (2) An employee serving a probationary period of longer than 6 months normally shall receive at least 2 formal performance evaluation reviews for each additional 6 month period or fraction thereof.
  - (3) Where a portion of a permissive probationary period is waived, the employee shall receive at least one formal performance evaluation review during the probationary period.” s. ER 45.05, Wis. Adm. Code.

### **Sec. 462.030 Agency Responsibility**

Section 230.37, Wis. Stats., and s. ER 45.04, Wis. Adm. Code, provide direction regarding establishing an employee performance evaluation program. This handbook chapter sets forth additional guidelines established by the DPM administrator and provides direction to agencies to ensure that supervisors, managers, and other persons responsible for evaluating employee performance maintain performance evaluation standardization in the following areas:

1. The minimum number of evaluations that must be conducted for applicable permanent, project, and probationary employees.
2. A set of seven (7) core competencies expected of all employees.
3. Standard performance rating structure using a four (4) point rating scale.
4. The minimum requirements for the performance evaluation review and approval process.

Performance issues need to be addressed in a timely manner, appropriately documented, and handled prior to the next formal performance evaluation meeting, if necessary. During the performance evaluation period, supervisors should be meeting regularly with the employee, monitoring the employee's performance.

The information gathered during regular meetings with the employee should be used for the completion of the performance evaluation.

### **Sec. 462.040 Performance Evaluation Schedule**

Supervisors and managers evaluating employee performance must, at a minimum, conduct one formal performance evaluation review with each permanent and project employee at least every twelve (12) months. The appointing authority may exceed the minimum requirement of one formal performance evaluation conducted every twelve (12) months. The timing of the twelve-month evaluation period is at the discretion of the appointing authority. The evaluation shall summarize ongoing informal performance discussions and periodic appraisals from the twelve-month evaluation period to ensure that the established responsibilities and performance standards for the employee's position continue to be appropriate and understood by the employee.

Supervisors and managers evaluating probationary employee performance normally shall conduct at least two (2) formal performance evaluation reviews for every six-month period, or fraction thereof. If a probationary employee is to be terminated for performance, a formal performance evaluation should be issued at the time of termination.

### **Sec.462.050 Setting Performance Goals and Expectations**

A supervisor should review the employee's position description for accuracy and revisions at the beginning of the review period. A supervisor should develop performance goals and expectations for the employee based on activities in the position description, the agency's strategic plan or performance measures, and/or specific projects the employee will be involved in.

Goals and expectations shall be provided to employees at the beginning of the review cycle and the supervisor shall review the goals and expectations with the employee. The employee will be asked to acknowledge receipt of their goals and expectations.

### **Sec. 462.060 Core Competencies**

The identified seven (7) Core Competencies are expectations for all staff across the enterprise. These competencies may be supplemented with agency/classification specific competencies.

- **Accountability** –Accepts responsibility for all assigned work activities. Follows through on commitments. Implements decisions that have been agreed upon. Acknowledges and learns from mistakes without blaming others. Recognizes the impact of one's behavior on others. Balances workload and priorities effectively.
- **Communication** – Uses written or oral communication that is clear, timely, unambiguous, transparent, and consistent with the organizational vision, mission, and values. Tailors' styles and methods to meet the needs of each situation and audience. Effectively uses appropriate tone, grammar, culturally sensitive language, and nonverbal language. Writes clearly and accurately in a variety of contexts and formats. Listens actively and carefully, asking questions for clarification to ensure message is understood.

- **Customer Service** – Respectfully works with clients and customers. Works with clients and customers (that is, any individuals who use or receive the services or products that the work unit produces, including the general public, individuals who work in the agency, other agencies, or organizations outside the government) to understand and assess their needs, provide timely information or assistance, attempt to understand problems and take appropriate action and/or make practical decisions to obtain workable solutions. Knows about available products and services. Is committed to providing quality products and services.
- **Interpersonal skills**- Treats others with dignity and respect and positively contributes to an environment that is comfortable, effective, and cooperative. Shows empathy, respect and understanding while actively listening and working towards solutions. Develops and maintains effective working relationships with others. Works collaboratively as a member of a team. Is willing to offer opinions and direction as appropriate. When appropriate, assists with coaching, mentoring, or otherwise helping others to improve their skills. De-escalates conflict with others and contributes to group when working together to accomplish goals.
- **Decision-Making/Judgment** – Makes sound, well-informed, and objective decisions. Perceives the impact and implications of decisions. Commits to action, even in uncertain situations, to accomplish organizational goals. Contributes to positive change accomplishing agency objectives. Builds trust with colleagues and other stakeholders by being consistent, clear, and transparent in decision making.
- **Equity and Inclusion**- Fosters inclusive environments where people feel safe, welcomed, and heard. Is sensitive to individual differences and cultivates a culture of inclusivity where diversity is welcomed and celebrated. Provides all individuals mutual respect and acceptance without biases based on differences of any kind.
- **Leadership Skills (General Employee or Supervisor/Manager)**

**General Leadership:** Maintains a positive attitude while providing service and accomplishing work activities. Manages resources efficiently and in accordance with department, agency, and other governmental rules, laws, and guidelines. Builds trust and confidence in working relations through honesty, commitment, and fairness. Recognizes strengths and collaborates with others. Provides support and guidance to co-workers and management

**Supervisor/Manager Leadership:** Establishes long-range objectives and specifies the strategies and actions to achieve them collectively. Motivates and influences others. Provides guidance and direction to staff or subordinates, including setting performance standards and monitoring performance. Encourages teamwork. Ensures all department, agency, and other governmental rules, laws, and guidelines are followed personally and by team members. Anticipates problems and develops strategies to address deficiencies. Facilitates productive resolution of conflict.

## Sec. 462.070 Performance Evaluation Rating Structure

Agencies must utilize the listed four (4) point rating scale and associated definitions and agencies must apply this rating scale to all applicable staff across the enterprise. The rating scale shall not be supplemented with agency specific ratings. Employees will receive a rating for each enterprise competency, agency competency and individual performance goal, in addition to an overall rating.

### Rating Scale

- Rating 1: Unsatisfactory Performance (Consistently Fails to Meet Expectations)
- Rating 2: Progress Necessary (Inconsistently Meets Expectations)
- Rating 3: Successful Performance (Consistently Meets Expectations)
- Rating 4: Exceptional Performance (Consistently Exceeds Expectations)

Definitions of Ratings:

**Rating 1:** Unsatisfactory Performance: Consistently Fails to Meet Expectations

Employee demonstrates the inability to meet one or more of the following:

- Achieves assigned tasks over which the employee has control
- Work products are completed with appropriate level of review in a timely and satisfactory manner
- Meets defined competencies

**Rating 2:** Progress Necessary: Inconsistently Meets Expectations

Employee demonstrates inconsistency in the achievement of one or more of the following:

- Achieves assigned tasks over which the employee has control
- Work products are completed with appropriate level of review in a timely and satisfactory manner
- Meets defined competencies

**Rating 3:** Successful Performance: Consistently Meets Expectations

Employee meets the following:

- Achieves assigned tasks over which the employee has control
- Work products are completed with appropriate level of review in a timely and satisfactory manner
- Meets defined competencies

**Rating 4:** Exceptional Performance: Consistently Exceeds Expectations

Employee meets the following:

- Sustains a high level of performance and the results of such have significant benefit to the program, work unit, or department
- Takes initiative to accomplish additional activities beyond the goals and standards originally established
- Sought out routinely as a role model and/or exhibits leadership in dimensions of work performed
- Meets or exceeds defined competencies

**Sec. 462.080 Performance Evaluation Process**

Supervisors and managers must, at a minimum, conduct the following steps in the review process.

1. Employee's direct supervisor adds performance ratings and comments to an employee's performance evaluation.
2. Employee's direct supervisor shall share, meet, and discuss performance ratings and comments with the employee. In limited circumstances (e.g., the employee abandoned their job before the supervisor could issue the final performance evaluation) human resources may approve the issuance of a final performance evaluation to an employee without the employee's supervisor having met and discussed the performance ratings and comments with the employee.
3. Employee's direct supervisor shall finalize the performance ratings and submit the final evaluation for inclusion in the employee's personnel file.

Agency human resources shall review all performance evaluations with an overall "unsatisfactory performance" designation prior to the evaluation being finalized with the employee. Human resources shall also review all performance evaluations for employees who are going to be placed on a formal Performance Improvement Plan (PIP) and those employees currently engaged in a PIP. Refer to WHRHC 464 Performance Improvement Plan.

This performance evaluation process may be supplemented with agency specific approval and/or calibration processes.

After the employee meets with a supervisor, and the performance evaluation ratings are discussed, the employee will be asked to acknowledge receipt of their formal performance evaluation. An employee is not entitled to a representative during the performance evaluation process. The performance evaluation review, process, and outcome are not grievable under adverse employment grievance procedures, as defined by 230.445 Wis. Stats or under conditions of employment, as defined in Ch. ER 46, Wis. Adm. Code. Refer to the Wisconsin Human Resources Handbook Chapter (WHRHC) 430 Employee Grievance Procedure for more information.

Performance evaluations which result in an overall unsatisfactory rating may lead to the employee being placed on a Performance Improvement Plan. Refer to WHRHC 464 Performance Improvement Plan.

In accordance with the State Compensation Plan, any supervisor who has not completed a performance evaluation on all subordinate employees, for whom a performance evaluation is required, is ineligible for a General Wage Adjustment (GWA), a Discretionary Merit Compensation (DMC) adjustment, or a Discretionary Equity and Retention Adjustment (DERA).

In accordance with the State Compensation Plan, any non-represented employee whose job performance is rated unsatisfactory (i.e., an overall rating of 1) as the result of a formal performance evaluation in the 12-month period preceding the effective date of the (GWA) is ineligible to receive the adjustment. In addition, any employee who did not receive a formal performance evaluation or was rated unsatisfactory on a formal performance evaluation in the 12-month period preceding the effective date of a DMC adjustment or a DERA is ineligible to receive those adjustments.

At the end of the performance evaluation process, all documentation will be finalized electronically, and a copy of the finalized performance evaluation will be placed in the employee's personnel file along with any comments or rebuttal documentation submitted by the employee.

#### **Sec. 462.090 Employee Comments**

The performance evaluation must be reviewed with each employee, who should acknowledge the review has taken place. If the employee refuses to acknowledge, the supervisor shall document the employee refusal. Employees should be advised that acknowledgement of the performance evaluation does not indicate agreement but only confirmation that the evaluation has been discussed with the employee. An employee will be allowed to provide comments to the contents of the evaluation. A mechanism for rebuttal must also be made available to employees in the event they disagree with the contents of the evaluation.

Supervisors shall contact human resources if there is any concern with employee performance evaluation comments and/or an employee submitted performance evaluation rebuttal. Human Resources will review submitted employee rebuttals. Employees may contact human resources with any concerns with the issued performance evaluation.

#### **Sec. 462.100 Administrative Information**

This chapter was issued in January 2022 to provide guidelines for the employee performance evaluation program, as set forth in Chapter ER 45.01, Wis. Adm. Code.

This chapter was revised in December 2022 to insert "Meets or exceeds defined competencies" under Rating 4: Exceptional Performance: Consistently Exceeds Expectations.

This chapter was revised in August 2023 to allow human resources in limited circumstances to issue a performance evaluation to an employee without first having the supervisor meet and discuss the performance ratings and comments with the employee.