

DIVISION OF HUMAN RESOURCES

3.4 POLICY ON PERFORMANCE APPRAISAL

(a) Purpose and Scope

(1) Purpose

The purpose of this policy is to establish a performance appraisal and review process for state employees of the Maryland Judicial Branch of Government.

(2) Scope

(A) This policy applies to:

- (i) employees who are paid through the Central Payroll Bureau of the Comptroller; and
- (ii) employees of the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.

(B) This policy does not apply to:

- (i) locally funded employees in the circuit courts;
- (ii) employees of the Attorney Grievance Commission and the Client Protection Fund;
- (iii) employees of the Register of Wills or the Orphans' Court; and
- (iv) justices, judges, magistrates, and at-will employees as defined in the Policy on At-Will Employment.

(b) Definitions

(1) Administrative Head

- (A) For the Supreme Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Justice for all other employees of that Court;
- (B) For the Appellate Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Judge for all other employees of that Court;
- (C) For the circuit courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all state employees under their supervision;
- (D) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or the Administrative Clerk for all employee under their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For any units, the head of the unit where the employee works; or,
- (G) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

(2) **Employee**, for purposes of this policy means: Any person employed by the Maryland Judicial Branch of Government and paid through the Central Payroll Bureau of the Comptroller, except justices, judges, magistrates, elected officials, employees of a Register of Wills Office, employees of an Orphans' Court, and at-will employees as defined in the Policy on At-Will Employment.

(3) **Judiciary Human Resources Division (JHRD)** – The division within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human resources policy development, administration, and interpretation; talent acquisition; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.

- (4) **Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.

(c) Policy Statement

A performance appraisal process is an important component of the employer-employee relationship. Its primary goal is to encourage excellent performance and professional growth. It is essential the appraisal process be given proper attention. To that end, the process will include an in-person meeting with the employee to discuss their performance appraisal. The performance appraisal process has three primary objectives:

- (1) To evaluate an employee's performance over a specific time period;
- (2) To provide constructive feedback to the employee on their performance; and
- (3) To establish future goals and objectives for the employee.

(d) The Appraisal Process and Rating Period

- (1) Employees should be formally evaluated for each calendar year, no later than March 31st of the following calendar year.
- (2) An employee may be given an informal midyear appraisal. This will inform the employee of any performance areas needing improvement and it will provide the employee with direction and time to improve upon those areas prior to the end of the rating period. As this is an informal instructional communication, it is not included in the employee's personnel file and is not subject to a grievance action.
- (3) Employees who do not receive an overall performance rating of meets standards or above will not be eligible for a merit increase until such time they successfully complete a Performance Improvement Plan.
- (4) The performance appraisal shall be transmitted to JHRD through CONNECT system and will become part of the employee's official personnel file.

(e) Grievance Rights

Pursuant to the Policy on Grievances, an annual performance appraisal may not be grieved unless the overall rating is less than meets standards.

(f) Performance Improvement Plan

- (1) A Performance Improvement Plan (PIP) shall be developed for any employee who receives an overall rating that is less than meets standards or otherwise does not meet the minimum performance standards or expectations for the position.
- (2) In addition to the reason for placing an employee on a PIP described above, an employee may be placed on a PIP when it is necessary to address any performance issue. The employee will be subject to the actions as described in this section if they fail to meet the requirements of the PIP.
- (3) The PIP period will be no more than 90 calendar days during which the employee must improve their performance to a satisfactory level as determined by the Administrative Head. In consultation with

the JHRD, the 90-day period may be extended due to an extended absence covered by the Family and Medical Leave Act.

- (4) The supervisor will meet with the employee at the end of the PIP period to discuss if the requirements of the PIP have been satisfied. If the requirements were not satisfied, then the employee shall be subject to demotion or termination of employment. It is not required, however, that the employee be demoted prior to termination of employment.
- (5) An employee may be demoted or terminated before the end of the PIP period if the Administrative Head, in consultation with the JHRD, determines the employee's performance is so deficient that they cannot sufficiently improve by the conclusion of the PIP period.
- (6) A PIP does not prohibit an employee from being given a disciplinary action, including the termination of employment, for a cause other than, or in addition to, failure to meet the requirements of a PIP.
- (7) Employees may not receive more than one PIP for their current position, unless the Administrative Head and the JHRD determine extraordinary circumstances exist.

(g) Interpretive Authority

The JHRD is responsible for the interpretation of this policy.

(h) Exceptions

The Chief Justice of the Supreme Court of Maryland or the State Court Administrator may make exceptions to this policy.

(i) Not a Contract

This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.