

Survival Tip #2: Evaluations

This second survival tip covers evaluations. If you've received an evaluation that is anything less than "excellent" in all categories, you may benefit from these suggestions.

Article 10 from our below:

10.1 Employees shall be subject to periodic performance evaluations. **Such evaluations should be a review of the employee's performance and should be based upon job-related criteria.** Employee performance evaluations are for the purpose of evaluating individual employee performance and for providing guidance for performance development and improvement. Employee evaluations shall not be negatively affected by layoffs.

10.2 A written record of a performance evaluation shall be placed in the employee's personnel file. **The employee shall be provided with a copy of the written record of the performance evaluation prior to its placement in the personnel file.** Regardless of the overall performance evaluation rating scale, or other terms that a campus may use to evaluate overall performance, the campus shall use the term "satisfactory" to indicate an acceptable level of performance.

10.3 A permanent employee shall be evaluated at least once each year.

10.4 A probationary employee shall be evaluated by the end of the third, sixth, and eleventh month of the probationary period, unless the employee has earlier been rejected during probation.

10.5 A temporary employee shall be evaluated at periodic intervals.

10.6 **The evaluator shall submit a draft evaluation for the employee's review, input, and discussion.**

10.7 **The employee shall be given up to five (5) days to review the draft evaluation and provide input, if any, to the evaluator.**

10.8 **The evaluator shall consider input provided in the five (5) day period in preparing the final performance evaluation, and prior to placing it in the employee's personnel file.**

10.9 Upon request of the employee or the evaluator, the evaluator and the employee shall meet to discuss the evaluation. Such a meeting shall take place within seven (7) days of the request.

10.10 Upon request of the employee and subsequent to the meeting between the employee and the evaluator, the appropriate administrator, the evaluator, the employee, and the employee's representative, if any, shall meet to discuss the evaluation. Such a meeting shall take place within fourteen (14) days of the request at a mutually agreeable time and location.

10.11 If an employee disagrees with the record of a performance evaluation which has been placed in his/her personnel file, **the employee may submit a rebuttal statement which shall be attached to the performance evaluation.** The evaluation shall be reconsidered by the appropriate administrator in light of the rebuttal statement and if the evaluation is amended, the amended evaluation shall replace the original evaluation and its rebuttal.

10.12 The term "evaluator" as used in this Article refers to the appropriate administrator or the person designated by the appropriate administrator to conduct the performance evaluation of an employee. The evaluator shall be familiar with the regular duties of the employee.

10.13 Performance evaluations shall not be subject to Article 7, Grievance Procedure, unless the grievant alleges the terms of this Agreement have been violated, misinterpreted, or misapplied.

As indicated in the bold text, there are several protective mechanisms in place which can assist you if an evaluation is less than stellar.

First, evaluation criteria "should" only apply to job performance. If you are being evaluated on anything other than that, you have the right to appeal. This doesn't mean Management will change the evaluation, but your written protest must be included in your personnel file (per Article 10.11). If something completely unrelated to your performance on the job is included and results in a lowered mark, CSUEU would back you to the Grievance level to have the material removed and the evaluation.

Second, you must receive a draft copy of the evaluation before it becomes official. You have five days to respond if you wish. A meeting to discuss the evaluation with your supervisor should take place ASAP after you've received your draft copy. It's in your best interest to not get upset, but rather to discuss the specific friction points in a professional manner to be sure you understand what's being criticized. When you do fully comprehend what is being objected to, you have the right--obligation to your self, also--to state your point of view and try to correct misinterpretations if there are any. This phase could be critical in getting negative observations corrected, so your tone of voice, vocabulary, body language, etc. could make or break the situation. I recommend that any negative comments be responded to honestly and in a manner which reflects your personal level of professionalism. If you have made mistakes, own up to them and state that you will endeavor to correct similar missteps in the future. Work with your supervisor to develop a concrete path to follow with measurable goals and regular discussions about your progress. Keep the door open to improving your work. This can be difficult, but a positive program of follow-through and self-evaluation could make the difference between continuing here and not having a positive recommendation to take to future job interviews. If your supervisor persists during this meeting, you should retreat and write your rebuttal. If evaluative statements are wrong, your response should contain as many data, documentation, facts, times, dates, places, and witnesses' names as you can provide.

Keep the tone professional and respectful (you might wait a day or so to write this if you are upset, but keep in mind the five-day limit).

If you suspect that you will be receiving a negative evaluation or any meeting with your supervisor becomes an investigatory interview which could lead to disciplinary action, you are entitled to CSUEU representation (Weingarten Rights, Article 12, Section 11--see below. I will follow up with another survival tip article on this later).

Third, you are guaranteed a copy of the evaluation prior to its being placed in your personnel file. Your signature on the official document does not indicate that you agree with statements made in it; your signature simply means that you have read the evaluation and understand what it says. Your rebuttal (within 5 days) must be attached to the evaluation which goes into your personnel file (this responsibility lies with Human Resources and/or your supervisor, not you). It is in your interest to follow up by checking your file to see if all materials which should be there are present. You should do this periodically anyway, just to see what's there and to see how it might affect your status both here and in any future positions you may apply for or accept.

And finally, the content of evaluations cannot be grieved unless you and CSUEU agree that any contract article has been violated. If violations exist, we will advocate correction of the violation and according adjustment of the evaluation. Evaluations can obviously work for or against you and can be used in part or wholly to determine whether your employment at the University will continue. CSUEU officers have seen how evaluations can be abused; we are always available to help you prepare for one (the earlier the better), to assist in interpreting what's been written, and to aid you in preparing a response.

Investigatory Interviews (Weingarten Rights)

12.11 Upon his/her request, an employee may be represented at an investigatory interview if he/she reasonably believes that disciplinary action may result. Prior to the interview, the employee is entitled to be informed of the general nature of the matter being investigated and to consult with his/her representative, if any. The right to representation does not apply to meetings held exclusively to inform an employee of a previously made disciplinary decision. If the representative an employee requests is unavailable, the employee may request alternate representation. The Employer is not obliged to postpone the interview, nor to suggest or secure the alternate representation; however, the employee shall not be required to answer any questions without a representative present, unless he/she voluntarily chooses to do so. At its discretion, the Employer may decline to hold any interview if the employee requests representation.