

Annual Evaluation Idea (informal)
UFF bargaining team
10-12-2010

This approach to annual evaluations comes from the discussions that took place at the 9/14 and 9/28 bargaining sessions.

UFF is assuming that the BOT team's interests in offering merit salary increases and retaining a post-tenure sustained performance review are sufficient to motivate an interest in bargaining evaluation processes to be included in the CBA.

We believe this approach could address two of the major issues on which the UFF and BOT teams have marked philosophical differences. Specifically, we believe this approach would address:

- BOT philosophical issue #4: evaluators (primarily chairs) free to consider all aspects of professional performance (even those not addressed in AESP) and able to exercise judgment, a concern not shared by the UFF team (w.r.t. evaluating aspects not in the AESP.)
- UFF philosophical issue that each department should articulate (in writing) standards for Outstanding, Above Satisfactory, Satisfactory, Conditional, and Unsatisfactory performance ratings in each of the main areas of assignment (teaching, research & service), a concern not shared by the BOT team.

This approach will *not* address one issue on which the UFF and BOT teams disagree:

- overall evaluation ratings should be a weighted average of the evaluations in each area of assignment with the weights equal to the assignment of effort to each area. The UFF team considers this issue critical to fair evaluations and has not identified an alternative approach to it at this time. UFF believes that it is unreasonable for the BOT team to want both freedom to determine the assignment of effort and the ability to ignore the assignment when evaluating the employee.

Another key area for the UFF is

- standards must require that an increase in assignment of effort in an area result in an increase in the quality or quantity of work expected in the area.

First, a review of the issues that would be included in Article 10 because the UFF and BOT teams either agree or do not feel these are impediments to agreement:

1. process for developing and approving AESPs for each department/unit, with approval of department/unit employees, dean, and president's representative required.
2. ability to periodically evaluate and update AESP (and process) but indicates that standards should be reasonably stable over time.
3. requires standards applied to evaluation must be in place prior to start of evaluation period (and known to employee.)
4. requires employee is provided an assignment of effort to each area that will be evaluated (i.e., employee cannot be evaluated in an area for which there was no assignment of effort.)
5. requires assignments are fair and equitable across employees in department/unit.

6. after evaluation period, employee given access to information that will be part of evaluation process.
7. after evaluation period, employee produces annual report that will be considered in evaluation process. information provided by employee that is relevant to performance must be considered.
8. evaluator must give employee opportunity to review draft evaluation and have meeting w/evaluator prior to its being finalized.
9. employee given opportunity to attach comment to evaluation.
10. contract requires that evaluations be fair and equitable (consistent).

Here is UFF's new approach (focuses on the last item in the previous list):

- Immediately following completion of evaluations, each department chair/unit head is required to provide a summary to all evaluated employees of the number of O, AS, S, C, and U evaluations in each major area of assignment (teaching, research, service) and for the overall evaluation.
- For each area of assignment and each evaluation score (O, AS, S, C, U), the chair/head provides summary statistics for the major issues considered (as defined by the department/unit approved ASEP).
- If an employee feels his/her evaluation is not fair or equitable, employee files a grievance.
- The grievance follows the normal path for the informal resolution period, if requested.
- If the grievance is filed without informal resolution (not recommended) or is not resolved with information resolution, a new process begins that is unique to a grievance of an annual evaluation.
- A committee comprised of two BOT appointees (both outside of grievant's college and at least one a department chair) and two UFF appointees (the grievance rep of the grievant and another, both must be outside of grievant's college) will review the evaluation and be provided access, to the extent that *any* member requests, to:
 - the evaluations of all department employees who did not choose to "opt out" (current and two previous years)
 - annual reports of all department employees who did not choose to "opt out" (current and two previous years)
 - interview of grievant
 - interview of department chair/unit head
- All committee members must agree to confidentiality w.r.t. information reviewed (just as department, college, and university P&T committee members do.)
- Neither committee as whole nor any individual member is required to review any specific information.
- Employees in department/unit may choose to have evaluation and annual report excluded, but such election shall prevent employee from receiving any merit increase (including TIP/RIA/SoTL award) for the current year or four years following the opt out decision.
 - Note: we talk about the decision to provide evaluation information for promotion, tenure, TIP/RIA/SoTL purposes as being voluntary (even though the decision to not provide this in the case of a tenure decision results in a terminal contract), so UFF believes this is a reasonable (and lawful) approach.
- Committee produces a recommendation that includes:
 - things on which majority agree, including reasons for these recommendations.

- individual committee member comments regarding areas of disagreement (minority reports.)
- Appropriate timing alterations to grievance processes to allow aforementioned review/recommendation.
- University proceeds with grievance process, taking into account, as it sees fit, the recommendations of the committee.
- If grievance is not resolved and proceeds to arbitration:
 - arbitrator is provided the committee's report/recommendation.
 - contract instructs arbitrator to consider committee's report fully and to place substantial weight on recommendations made by a majority of committee members.