

SIDE LETTER OF AGREEMENT
BETWEEN
THE CITY OF SANTA MONICA
AND
MUNICIPAL EMPLOYEES ASSOCIATION

This Side Letter memorializes an agreement reached between representatives of the City of Santa Monica (City) and Municipal Employees Association (MEA) have reached an agreement to utilize a new performance evaluation for all MEA represented employees. The new performance evaluation, Attachment A to this Side Letter, shall be used as the annual performance evaluation form to evaluate employee performance as required under Section 1107 of the Santa Monica Charter. The new performance evaluation in Attachment A shall be utilized for all performance evaluations for MEA represented employees upon full execution of this Agreement. As a result of this new performance evaluation, the City and MEA have also agreed upon an amendment to the Memorandum of Understanding, Contract No. 10543 (CCS) ("MOU") entered into by and between the City and MEA for the term of July 1, 2020 through June 30, 2022. All other terms and conditions of the existing MOU shall remain in full force and effect. The amendment to the MOU is as follows:

6.10 Performance Evaluation Appeal Procedure

Since probationary employees are "at will" until successfully completing their probationary period, only permanent (non-probationary) employees may appeal their performance evaluation. However, a probationary employee may attach a response to his/her performance evaluation, with the response to be filed in his/her personnel file.

A. General Provisions:

- (1) An appeal of a performance evaluation shall only be considered if it is filed within ten calendar days following receipt of the performance evaluation by the employee.
- (2) All time periods regarding the appeal of a performance evaluation may be extended only by mutual written agreement of the employee or his/her representative and the management representative involved.
- (3) If a management representative does not meet with the employee or render a decision within the time limits specified, the employee may immediately exercise the next step in the performance evaluation appeal process.
- (4) An employee can elect to file a response to his/her performance evaluation: a) in lieu of appealing the performance evaluation; b) at any time during the appeal procedure if he/she decides not to take the appeal to the next level listed in the appeal procedure; or c) if he/she is not satisfied with the City Manager's written decision. The response will be attached to the performance evaluation and filed in the employee's personnel file.

- (5) An overall performance evaluation rating of "Solid" is not appealable beyond the Department Head. However, the employee may submit a written rebuttal for consideration to the Department Director. The Director shall acknowledge and provide written receipt of the employee's performance evaluation rebuttal. An overall performance evaluation rating of "Distinguished" is not appealable.

B. An appeal involving a performance evaluation shall be processed in the following manner:

- (1) Informal Discussion

If an employee believes that his/her performance evaluation does not correspond to the facts, the employee is encouraged to meet with his/her supervisor who completed the evaluation.

- (2) First Step

The employee must submit his/her appeal to the Department Head within ten calendar days following the employee's receipt of his/her performance evaluation, and the appeal to the Department Head must be submitted in writing, with the employee specifically stating the reasons why he/she believes the performance evaluation needs to be revised.

- (3) Second Step

The Department Head, or his/her designee, shall meet with the employee within seven calendar days from the date on which the Department Head's office receives the appeal from the employee. Within seven calendar days following such meeting, the Department Head, or his/her designee, shall give a written decision to the employee. If the appeal is based on a performance evaluation for which the overall performance rating is "Solid" the decision of the Department Head is final.

- (4) Third Step

If the appeal is not based on a performance evaluation for which the overall performance rating is "Solid" and the employee is not satisfied with the decision of the Department Head, within seven calendar days following receipt of the Department Head's decision, the employee may submit the performance evaluation appeal to the Director of Human Resources. The Director of Human Resources, or his/her designee, shall meet with the employee within seven calendar days following receipt of the performance evaluation appeal. The Human Resources Director, or his/her designee, shall make such investigation as required and make recommendations to the City Manager no more than seven calendar days following the meeting with the employee. Within seven calendar days following receipt of the Human Resources Director's recommendation, the City Manager shall render a written decision, which shall be final.

C. Representation

- (1) An employee has the right to represent him/herself individually or to be represented by MEA if the employee elects to appeal his/her performance evaluation.

IN WITNESS WHEREOF, the parties hereto have caused this Side Letter of Agreement to be executed this 26th day of January, 2021.

ATTEST:

CITY OF SANTA MONICA
a municipal corporation

DocuSigned by:

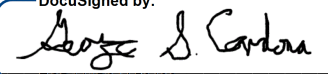

 DENISE ANDERSON-WARREN
 City Clerk

DocuSigned by:

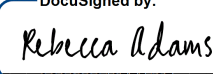

 BY: LANE DILG
 Interim City Manager

APPROVED AS TO FORM:

MUNICIPAL EMPLOYEES ASSOCIATION

DocuSigned by:


 GEORGE S. CARDONA
 Interim City Attorney

DocuSigned by:


 BY: REBECCA ADAMS
 MEA Representative

Attachment:

- A. Performance Evaluation Form

City of Santa Monica

Performance Evaluation

MUNICIPAL EMPLOYEES ASSOCIATION

INSTRUCTIONS:

The performance appraisal program is a process to set expectations and align performance with critical business objectives. It is also a vehicle to provide feedback, recognition, and coaching to best support employees' development.

When evaluating your employee, please be sure to rate the employee in each competency relevant to their position. If a competency is not applicable, simply choose "Not Applicable" in the ratings box. You are not required to provide any narrative for a "Solid Performance" rating. However, a "Needs Improvement" or "Distinguished Performance" rating must be justified in the corresponding text box next to the rating options.

As you select each rating (i.e., "Needs Improvement", "Solid Performance", and "Distinguished Performance") the overall rating will begin to automatically calculate. Please note that marking a particular category as "Not Applicable" will not impact the overall performance rating.

If you have questions about this form, or performance management in general, please contact Human Resources.

EMPLOYEE'S IDENTIFYING INFORMATION

Name (first/last)

Employee ID

Classification

Department/Division

Review Period

Review Type

- | | | | |
|----------------------------|----------------------------|----------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Probationary
(3 Months) | Probationary
(6 Months) | Probationary
(9 Months) | Annual
(12 Months) |

Scope of Responsibility

City of Santa Monica

Performance Evaluation

Rating Options	Rating Definitions
Needs Improvement	Performance improvement or skill development is needed to increase effectiveness in the competency. Usually requires direction from supervisor or manager to meet performance expectations in the competency. Needs to learn or refine skills in the competency to meet performance standards.
Solid Performance	Fully proficient in performance of responsibilities in the competency. Normally meets and may sometimes exceed standards in the competency. Does not usually require significant guidance or direction to effectively perform in the competency area. May occasionally serve as a model or mentor in this area.
Distinguished Performance	Exemplary overall performance in the competency. Consistently performs above standards that are expected in the position. Accomplishments make notable contributions to the organization and represent the City, agency, and/or department in an exemplary fashion. Is often a model or mentor to others in the competency area.

Competencies	Rating	Comments (required for "Needs Improvement" or "Distinguished Performance" ratings)
1. Job Knowledge/Skills The employee's analytical skills, job skill level, maintenance of licenses and certificates, planning, organizational skills, resourcefulness when problem solving, professional growth and project management	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
2. Work Habits The extent to which the employee accepts responsibility, maintains attendance, complies with rules and procedures, displays independence and initiative.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	

City of Santa Monica

Performance Evaluation

Competencies	Rating	Comments (required for "Needs Improvement" or "Distinguished Performance" ratings)
3. Reliability The extent to which the employee can be relied upon to complete assignments.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
4. Equipment and Uniform The extent to which the employee operates and maintains tools, vehicles, uniform (if applicable), and other assigned equipment.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
5. Judgment/Problem Solving The extent to which the employee considers all available facts before acting and is logical in conclusions and actions.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
6. Leadership and/or Supervision The extent to which the employee accepts the responsibility of leadership. Has the ability to organize, plan, and guide the work of others to obtain satisfactory results.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
7. Working Relationships and Teamwork The employee is responsive and respectful of others and is a team player committed to the goals of the Department.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	

City of Santa Monica

Performance Evaluation

Competencies	Rating	Comments (required for "Needs Improvement" or "Distinguished Performance" ratings)
8. Quantity of Work The extent to which the employee produces an acceptable quantity of work and works at an appropriate pace to complete appropriate amount of work.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
9. Quality of Work The extent to which the employee completes work in a thorough, neat, accurate, and effective manner.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
10. Safety Skills The extent to which the employee practices safety techniques in both routine and emergency situations, including vehicle operation.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
11. Adaptability The extent to which the employee functions under stress and ability to adapt and change.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	
12. Communication The effectiveness of the employee's communications, both orally and in writing, in a professional, clear, precise, and convincing manner.	<input type="checkbox"/> Needs Improvement <input type="checkbox"/> Solid Performance <input type="checkbox"/> Distinguished Performance <input checked="" type="checkbox"/> Not Applicable	

City of Santa Monica

Performance Evaluation

(Required) Overall Performance Summary: (Limited to 550 Characters)

Calculation of all Needs Improvement Rating(s):	$\underline{0} \times 1 = \underline{0}$
Calculation of all Solid Performance Rating(s):	$\underline{0} \times 2 = \underline{0}$
Calculation of all Distinguished Performance Rating(s):	$\underline{0} \times 3 = \underline{0}$
Total from Above:	$\underline{0}$ (Sum of all ratings)
Overall Rating: (Round to the Nearest Tenth)	$\underline{0} / \underline{0} = \underline{2.0}$ (total from above)/(# of rated areas) = (rating)

Select an Overall Rating Below Based on the Numerical Value Above:

Needs Improvement = 1 – 1.8	Solid Performance = 1.9 – 2.6	Distinguished Performance = 2.7 – 3.0
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City of Santa Monica

Performance Evaluation

Create S.M.A.R.T. goals to be completed during the next Performance Review cycle:
(use additional pages if necessary)

A S.M.A.R.T. goal is: Specific, Measurable, Achievable, Realistic/Relevant, Time-bound:

- **Specific:** Define the goal as clearly and distinctly as possible.
- **Measurable:** How will you measure progress and know if/when the goal is complete? Quantity? Quality? Timeliness?
- **Achievable:** Is the goal attainable within the employee's realm of authority? When viewing the plan as a whole, are all goals achievable together?
- **Realistic/Relevant:** Goals should be achievable given the timeframe and resources available. Are there factors outside of the employee's control to consider?
- **Time-Bound:** Goals should have a defined time for completion, and larger goals may also have milestone dates to measure progress.

An example of an effective S.M.A.R.T. goal would read:

"To increase his effectiveness in giving presentations, Charlie will join Toastmasters by March 31 and attend at least 6 monthly meetings by the end of the year. He will ask Lucy to provide feedback using the Toastmasters format on his presentations after each staff meeting during the year. Charlie and his manager will meet at least once per month to discuss progress."

City of Santa Monica

Performance Evaluation

EMPLOYEE: By signing below you are simply acknowledging receipt of this Performance Evaluation. Your signature does not indicate agreement with the overall rating.

	Print Name	Signature	Date
Reviewer's Supervisor <small>(if reviewer is not the Department Head)</small>			
Reviewer/Supervisor			
Employee			