

OFFICE OF HUMAN RESOURCES

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MEMORANDUM

| | |
|----------------|---|
| DATE | October 23, 2020 |
| TO | Board Presidents and Board Chairpersons |
| FROM | [Original Signature on File] Nicole Le, Chief Office of Human Resources |
| SUBJECT | Annual Executive Officer Performance Appraisal Process |

This memorandum provides guidance on the process by which boards, committees, or commission (hereafter referred to as Board) evaluate the performance of their Executive Officers (EO), a term which is intended to also include Executive Directors and Registrars.

The Business and Professions Code provides Boards with the authority to employ an EO. The EOs are non-civil service, exempt employees who serve at the pleasure of the Board. The EOs are responsible for carrying out the policy directives of the Board members, directing activities for Board staff, and working effectively with the Department of Consumer Affairs (DCA). It is crucial for the Board, with input from the DCA, to evaluate the EO's performance annually, and set expectations for the following year. A revised performance appraisal form, revision October 2020, which supersedes the prior version dated February 2015, is attached to this memorandum. The revised performance appraisal form provides Board members and DCA's leadership team an opportunity to evaluate the performance of the EO in a fair, impartial, and transparent manner. DCA's leadership team may include feedback from various DCA divisions that the EO interacts with during the course of employment.

DCA encourages all Boards to conduct the annual EO performance appraisal in the months of October through December, at a publicly noticed board meeting. Below are procedures to initiate and conduct the annual EO performance appraisal. All Boards are expected to adhere to the below procedures.

Initiating the performance appraisal process:

- I. The Bagley-Keene Open Meeting Act requires Board meeting agendas to be publicly noticed at least 10 days before a Board meeting. Accordingly, at least two weeks in advance of the scheduled Board meeting, the Board President/Chairperson or designee contacts DCA's Office of Human Resources (OHR) Chief to inform of an upcoming annual performance evaluation and to request a copy of the EO performance evaluation form to be sent to all Board members.
- II. The Board President/Chairperson or designee works with Board staff and counsel to develop the meeting agenda to include a closed session item regarding the EO performance evaluation.

Suggested language for the agenda:

Item # - CLOSED SESSION

The Board will meet in Closed Session pursuant to Government Code section 11126(a)(1) to conduct the annual performance evaluation of its Executive Officer.

- III. Upon receipt of the EO performance evaluation form, each Board member independently completes the form, rating and commenting on the EO's performance in each applicable category.
- IV. The OHR Chief provides a copy of the EO performance appraisal form to DCA's Executive Office so that DCA's leadership team may also provide feedback on the EO's performance.
- V. The OHR Chief provides a copy of the EO performance appraisal form with DCA's leadership team's feedback to the Board President/Chairperson on or before the day of the Board meeting.

Conducting the performance appraisal:

- I. At the Board meeting and in closed session, Board members discuss their individual evaluations and determine the collective ratings from the entire Board. The Board President/Chairperson also presents to the Board the performance appraisal of DCA's leadership team, including their comments and ratings.
- II. One final performance appraisal form is completed by the Board President/Chairperson capturing the Board members and DCA's leadership team's input on ratings, including any overall (or specific) comments that are deemed relevant.

Annual Executive Officer Performance Appraisal Process

Post-performance appraisal:

- I. The Board President meets, in person or via telephone, with the EO to discuss the performance evaluation, comments and feedback from Board members and DCA's leadership team.
- II. The Board President and EO sign the performance appraisal form. The original performance appraisal form is sent to the OHR; the EO receives a copy.

If you have questions regarding the EO performance appraisal process, please contact the OHR Chief at (916) 574-8306 or (916) 574-8342.

Attachment: Performance Appraisal for Executive Officer – rev. October 2020

cc: Kimberly Kirchmeyer, Director
Christine Lally, Chief Deputy Director
Ryan Marcroft, Deputy Director, Legal Affairs Division



PERFORMANCE APPRAISAL

FOR

EXECUTIVE OFFICER

Prepared by
Department of Consumer Affairs
Office of Human Resources
1625 N. Market Blvd. Suite N-321
Sacramento, CA 95834



Executive Officer
PERFORMANCE APPRAISAL

INSTRUCTIONS

1. The Performance Appraisal process system is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance.
2. To indicate the rating of any performance factor, an "X" mark should be placed in the appropriate rating column and in the "Overall Rating" column on each page. Additional spaces have been provided to accommodate other critical performance factors identified by the Board.
3. Comments to the Executive Officer should:
 - Include factual examples of work especially well or poorly done, and
 - Give suggestions as to how performance can be improved.
4. The Overall Ratings must be consistent with the factor ratings and comments, but there is no prescribed formula for computing the overall rating.
5. Overall Comments may consist of a summary of comments from specific categories, general comments or comments on other job-related factors which the rater wishes to discuss. Additional pages may be attached.
6. The Board President/Chairperson will discuss the appraisal with the Executive Officer and give them a copy. In signing the appraisal, the Executive Officer merely acknowledges that they have seen the appraisal and has discussed it with the rater. Their signature does not indicate agreement with the ratings or comments.
7. The original copy of the appraisal will be maintained by the Department of Consumer Affairs, in the Executive Officer's Official Personnel File.



EXECUTIVE OFFICER

PERFORMANCE APPRAISAL RATING SYSTEM

The rating system consists of five (5) Ratings Categories, as defined below:

🏆 Outstanding

Performance significantly exceeds the Board's expectations due to the efforts and ability of the employee when considering the job in its entirety. Significantly above-standard performance may be exhibited by consistently completing assignments in advance of deadlines; implementing plans and/or procedures to increase efficiency or effectiveness of work; working independently with little direction; and consistently meeting Board goals.

🏆 Above Average

Performance exceeds the Board's expectations due to the efforts and ability of the Executive Officer when considering the job in its entirety. Performance is beyond what is expected of an Executive Officer in this position.

🏆 Average

Performance of the Executive Officer meets the minimum expectations of the Board. The Executive Officer adequately performs the duties and responsibilities of the position.

🏆 Needs Improvement

The Executive Officer's performance fails to meet the Board's minimum expectations due to lack of effort and/or ability when considering the job in its entirety. Performance requires improvement in numerous and/or important aspects of the position.

🏆 Not Applicable

Rater is unable to assess the Executive Officer in this area, or the area is not applicable to the employee's job.



Executive Officer
PERFORMANCE APPRAISAL

OVERALL RATING for

NAME: _____

BOARD OF _____

The overall rating must be consistent with the factor rating and comments, but there is no prescribed formula for computing the overall rating. The rating system is described on page 3.

☐ **OUTSTANDING**

☐ **ABOVE AVERAGE**

☐ **AVERAGE**

☐ **NEEDS IMPROVEMENT**

OVERALL COMMENTS *(Attach additional pages, if necessary)*

I HAVE PARTICIPATED IN A DISCUSSION OF OVERALL JOB PERFORMANCE

Signature of Executive
Officer: _____

Date: _____

Signature of Board
President/Chairperson: _____

Date: _____

Printed Name: _____



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------------------|--|-------------|---------------|---------|-------------------|----------------|
| 1. Relationship with the Board | | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| | Maintains respect and trust of Board members. | | | | | |
| | Provides Board with advice during consideration of issues. | | | | | |
| | Keeps Board informed of progress of Board programs on a regular basis. | | | | | |
| | Remains impartial and treats all Board members in a professional manner. | | | | | |
| | Functions as effective liaison between Board and Board Staff. | | | | | |
| | Provides Board with complete, clear, and accurate reports, minutes, etc. | | | | | |
| | Responds promptly to requests for information. | | | | | |
| | Is readily available to Board members. | | | | | |
| | Responds to constructive suggestions or criticism. | | | | | |
| | OVERALL RATING: | | | | | |

Relationship with the Board Comments:

(Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|------------------------|---|-------------|---------------|---------|-------------------|----------------|
| | 2. Execution of Board Policy | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Understands and complies with the overall policies, laws, and regulations of the Board. | | | | | |
| 2 | Implements Board policies. | | | | | |
| 3 | Efforts lead toward successful accomplishment of goals. | | | | | |
| 4 | Ensures effective and efficient management of enforcement and licensing programs. | | | | | |
| 5 | Keeps Board apprised of licensing and enforcement program and process developments. | | | | | |
| 6 | Manages Board legislative program and efforts. | | | | | |
| 7 | Manages sunset review process. | | | | | |
| OVERALL RATING: | | | | | | |

Execution of Board Policy Comments:

(Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|------------------------|--|-------------|---------------|---------|-------------------|----------------|
| | 3. Administrative Functions | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Plans, organizes, and directs Board administrative functions and staff. | | | | | |
| 2 | Provides oversight, direction, and management of the Board's annual budget, expenditures, and revenues. | | | | | |
| 3 | Keeps Board apprised of budget developments. | | | | | |
| 4 | Identifies, recommends and, as directed, seeks necessary changes to laws and regulations through proposed legislation and/or the Office of Administrative Law. | | | | | |
| 5 | Ensures compliance and enforcement of departmental, state, and federal policies and procedures. | | | | | |
| 6 | Develops and executes sound personnel practices and procedures. | | | | | |
| OVERALL RATING: | | | | | | |

Administrative Functions Comments:

(Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

| Performance Factor | | Ratings | | | | |
|--------------------|---|-------------|---------------|---------|-------------------|----------------|
| | 4. Public Liaison | Outstanding | Above Average | Average | Needs Improvement | Not Applicable |
| 1 | Represents the Board before the public. | | | | | |
| 2 | Directs consumer outreach programs. | | | | | |
| 3 | Manages Board's public relations effort. | | | | | |
| 4 | Directs liaison with educational institutions. | | | | | |
| 5 | Solicits and gives attention to problems and opinions of all groups and individuals. | | | | | |
| 6 | Represents the Board before industry associations to provide information regarding the Board's laws, regulations, programs, and policies. | | | | | |
| | OVERALL RATING: | | | | | |

Public Liaison Comments:

(Attach additional pages, if necessary)



Executive Officer
PERFORMANCE APPRAISAL

DCA Executive Office Comments:

(Attach additional pages, if necessary)