



NEW MEXICO
**LAW OFFICES OF THE
PUBLIC DEFENDER**

**Chief Public Defender
Bennett J. Baur**

Interpretive Memorandum 2023-01

Date: April 4, 2023

TO: All Law Offices of the Public Defender (LOPD) Employees

From: Bennett J. Baur, Chief Public Defender

BJB

Subject: Performance Appraisal Focal Point Implementation (10.12.9 Performance Appraisal)

PURPOSE: To change the current procedure of evaluating Law Offices of the Public Defender (LOPD) employees in a Career status on their anniversary date and establish guidelines for using a Focal Point rating date. The focal point rating period begins and ends on a specific date designated by the department, rather than an employee's anniversary date.

The procedure change will go into effect on May 1, 2023. The new focal point rating period is May 2 through May 1 every year. The annual May rating period will help, ensure career employees are eligible to receive legislative increases without delay, which typically occur at the beginning of July. It is also designed to help managers and supervisors coordinate their reviews, as the review process can be completed in a single one-to-two-month timeframe, rather than throughout the full year.

Required Form(s): Chief Approved LOPD Evaluation Form(s).

- A. The LOPD evaluation form is updated to include the following pages for each section; one page for the opening, two pages for the interim, and two pages for the final. Interim and final sections have a signature line for the employee, the immediate supervisor (rater) and the supervisor's manager or supervisor (reviewer).
- B. When submitting a final evaluation, supervisors will submit the entire annual evaluation, which shall include all signed sections as one living document: the opening evaluation, the interim(s) and the final. HR will place a copy of the entire annual evaluation in the employee's personnel file. This will document that the employee received an opening, interim and final evaluation as required per **Subsections A and B of NMAC 10.12.9.9 Performance Appraisal**.
- C. Short Form: A one-page "final" evaluation form intended to expedite the final evaluation of career employees this year only, on May 1, 2023. The Short Form will help to ensure a smooth, and timely transition to the focal point rating period.

Applicable Terms and Definitions:

- A. **Anniversary Date (10.12.1.7 NMAC):** here.
- B. **Focal Point Evaluations:** Focal point reviews, also referred to as common date reviews, are performance evaluations that occur all at one time for employees within an organization. Performance evaluations will be conducted on a fixed date for all employees, or segmented groups such as **career** employees. **LOPD Career employee reviews will be completed using the LOPD's new Focal Point (First Final Due May 1, 2023), first full rating period begins May 2 and ends May 1 annually moving forward.**
- C. **Career Status (10.12.2.9 NMAC):** here.
- D. **Probationary Employees (10.12.2.8 NMAC):** here
- E. **Opening Evaluation:** The first element of the performance rating process. It requires supervisors to set performance standards and goals in order to help employees channel their efforts toward achieving agency and unit objectives. Supervisors are encouraged to engage employees in the planning process, which occurs at the beginning of the evaluation cycle (within 30 days) or when a new employee is hired. **Career employees who will move to the new Focal Point are expected to have an open evaluation no later than June 2 each year.**
- F. **Interim Evaluation (10.12.9.9):** here
- G. **Closing Evaluation:** Completed by a supervisor or manager when there is a change in the supervision, classification, significant change to assigned job duties, promotion, demotion, re-classification, transfer, resignation or retirement of a current employee.
- H. **Final Evaluation (10.12.9.9):** here Completed by a current supervisor or manager at the end of a one-year rating period.

Applicable Policies and Collective Bargaining Agreement Articles:

- Pursuant to Subsection B of 10.12.9.9 Performance Appraisal; NMAC;
- Pursuant to Subsection B Section B of 10.12.9.8 Form;
- Pursuant to Section 1. Article 15 Performance Appraisal of the CBA.

GUIDELINES:

Currently, supervisors and managers evaluate career employee's using an anniversary date (hire/promotion date) as the beginning date and complete a final evaluation one year from that date. This process is changing to a focal point rating period. (as defined above)

A focal point rating period that begins and ends on a specific date, rather than an anniversary date will go into effect May 1, 2023. The new focal point rating calendar period for all employees in career status is May 2 through May 1 every year.

For all LOPD Career Employees: A final evaluation is due no later than May 1, 2023. A new evaluation rating period will begin on May 2, 2023. An opening evaluation shall be completed no later than June 2, moving forward.

Career Employees who have already received a final evaluation rating after February 1, 2023, will not require another final evaluation on May 1, 2023. Supervisors are expected to open a new evaluation in conjunction with the new focal point no later than June 2, 2023.

A final evaluation will be completed by supervisors and managers no later than May 1, 2023. The purpose of the May 1, 2023, final evaluation is to “move” all career employees from the anniversary date rating period to the new focal point rating period. The actual first full focal point rating period will begin May 2, 2023, and end May 1, 2024.

Supervisors and Managers will be expected to open a new evaluation within thirty days of May 2, 2023, which is June 2, 2023, and complete another interim and final evaluation no later than May 1, 2024. All career employees will be evaluated from May 2 through May 1 each year moving forward.

A focal point rating period is in accordance with **Subsection B of 10.12.9.8 Form** and **Subsection B of 10.12.9.9 Performance Appraisal.**

For LOPD Probationary Employees: Opening, interim, and final evaluations will continue to be completed using the probationary employee’s anniversary date. Following the successful completion of the probationary period, new career employees will move to the focal point rating period and receive a final evaluation no later than May 1 and an opening evaluation no later than June 2.

PROCEDURE:

Career Employee Responsibilities:

1. Be prepared to ask questions and give feedback
2. Prepare a list of accomplishments for the rating period
3. Accept constructive criticism and give input regarding goal setting during open evaluation

Manager and Supervisor Responsibilities:

1. Successfully complete a human resource director-approved course of study on employee performance appraisal within 90 days of appointment as a supervisor. This includes the focal point evaluation training.
2. Meet with each employee to discuss the evaluation rating to ensure they understand the job expectations. Ask the employee to sign the form, and give them a copy.

3. Submit signed Final Evaluation to Human Resources (LOPD-HR@lopdnm.us) for their career employees no later than May 1, 2023, and May 1 of each year moving forward.
4. Open an evaluation for career employees no later than June 2, 2023. This is in accordance with Subsection B. of 10.12.9.8 Form of NMAC.
5. Complete Interim and Final Evaluations as required by the memo and in accordance with policies and the CBA.

Human Resources (HR) Responsibilities:

1. Train all managers and supervisors to evaluate employees based on the Focal Point (May 2 – May 1) rating period.
2. Collect and track all final evaluations submitted by managers and supervisors
3. Review evaluations to ensure they are completed in accordance with this memo, NMAC and CBA.
4. Enter employee evaluation ratings into SHARE
5. Print and place a copy of the final evaluations in the employees' personnel files

FAQs:

Scenario A: I have completed a final evaluation for a career employee on January 31, 2023. **Do I need to complete another evaluation before May 1, 2023?** Yes, you must complete another final evaluation or "Short Form" evaluation with the career employee by May 1, 2023. You will also complete an opening evaluation no later than June 2, 2023. An interim evaluation should be completed in November 2023 (approximate). The employee's next final evaluation would then be due by the new focal point date, May 1, 2024.

Scenario B: I just completed a final evaluation with a career employee on February 1, 2023 (or later). **Do I need to complete another evaluation?** No, you are NOT required to complete another final evaluation or "Short Form" evaluation by May 1, 2023. You will complete an opening evaluation no later than June 2, 2023. An interim evaluation should be completed in November 2023 (approximately). The employee's next final evaluation would then be due by the new focal point date, May 1, 2024.

Scenario C: A probationary employee does not become a career employee until August 8, 2023. **When do I need to complete their final evaluation?** The new focal point does not apply to them yet, and you are not required to complete a final evaluation by May 1, 2023. You will complete a final evaluation by August 8, 2023. Using the new evaluation form, conduct an opening evaluation within 30 days of the employee completing probation, an interim after approximately 6 months, and another final evaluation by the new focal point date, May 1, 2024.