

September 4, 2002
Re: IO-02-103

You inquired whether there is a conflict of interest in the fact that both employees and the supervisors who evaluate their job performances receive pay for performance awards from the same limited fund allocated for that purpose. You suggested that a supervisor would be less likely to recommend awards to employees if those awards would negatively impact the award available for the supervisor.

In considering your inquiry, I talked to ----, in the Office of Personnel. The pay for performance system has built-in checks and balances that tend to minimize or eliminate evaluations that are inaccurate. Prior to issuing individual evaluations, department heads are required to submit a plan for review by the Office of Personnel, that follows the Pay for Performance Guidelines issued by the Office of Personnel. The departmental plan is then forwarded to the Chief Administrative Officer who is responsible for final approval of this plan. The personnel office also reviews departmental evaluations when they are completed, to insure that they comply with the guidelines.

Evaluations are conducted by the supervisor and reviewed by the department head. An employee may respond to the evaluation and the department head will also review that response. If an employee believes that the evaluation is incorrect, an informal resolution method contained in the program guidelines may help in resolving the employee's concerns.

The ethics commission concludes that this system adequately protects employees from the self-interest that may be a factor in the evaluation process of some supervisors. There are at least three reasons why it is unlikely that a supervisor would adversely evaluate a whole group of employees in order to benefit the supervisor's own interests. An adverse rating for all the supervisor's employees would reflect badly on the supervisor's management skills. A department head would undoubtedly question adverse ratings of a whole group of employees. And finally, the net gain to any supervisor's pay for performance award as a result of manipulating the evaluations would be nominal.

If you are concerned about your individual performance evaluation, you may take advantage of the procedures available to challenge that evaluation. The ethics commission does not have jurisdiction to review personnel evaluations under the circumstances that you have described.

Thank you for your inquiry.