

## **Department of Administrative Services Director (or Designee) Review of Classified, Exempt<sup>1</sup> Employee Performance Evaluations**

### **Standard Procedures**

In accordance with Ohio Administrative Code Section 123:1-29-03, the Director of the Department of Administrative Services (DAS) may review the annual performance evaluation of an employee who seeks such review in writing. This document is intended to provide employees with an understanding of the procedure followed by the Ohio Department of Administrative Services when an individual employee wishes to appeal his/her annual performance evaluation.

If an employee receives an Overall Evaluation Summary rating of “Does Not Meet” on their performance evaluation and the rating subsequently resulted in a step denial, the employee may appeal the Overall Evaluation Summary rating.

An employee may appeal the rating by submitting a Performance Evaluation Appeal Form<sup>2</sup> to the DAS Human Resources Division (HRD), ePerformance Unit. The appeal must be submitted in writing, and be either postmarked or emailed within fifteen (15) days from the date of disposition of the internal appeal review by the employee’s appointing authority. An employee may not request a review by the DAS Director until he/she has exhausted all available internal review procedures of the employing agency. A copy of the appeal should also be submitted to the Director of Human Resources in the employee’s agency. The appeal request may be emailed to [eperformance@das.ohio.gov](mailto:eperformance@das.ohio.gov) or sent via mail to 30 East Broad St., 27<sup>th</sup> Fl., Columbus, Ohio 43215.

When DAS receives the Performance Evaluation Appeal Form, an evaluation will be made to determine the appeal meets the requirements, including timeliness, as set forth above. Appeals that fail to meet the requirements for a review, or that are not timely, will be rejected and the employee will be notified of that result.

If it is determined the appeal meets the requirements for review, DAS will then issue a letter of acknowledgement to the employee stating the appeal was received timely. The letter will contain a DAS Appeal Request Form that must be completed by the employee and returned to DAS within fourteen (14) working days from the date on the letter. The appellant’s Appointing Authority will also receive notice of the appeal to DAS and will be asked to complete a DAS Agency Information Form within the same period of time.

Based solely on the materials submitted, a decision will be made, taking into consideration the following: (a) whether the evaluation process as described in the statewide Performance Evaluation Policy was followed; (b) whether the agency policy on performance evaluations was followed; and (c) whether the employee received a review through the agency appeal process as outlined in the agency policy. The Director will only make a change if the employee demonstrates by a preponderance of the evidence that the rater, reviewer or appointing authority abused their discretion producing an inaccurate, unfair or prejudicial evaluation or if the agency failed to substantially comply with either DAS rules or the agency’s own internal procedures related to performance evaluations.

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<sup>1</sup> Performance appraisals for non-exempt (bargaining unit) employees are grievable under collective bargaining agreements. Refer to the applicable contract to determine procedures.

<sup>2</sup> Forms can be found at: <http://das.ohio.gov/ePerfToolkit>

A decision will be made by DAS within thirty (30) calendar days of receiving the DAS Appeal Request Form from the employee. Pursuant to Ohio Administrative Code Section 123:1-29-03, the Director may order any of the following:

- That the evaluation stand unaltered,
- That all or part of the evaluation be expunged from the employee's personnel file,
- That individual ratings be raised or lowered, or
- Any other appropriate remedy.

The decision of the Director will be provided in writing to the employee and the appointing authority, and is final. The DAS Director may extend any deadlines or due dates upon a showing of good cause by the requesting party. Any extension granted will be communicated to both the employee and the employee's appointing authority. Corrections to an employee's pay required as a result of an appeal will be made retroactively following the issuance of the Director's decision. Changes will be processed during the pay period following that in which the final decision is dated and will only relate back to the date the employee would have otherwise received their step.