

1 **RESOLUTION NO. 7985**

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3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending  
4 Article V, Sections 2, 4, and 5 of Resolution No. 7758, the City of  
5 Topeka Personnel Code, relating to employee performance evaluation  
6 and specifically rescinding said original section.  
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8 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF  
9 TOPEKA, KANSAS, that Article V of the City of Topeka Personnel Code is hereby  
10 amended to read as follows:

11 **ARTICLE V. PERFORMANCE EVALUATION – SALARY/MERIT REVIEW**

12 Section 1. Performance Evaluation.

13 A. General. The purpose of the employee performance evaluation shall be to  
14 inform employees of how well they are performing their work and how they  
15 can improve their work performance. The performance evaluation may also  
16 be used in determining salary adjustments, as a factor in determining order of  
17 lay-off and for other such purposes as may be deemed advisable.

18 Section 2. Provision.

19 A. Non Department Head Positions and Non Deputy City Manager Positions.

20 The Human Resources Director shall, with the approval of the City Manager, establish an  
21 employee performance evaluation system ~~providing for and addressing the form of which~~  
22 will provide for and address the evaluation of an employee's work performance and any  
23 improvements thereto. Additionally, the Human Resources Director will establish a form for  
24 employee evaluations and shall assist and advise department heads in drafting position  
25 descriptions and standards of evaluation for each position within the department. The  
26 position descriptions and evaluation standards for each position shall be placed on file with  
27 the Human Resources Director by each department head. Any change in the position

28 description or standards of review for all positions shall be filed with the Human Resources  
29 Director.

30 B. Department Head and Deputy City Manager Positions. The Human  
31 Resources Director shall, with the approval of the City Manager, establish an employee  
32 performance evaluation system which will provide for and address the evaluation of an  
33 employee's work performance and any improvements thereto. Additionally, the Human  
34 Resources Director will establish a form for department head and Deputy City Manager  
35 evaluations and shall assist and advise the City Manager or Deputy City Managers in  
36 drafting position descriptions and standards of evaluation for each department head or  
37 Deputy City Manager. The position descriptions and evaluation standards for each position  
38 shall be placed on file with the Human Resources Director by the City Manager. Any  
39 change in position description or standards of review for all positions shall be filed with the  
40 Human Resources Director.

41 Section 3. Confidentiality.

42 Performance evaluations shall be confidential and shall be made available only to  
43 the employee evaluated, his/her supervisor or department head, the Human Resources  
44 Director, the City Manager, any person designated by the employee or any individual who  
45 may reasonably need access to the performance evaluations as required for legal actions  
46 including the resolution of grievances.

47 Section 4. Appeals.

48 A. General Non Department Head and Non Deputy City Manager Positions. Any  
49 employee in a non department head or non Deputy City Manager position  
50 who believes he/she has been unfairly evaluated may appeal that evaluation

51 by filing notice of intent with the department head pursuant to the following  
52 procedure:

53 1. The employee filing the appeal shall do so within ten (10) days of the  
54 receipt of the performance evaluation on a form to be provided by the  
55 Human Resources Director.

56 2. On receipt of notice of an appeal, the department head shall, within  
57 five (5) working days select one (1) person representative of the  
58 department to serve on the appeal committee and shall notify the  
59 employee filing the appeal of the name of the person selected to  
60 serve. The person selected to serve on the appeals committee shall  
61 be a full-time permanent employee of the City.

62 3. The employee filing the appeal shall, within five (5) working days of  
63 the filing, select one (1) person to serve as his/her representative to  
64 serve on the appeals committee and shall notify the department of the  
65 name of the person selected to serve. The person selected to serve  
66 shall be a full-time permanent employee of the City.

67 4. The persons selected pursuant to No. 2 and No. 3 above shall meet  
68 within five (5) working days of notification of their appointment to  
69 select a chairperson to serve on the appeals committee. The person  
70 selected as chairperson shall be a full-time permanent employee of  
71 the City. In the event the two (2) persons selected by the department  
72 head and the employee filing the appeal cannot agree on a neutral  
73 chairperson, they shall notify the Human Resources Director of their

74 inability to agree and the Human Resources Director shall provide a  
75 listing of five (5) City employees who have been trained to serve as  
76 chairpersons of appeals committees. The persons selected to serve  
77 by the department head and the employee filing the appeal shall then  
78 meet to alternately strike names until only one (1) name remains. The  
79 name of the individual remaining after the striking process shall serve  
80 as the chairperson of the appeals committee.

81 5. The appeals committee shall schedule a hearing within five (5)  
82 working days of the appointment of the chairperson.

83 6. The person filing the appeal shall have the right to call as a witness  
84 any individual having knowledge of the ability of the employee to  
85 perform the job providing that the witness shall have the right to refuse  
86 to testify regarding the ability of the employee to perform the job.

87 7. The supervisor who performed the evaluation shall appear at the  
88 hearing and explain the basis for the evaluation as it was written.

89 8. The appeals committee shall, within five (5) working days of the  
90 hearing, either sustain the performance evaluation or change the  
91 evaluation to reflect the majority decision of the committee. The  
92 majority decision shall be supported by written findings which shall be  
93 presented to the department head and the employee filing the appeal.

94 B. Department Head and Deputy City Manager Positions. Department heads or  
95 Deputy City Managers shall have no right to appeal a performance evaluation  
96 performed by the City Manager or Deputy City Managers, as applicable.

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98 Section 5. Salary/Merit Review.

99 A. Non Department Head and Non Deputy City Manager Positions. Whenever it

100 is determined that a merit salary increase shall be given to employees of the  
101 City, the department head shall review the personnel file of the employee to  
102 determine performance evaluation ratings and disciplinary actions of each  
103 employee in order to determine whether each employee of the department  
104 will be eligible for merit increases. The department head shall utilize the  
105 procedure established by the Human Resources Director for making merit  
106 determinations.

107 There shall be no appeal of a failure to receive a merit increase, provided  
108 however that an employee may grieve an alleged failure to comply with the  
109 procedure as determined by the Human Resources Director.

110 B. Department Head and Deputy City Manager Positions. When sufficient funds

111 have been budgeted for a merit or cost of living salary increase for  
112 department heads and Deputy City Managers, the City Manager shall review  
113 the performance evaluation ratings and disciplinary actions of each  
114 department head or Deputy City Manager in order to determine whether the  
115 department head or Deputy City Manager will be eligible for merit increases.

116 The City Manager shall have the sole discretion to determine the amount of  
117 salary increase for each department head or Deputy City Manager. There  
118 shall be no appeal by a department head or Deputy City Manager of the  
119 amount of or a failure to receive a salary increase.

120 BE IT FURTHER RESOLVED that original Article V, Sections 2, 4, and 5 of  
121 Resolution No. 7758, City of Topeka Personnel Code, is hereby specifically rescinded.

122 ADOPTED and APPROVED by the City Council August 7, 2007

123 CITY OF TOPEKA, KANSAS  
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128 William W. Bunten, Mayor

129 ATTEST:

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133 Brenda Younger, City Clerk