

To: Lt. Jeff Spence
From: Mark Van Meter
CC: file
Date: May 29, 2002
Re: Standard Operating Policies and Procedures Manual

Thank you for choosing VMA for your agencies needs. Here is the proposal for developing a Standard Operating Policies and Procedures Manual and Z-Base Performance Evaluation System for the Gahanna Police Department. If you have any questions, please give me a call at 800-331-8025.

I. OVERVIEW

Van Meter & Associates, Inc. (VMA) has recognized the need to develop a Standard Operating Procedures Manual for law enforcement and fire personnel VMA realizes the time, legal resources, and man-power required to develop a comprehensive operating manual for public safety. Progressive agencies seeking to replace out-dated material have limited resources available to achieve this difficult task.

This comprehensive document is your solution. No licensing agreement is required.

II. CONCEPTS AND METHODOLOGY

Here are the steps normally involved in producing a customized manual.

- All agency policies and procedures are shipped to VMA for review.
- A first draft of the manual is cut and shipped to agency for review.
- On site visit by VMA to review initial draft of manual.
- Changes are taken back to VMA and a final draft of manual is cut and returned.

III. ASSIGNMENT

In order for a timely completion of the project, the draft reviews of the manual will need to be completed in advance to VMA's on site visit.

At the completion of the project, Gahanna Police Department will receive an electronic version of the manual in MS-Access for further updates and printing.

EXHIBIT A

IV. TIMING

The estimated time to complete this project will be 90 days from receipt of deposit and current policies and procedures.

V. COST

Total cost for this project is \$7,500.00 with a 50% (\$3,750.00) deposit required to start. The remaining balance (\$3,750.00) will be split into two payments of (\$1,875.00) due after the first draft is completed with the balance (\$1,875.00) due within 10 days of the final draft being received by the agency. The final materials will not be released until all balances have been paid in full.

VMA

Van Meter & Associates, Inc.

**Training & Organizational Development
for Public Safety Forces**

Since 1982

Proposal

Zero-Based Performance Evaluation System

**Developed for the
GAHANNA POLICE DEPARTMENT**

Offered by:

Van Meter & Associates, Inc.
P.O. Box 21313, Columbus, OH 43221
Telephone: 1.800.331.8025
<http://www.vmanet.com>

Thursday, May 30, 2002

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Introduction

This proposal is to implement the Zero-Based Performance Evaluation (Z-Based) system for the Gahanna Police Department.

Overview of Z-Based

Z-Based is a non-traditional approach to evaluating the performance of law enforcement personnel. ¹ Whereas traditional systems treat performance as a behavior, or personal trait or characteristic of the performer, Z-Based defines performance as a worthy accomplishment. Defining performance in this manner is aligned with definitions found in standard dictionaries. ²

Evaluating accomplishments reduces many of the problems associated with traditional evaluation systems (e.g., rater bias, halo effects, subjective judgments) because they are visible and can be objectively measured using simple arithmetical and statistical procedures (e.g., adding, subtracting, calculating an average).

Z-Based incorporates three types of evaluations:

1. Pre-evaluation
2. Critical-Incident Evaluation
3. Post-evaluation

Pre-evaluations are made at the beginning of the rating cycle. Rating cycles are set at every six months. These evaluations assume that all employees are highly competent, capable, and willing to comply with the organization's standards of conduct and behavior, and will be productive if treated fairly. ³ Pre-evaluation scores are set at zero and will not change unless an employee is disciplined, and/or fails to correct a performance deficiency identified during the evaluation cycle. ⁴ A zero score indicates that the employee has no disciplinary problems, nor uncorrected performance deficiencies.

Critical-Incident Evaluations are mandatory when an officer engages in a vehicular pursuit; a firearm is discharged by an officer (except at a firing range), a person in custody receives a serious injury or has received a serious injury while being taken into custody, when an officer is injured in the line of duty, a citizen's complaint is made against an officer, and

¹ Actually, Z-Based can be used to evaluate performance in all professions by simply changing the rating items in the job descriptions. However, all the field work conducted during the development of Z-Based (with the exception of one private enterprise) was conducted on law enforcement agencies.

² For example, Oxford's Illustrated Dictionary classifies performance as a noun. It is defined, at part 1b, as... the fulfillment (of a duty, etc.); and, again at part 3, as... a person's achievement under test conditions, etc.) 1998, page 606.

³ Evaluating performance in this manner is aligned with Douglas McGregor's "Theory Y" concept of human resources management. The theory holds that employees are positive in nature, want to succeed, and will be motivated to do a good job if given proper recognition, and treated with dignity and respect. HR research over the last 40 years has shown strong support for this theory. For more information see: McGregor, *The Human Side of Enterprise*. New York: McGraw-Hill, 1960; and, Heil G, Bennis, Stephens, McGregor, Heil F. *Douglas McGregor, Revisited: Managing the Human Side of the Enterprise - 1st ed.* Wiley, John and Son, Inc., 1999.

⁴ Evaluation cycles at Gahanna will be every six months.

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following all internal affairs investigations. Critical-Incident evaluations are conducted to determine if the employee's conduct or behavior that triggered the event needs to be improved.

Post-evaluations are conducted at the end of the evaluation cycle. These evaluations are the sum total of administrative time and costs (reported in man-hours) associated with any disciplinary action taken against an employee, and/or the costs associated with administrative efforts taken to improve an employee's performance during the evaluation period. These costs are documented on specific forms and tracked throughout the evaluation cycle whenever dysfunctional performance occurs. Dysfunctional performance is defined as any accomplishment that fails to meet management's standards (e.g., improperly completed report, misconduct, and inappropriate behavior, violations of policies, rules, or laws).

History

Z-Based was researched and developed by D. J. Van Meter, Ph.D. who is a specialist in human performance technology.⁵ He is founder and principle of Van Meter and Associates, Inc. (VMA), Columbus, Ohio. VMA has been in the business of training and consulting with law enforcement and public-safety agencies since 1982, and operates nationwide.

A deductive approach was used to develop the Z-Based system. Extensive literature reviews were conducted and case law reviewed to determine the criteria upon which professionals and courts assess the validity and defensibility of evaluation systems. Combined with ten years of practical field work with law enforcement agencies nationwide, Z-Based emerged.⁶ The findings of this research are reported in two publications:

- On-the-Job Performance Evaluations: An Empirical Analysis of "Just Cause" Corollaries as Predictors of Title VII Employment Discrimination Case Outcomes (Dissertation Abstracts, 1995, Van Meter, D.J., Ann Arbor, MI)
- Evaluating Dysfunctional Police Performance: A Zero-Based Approach (Van Meter, D.J., 2001, Charles Thomas Publishing, Springfield, Illinois).

Development of Z-Based for the Gahanna Police Department

Z-Based will be developed through a series of steps that will be conducted over a period of approximately six months. This time limit may vary based on current activities occurring within the client's agency once the project is started.

STEP ONE: Jobs will be analyzed to determine the various performances required. This work will produce written master job descriptions for the various positions targeted for evaluation. Included, as part of these descriptions, will be a comprehensive listing of the performance measures that will be used for evaluation items by the system.

For those jobholders who perform special job functions in the department (e.g., Field Training Officer; Internal Affairs Investigator; Departmental Training Officer), an additional

⁵ For a definitive source on human performance technology and its theoretical basis, see Thomas Gilbert's Human Competence: Engineering Worthy Performance, McGraw-Hill Book Company, 1979.

⁶ See Appendix A for a model of the Z-Based system.

listing of evaluation measures will be developed, and become part of those employees' master job descriptions.

Failure to achieve satisfactory performance on any of these evaluative measures triggers management action in Z-Based, and has the potential of affecting the employee's post-evaluation score (i.e., Z-Score).

STEP TWO: A Daily Activity Sheet and an Inventory of Priority Performance Measures will be developed to record the various types of functional (i.e., productive) and dysfunctional performances that either contribute to, or subtract from, the department's mission, goals, and objectives.

Employees will be taught how to document their functional performances on the Daily Activity Sheet. Supervisors will be taught how to review these sheets, daily.

Additionally, supervisors will be taught how to maintain a Supervisory Report that documents initiatives taken to correct dysfunctional performances related to an employee's productive, conduct, and/or behavior. Command-level personnel will have the responsibilities of ensuring that supervisors are completing these logs, identifying potential problems, and initiating timely and appropriate corrective action, as needed.

STEP THREE: A limited number of selected employees will be training in how to performance coach. Should a performance problem of a non-disciplinary nature develop during the evaluation cycle, these employees help the employee develop a Performance Improvement Plan (PIP) for correcting the problem. A PIP form will be designed for the Gahanna Police Department.

The completed plan must be approved by command-level personnel, and all administrative costs (tallied in man-hours) devoted to the improvement effort must be documented on the plan. However, these costs will not affect the employee's final evaluation score (i.e., Z-Score) unless improvement fails to occur, or the disciplinary action has to be taken to correct the problem.

STEP FOUR: One or more members of the Gahanna Police Department will be trained in how to use a specially develop computer program (i.e., Performance Profiles) for tracking performance data and reporting post-evaluation scores.

At the end of the evaluation cycle employees will receive an evaluation score that reflects the total amount of time and costs (reported in man hours) that was assessed against their pre-evaluation scores, if any. The lower this score, the better. Performance Profiles and a Post-Evaluation Instrument will be designed for the Gahanna Police Department.

Z-Based and Legal Criteria for Evaluation Systems

Z-Based has been designed to satisfy a number of professional and legal criteria established for performance evaluation systems. These standards include those established by the:

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American Psychological Association, Committee for the Accreditation of Law Enforcement Agencies, and United States Department of Justice.⁷

What follows is a synopsis of these criteria

A policy shall set out objective, job-relevant criteria, and provide for review of these criteria by each officer.

Technically, "objective job-relevant criteria" mean standards must be factually related to the business necessity of the job. Objective standards cannot be arbitrary nor based on personal opinion. They must be shown through some form of job analysis to be important to the job.

Prior to implementing Z-Based, a modified job analysis is conducted for each targeted job-position in the Gahanna Police Department. These positions included:

- A.
- B.
- C. etc.

Jobholders will be surveyed, organizational documents reviewed, the U.S. Department of Labor's "O-Net" consulted, and previous job-analysis work conducted by Van Meter & Associates, Inc. for law enforcement agencies used as data sources for these descriptions.⁸

To ensure employees know and understand what performances are required of them, master job descriptive statements will be printed for placement in their personnel files.

The system shall provide that each officer receive periodic face-to-face and written performance evaluations by supervisors during which performance is discussed and evaluated, including recommendations for necessary improvement.

Z-Based policy requires that a supervisor, and/or a trained performance evaluator, work directly with an employee when any of the following occur:

1. All forms of non-scheduled absenteeism (unplanned sick leave, tardiness, and the like).⁹

⁷ Z-Based has been approved by the U.S. Department of Justice for meeting the requirements of its federal consent decree with the Steubenville Police Department, Steubenville, Ohio.

⁸ It is important to note that the Employment Opportunities Commission (the federal agency responsible for establishing the guidelines that govern criteria for employment testing and selection) does not require conducting a full job analysis in every validation study. At Section 14 (B) 3 of their technical standards for criterion measures in criterion-related validity studies the guidelines state: Any criteria used should represent important or critical work behaviors or work outcomes. Certain criteria may be used without a full job analysis if the user can show the importance of the criteria to the particular employment context. These criteria include but are not limited to production rate, error rate, tardiness, absenteeism, and length of service. A standardized rating of overall work performance may be used where a study of the job shows that it is an appropriate criterion.

Absenteeism, tardiness, performance error (e.g., failing to follow rules, inappropriate social behavior, report error), and substandard productive work effort form the basis of all rating items used in Z-Based. In short, Z-Based uses rating items that federal authorities have defined as self-validating.

2. Conduct or behavior resulting in disciplinary action.
3. Repeated work errors.
4. All citizens' complaints related to allegations of improper or inappropriate employee conduct, behavior, civil rights violations, or criminal law violations.
5. Inefficient or ineffective use of directed or self-directed work time:
 - a. Response to calls for service
 - b. Self-initiated productivity
6. Following a vehicular pursuit.
7. Use-of-Force incident.
8. Discharge of a firearms (except during training).
9. Serious injury to a person taken into custody, or to an officer acting in the line of duty.
10. Following an internal affairs investigation.

The project includes developing the specific forms that will be used for documenting these incidences.

Evaluations shall include narrative discussion of the officer's performance, and shall explain fully the weight and substance of all factors used to evaluate an officer.

The Z-Based "Performance Improvement Plan" (PIP) accomplishes this by requiring a detailed explanation of the performance problem, the employee's commitment to improvement, and a plan for accomplishing the improvement. This project includes development of the PIP.

Supervisors shall include in the evaluation consideration of uses of force, civilian complaints, disciplinary actions, injuries, etc., focusing on possible patterns of misconduct or inappropriate action.

Z-Based policy mandates that a Critical-Incident Evaluation will be conducted each time any type of force is used against an individual, an officer engages in a vehicular pursuit, a firearm is discharged by an officer (except at a firing range), a person in custody receives a serious injury or has received a serious injury while being taken into custody, when any officer is injured in the line of duty, or a citizen's complaint is made against an officer. This is independent of, and in addition to, any other administrative action taken. See Appendix B for a copy of Z-Based Policies that govern the use of the system.

The purpose of these evaluations is to determine if, under the circumstances existing at the time, it was reasonable to have expected better performance from the employee. The Critical-Incident Evaluation instrument will be developed for the Gahanna Police Department.

Supervisors and senior supervisors' evaluations shall include assessment of their ability to monitor, deter, and appropriately address misconduct or inappropriate action by officers they supervise.

⁹ See Appendix K for a copy of the Non-Scheduled Absenteeism Report.

It is a mandate that supervisors submit weekly Supervisory Reports that document whether they are identifying performance problems in their work units, and taking timely and appropriate corrective action. Policy requires that these reports will be monitored and reviewed by command-level personnel who have a major responsibility listed in their job descriptions to ensure that supervisors under their commands are doing their jobs correctly (see Appendix B).

Additionally, policy requires that any supervisor (i.e., first-line as well as command-level) who will not or cannot use the system in a proper and competent manner be relieved of duties in this area. These are serious actions and will become part of the supervisor/commander's performance record (again, see Appendix B).

Implementation Plan

The following implementation activities will be involved in the completion of this project:

1. All members of the department (i.e., officers, sergeants, commanders, and the Chief of Police) will be afforded the opportunity to attend a pre-development training on the system.

This training will provide members with an overview of case law focusing on employer-employee rights and responsibilities to evaluate performance, how the Z-Based system concept works, governing policies, how rating measures are developed, how data is documented and analyzed, how rating scores are determined, and the various responsibilities required of the employees in the departments to make the system work.

2. A computer program (i.e., Performance Profiles) will be developed for inputting and analyzing the performance data that will be used in the system. There are three databases in this program. These databases record and analyze daily work productivity, incidences of dysfunctional performance, and final evaluation scores (i.e., Z-Scores). An officer will be trained to use this program and will be responsible for the maintenance and security of these databases.

3. A pilot committee will be formed from various positions in the department to assist in the development and implementation of the system. This committee assists in the development of the job descriptions and subsequent performance measures for the various positions in the department.

Once the system is implemented, these officers will serve as Performance Coaches who will be responsible for conducting Critical-Incident Evaluations, and developing Performance Improvement Plans- - when necessary.

Once the project has been approved by the Chief of Police, the following activities will occur:

- All personnel affected by the system will be given additional training and information concerning how the system will be incorporated for the Gahanna Police Department, and their specific responsibilities for ensuring that the system

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functions properly. All members will be required to pass a written test to ensure that they understand specific details of the system. Tests scores will become part of their personnel files.

- Performance Coaches will receive additional training focusing on developing Performance Improvement Plans, and conducting Critical-Incident Evaluations.
- Supervisors and commanders will receive additional training focusing on reporting and correcting performance deficiencies.

Once all training has been completed, the system will be pilot-tested and monitored for a period of three months to ensure that it is operating properly, and being used as designed. During this time, command and supervisory level personnel will continue to (as necessary):

- Refine the Inventory of Priority Performance Measures to ensure they are adequately capturing the desired data.
- Refine and or develop reporting forms.
- Conduct additional training and/or testing of personnel.

Proposed Costs and Terms for Work and Payment

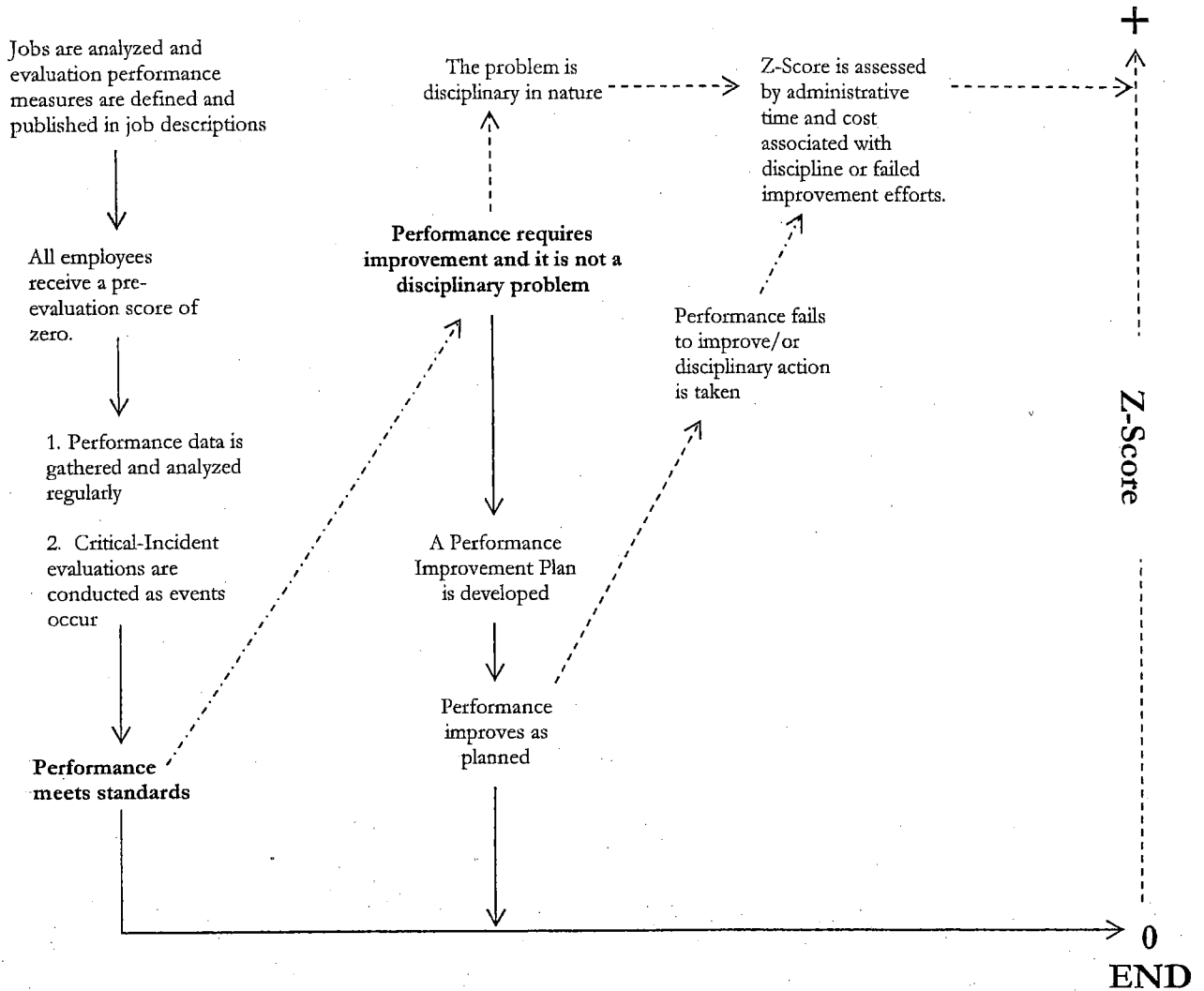
Van Meter & Associates, Inc. will begin the project upon receiving a 50% payment of project costs.

50% of the remaining balance will be due once the project development is completed, and prior to pilot testing. The remaining balance will be due within 30 days of the end of the pilot test.

Total Cost for this project would be \$2,500.00 contingent on the Department's acceptance of the Standard Operating Policies and Procedures Manual proposal. No licensing agreement is required.

Appendix A: Model of Z-Based

The Z-Based Model



Appendix B: Z-Based Policies

The evaluation policies that follow do not establish an implied or written contract with employees or applicants for a job or a position or continued job or position with the Gahanna Police Department, or for a specified duration of employment. As circumstances change, the Department reserves the right to change these evaluation policies and practices.

01 Purposes of Evaluations

The central purpose of Z-Based is to identify and improve performance deficiencies before they have a detrimental effect on the quality of services provided to the public, or before they affect the employee's final evaluation score.

02 Use of Evaluation Data

Evaluation scores will be used to:

- give employees recognition for good work
- support administrative decision-making concerning merit/bonus pay, selection, staffing, development, discipline, and termination
- provide the Department with an effective mechanism to measure and communicate levels of job performance to employees
- provide employees with documented constructive feedback concerning current job performance
- satisfy the goals and objectives of the Federal Consent Decree, specifically paragraphs 78 and 79

03 Probationary employees

Z-Based is not designed for evaluating probationary employees. The department's existing Field Training Officer's program will be used for evaluation of these personnel.

04 How the Evaluation System Works

All employees begin the evaluation cycle with a perfect evaluation score, a zero. They will maintain this score unless disciplinary actions are taken against them during the evaluation cycle, or they fail to correct performance deficiencies brought to their attention.

Should disciplinary action be taken against an employee, all time and administrative costs associated with the disciplinary action are calculated in man-hours and added to the employee evaluation score.

Should an employee have a performance problem, non-disciplinary in nature, in-service coaching efforts are made to help the employee correct the problem. Only if improvement efforts fail, are the time and administrative costs associated with the improvement efforts calculated into the employee's final evaluation score.

05 Rating Measures

Compliance measures (that is, organizational directives such as rules, regulations, policies, procedures, customs, practices, and the like) and productivity measures specific to designated work units are treated as rating measures in Z-Based. Data associated with these

rating items are tracked regularly during the evaluation cycle to ensure performance meets the standards associated with these measures.

Supervisor's Coaching Log

Supervisors have the responsibility to monitor the quality and quantity of performance as it relates to all performance measures. Should problems occur supervisors are required to meet with the employees involved and attempt to resolve the problem at the supervisory level. The amount of time and resources devoted to these development efforts are recorded on a prescribed log that is turned in bi-weekly for review and analysis by command personnel. Of specific interest are problems related to:

- Non-scheduled absenteeism, patterned absenteeism, and tardiness.
- Displays of ineffective or inappropriate behaviors or attitudes.
- Report errors.
- Low quality or quantity of productivity.
- Service complaints where facts indicate that the complaint could have been avoided or resolved if the employee had exercised better judgment or common sense.

06 Performance Coaching

Performance coaching involves a formal interview with a trained employee whose purpose is to determine if an employee, with an identified performance problem, has the necessary desire, ability, and opportunity to perform to standard. As long as an employee is willing and able to correct the problem, and the problem is not disciplinary in nature, the time and administrative costs associated with coaching efforts do not affect the employee's Z-Score. However, should the employee not have the necessary desire and/or ability to correct a problem, or if the problem calls for disciplinary action, all time and costs associated with the improvement or disciplinary action are added to form the employee's final Z-Score.

07 Evaluation Cycle

Z-Scores are calculated at the end of each six-month evaluation cycle. Only employees with Z-Scores falling within an acceptable range from zero, become primary candidates for merit, bonus, career advancement opportunities, and the like. ¹⁰

Employees with excessively high Z-Scores are targeted for probation or removal. Decisions are made on a case-by-case basis with such factors as the nature of the problem, the employee's work history; service records, work attitude, seniority, and the like are considered as aggravating and mitigating factors.

08 Supervisors' and Commanders' Responsibilities

Supervisors and commanders have an ongoing responsibility to monitor their subordinates' work regularly and to institute problem-solving actions and other appropriate supervisory action if problems occur.

Supervisors or commanders who fail to accept their evaluation responsibilities will be removed from their involvement in the evaluation process. All facts become part of their

¹⁰ Z-Based uses the Equal Employment Opportunities 80/20, or Four-Fifths, rule as a means for determining this range.

personnel files. Those records will be used to support management's decisions affecting remedial training, demotion, task removal, transfer, or termination.

09 Employees Review and Sign Forms

Employees have an opportunity to review and sign their final evaluation forms. Signatures acknowledge only that employees have reviewed and understand their evaluations. Under no circumstances is an employee's signature to be regarded as agreement with the evaluation.

Should an employee refuse to sign an evaluation form, the employee's reasons for not doing so are documented on the evaluation form. If the employee refuses to give reasons for not signing the form, that response is noted as well.

Employees who refuse to sign an evaluation form forfeit their privilege to a re-evaluation.

Re-evaluations will be conducted within 10 days of the employee's request and will focus only on those items being contested in the original evaluation. Refusal to sign an evaluation suspends the employee's privilege to a review, and the evaluation will become permanent.

10 Re-evaluations

Employees must provide substantial evidence that an evaluation was performed improperly or inaccurately to request a re-evaluation.

Requests for re-evaluations must be made within 10 days of the end of the evaluation cycle, and the re-evaluation must be conducted within 10 days of the request.

Only objective and documented data will be used for re-evaluation. During the re-evaluation, the employee may question any data and will be entitled to a reasonable explanation in writing if so requested.

Under no circumstances will the original evaluation be changed if, after a re-evaluation, the original remains factual and accurate. If an evaluation is changed, the reasons for the change will be filed with the original evaluation instrument.

Should a re-evaluation reveal that the original evaluation was conducted contrary to these policies, that evaluation will be set aside and a new evaluation will be completed.

If malice or intent to damage an employee's reputation is revealed during the re-evaluation process, employees responsible can expect to receive progressive discipline up to and including termination.

All time and costs devoted to conducting a re-evaluation are assessed against the Z-Score of the party (management or the employee) found to be in error as a result of the re-evaluation.

11 Retention of Data

Information that supports an employee's evaluation is kept in a performance file that is separate from the employee's personnel file, if practicable and not prohibited by law.

Final evaluation instruments will be kept in the employee's personnel file and will be maintained for a minimum of three years, longer if necessary.

The employee's supervisor is responsible for ensuring that all outdated evaluation instruments are removed from their employees' personnel files by required deadlines.

However, instruments may be retained for any reasonable period of time if they are necessary for business purposes, provided the employee is notified of the reasons. Reasons may include a pending administrative action (e.g., discipline), trial, or lawsuit. The supervisor will document the reasons for such retention, and set an appropriate deadline for removal of the items.

Employees are entitled to copies of all evaluation instruments placed in their personnel files.

12 Critical-Incident Evaluations

A performance evaluation will be conducted after every incident that an officer engages in a vehicular pursuit; a firearm is discharged by an officer (except at a firing range), a person in custody receives a serious injury or has received a serious injury while being taken into custody, when any officer is injured in the line of duty, or a citizen's complaint is made against an officer, and following all internal affairs investigations. This is independent of, and in addition to, internal affairs investigations that may be conducted.

Whereas the central purpose of investigations is to determine whether improper or inappropriate conduct/behavior occurred, the purpose of evaluation is to determine if the employee's performance needs improvement.

To ensure that the evaluation will be as objective as practicable, persons conducting the investigation shall not conduct the evaluation. Evaluations of this nature will be conducted on a special form and the original attached to the original copy of the investigative report.

13 Annual Evaluation of System

The Chief of Police will assess the effectiveness and efficiency of Z-Based annually. Central concerns will focus on the overall improvement of employee performance. Extreme cases of misconduct, non-proficient work, or misbehaviors are reviewed. Contested reviews are inspected for the need to improve training of supervisors, coaches, or employees. Contested reviews are also checked to improve communications of the review, measurement, rating, evaluation, or reporting processes. Summarized findings of the annual review are made available to all employees.