

**Office of the State Public Defender
Administrative Policies
Human Resources**

Subject: Performance Evaluations	Policy No.: 515
Title 47	Pages: 2
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1. POLICY

Each employee of the Office of the State Public Defender shall have their work performance evaluated on a yearly basis.

2. PROCEDURE

- 2.1 Performance evaluations shall be conducted by the following on a form approved by the Chief Public Defender:
 - 2.1.1 Regional Deputy Public Defenders shall be evaluated by the Chief Public Defender.
 - 2.1.2 Managing Attorneys shall be evaluated by the Regional Deputy Public Defender. The Chief Public Defender will review the evaluation before it is discussed with the employee.
 - 2.1.3 Assistant Public Defenders shall be evaluated by the Managing Attorney. The Regional Deputy Public Defender will review the evaluation before it is discussed with the employee.
 - 2.1.4 Support staff will be evaluated by the supervising attorney (Regional Deputy Public Defender or Managing Attorney). The Regional Deputy Public Defender will review the evaluation before it is discussed with the employee if the Managing Attorney conducted the evaluation.
 - 2.1.5 Investigators will be evaluated by the Regional Deputy Public Defender in conjunction with the Investigator Supervisor(s). The Investigator Supervisor(s) will be evaluated by the Chief Public Defender.

- 2.2 In conducting the evaluation, the evaluator may obtain information from any of the following:
 - 2.2.1 Clients;
 - 2.2.2 Co-workers (attorneys, investigators, office staff);
 - 2.2.3 Judicial personnel;
 - 2.2.4 Faculty from any training the employee attends.

- 2.3 In addition, attorneys will be observed in court by the evaluator.

- 2.4 The employee shall be interviewed pursuant to the performance evaluation.
- 2.5 The person conducting the performance evaluation shall meet with the employee to review and discuss the evaluation. If the employee disagrees with the appraisal, s/he has the right to submit, within 10 working days of receipt of the appraisal, a written rebuttal to be attached to the document.
- 2.6 A permanent employee may file a grievance under the state grievance procedure outlined in MOM 3-0115 Performance Management and Evaluation.
- 2.7 Once all parties have signed the performance evaluation, a copy will be given to the employee. If the employee refuses to sign the form, the supervisor will document on the form that the employee refused to sign the document. The original will be placed in the employee's personnel file along with any written comments received from the employee. The performance evaluation will be maintained throughout the term of employment and retained in compliance with the State Records Retention Schedule.

3. CLOSING

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.

Questions about this policy should be address to the OPD Human Resource Officer at:

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