R477-10. Employee Development.

**R477-10-1. Performance Evaluation.**

Agency management shall utilize the Utah Performance Management (UPM) system for employee performance plans and evaluations. For this rule, the word employee refers to a career service employee, unless otherwise indicated.

1. Performance management systems shall satisfy the following criteria.
   a. Agency management selects an overall performance rating scale.
   b. Management writes performance standards and expectations for each employee in a performance plan.
   c. Management notifies employees when their performance plans are implemented or modified.
   d. Management provides employees with regular verbal and written feedback based on the standards of performance and behavior outlined in their performance plans.

2. Management shall evaluate an employee's performance in writing each fiscal year.
   a. An employee may include written comments pertaining to the employee's performance evaluation.
   b. Management may issue a written performance evaluation to a probationary employee at the end of the probationary period.

**R477-10-2. Performance Improvement.**

When an employee's performance does not meet established standards due to failure to maintain skills, incompetence, or inefficiency, and after consulting with DHRM, agency management may place an employee on an appropriate and documented performance improvement plan in accordance with the following rules.

1. The supervisor shall discuss the substandard performance with the employee and determine appropriate action.
2. Performance improvement plans shall identify or provide for:
   a. a designated period of time for improvement;
   b. an opportunity for remediation;
   c. performance expectations;
   d. closer supervision to include regular feedback of the employee's progress;
   e. notice of disciplinary action for failure to improve; and
   f. a written performance evaluation at the conclusion of the performance improvement plan.
3. An employee may submit written comment to accompany the performance improvement plan.
4. Performance improvement plans may also identify or provide for the following based on the nature of the performance issue:
   a. training;
   b. reassignment; or
   c. use of appropriate leave.
5. Following successful completion of a performance improvement plan, the supervisor shall notify the employee of disciplinary consequences for a recurrence of the deficient work performance.

**R477-10-3. Written Warnings.**

Agency management may use written warnings to address performance or conduct problems.

**R477-10-4. Employee Development and Training.**

1. Agency management may establish programs for training and staff development that shall be agency specific or designed for highly specialized or technical jobs and tasks.
2. Agency management shall consult with the Division Director, DHRM, when proposed training and development activities may have statewide impact or may be offered more cost effectively on a statewide basis. The Division Director, DHRM, shall determine whether DHRM will be responsible for the training standards.
3. The Division Director, DHRM, shall work with agency management to establish standards to guide the development of statewide activities and to facilitate sharing of resources statewide.
4. When an agency directs an employee to participate in an educational program, the agency shall pay full costs.
5. Agencies are required to provide refresher training and make reasonable efforts to requalify veterans reemployed under USERRA, as long as it does not cause an undue hardship to the employing agency.
6. Management shall ensure that training is presented or made available online unless there is a physical or interactive component, the training takes place over consecutive, full-day sessions, or no attendee travels more than 50 miles from their primary residence or place of employment, whichever is closer to the training site, to attend the training.

**R477-10-5. Education Assistance.**

State agencies may assist an employee in the pursuit of educational goals by granting administrative leave to attend classes, a subsidy of educational expenses, or both.

1. An agency may grant educational assistance when:
   a. the agency has a written policy governing educational assistance;
   b. the employee discloses any scholarships, subsidies, and grant monies received for the educational program; and
   c. the employee's educational program will provide a benefit to the state.
(2) An agency shall require the employee to repay educational assistance when:
(a) the employee fails to successfully complete the required course work or educational requirements of a program; or
(b) the employee leaves the agency within one year of completing the educational work.
(3) Education assistance may not exceed $5,250 per employee in any one calendar year unless approved in advance by the agency head.
(4) Management shall reduce the educational assistance provided by the amount of funding disclosed under Subsection (1)(b) except for funding that must be repaid by the employee.
(5) Agency management shall be responsible for determining the taxable or non-taxable status of educational assistance reimbursements.

KEY: educational tuition, employee performance evaluations, employee productivity, training programs
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