

PEPs and PEP Ratings

FAQs for MSDE Employees and Supervisors

FAQ

A. Signatures

- 1) Which signatures are required on a mid-cycle PEP memo? The employee and the supervisor.
- 2) Which signatures are required on the “long form” for annual PEPs or unsatisfactory mid-cycle PEPs? The employee, supervisor, and the appointing authority.
- 3) Who is the appointing authority? Typically the appointing authority is a Chief (formerly known as a Deputy State Superintendent) or Assistant State Superintendent. For PEPs, the authority is often delegated to a Director.
- 4) What if an employee refuses to sign a PEP? The supervisor will write "Employee refuses to sign" on the employee signature line. This makes the PEP official and HR will file it into the employee's Official Personnel Folder.

As listed on the PEP form: "No personnel action shall be taken or refused as a reprisal against an employee who refuses to sign this evaluation. The supervisor shall note the refusal on the employee's signature line."

B. Comment sections

- 1) Is a supervisor required to enter feedback in the “Supervisor Comments” section on the long form? Yes. Supervisors may also summarize their comments on a separate document and write “See attached” in the comment section on the long form. The attachment is included with the PEP for filing in the Official Personnel Folder.

NOTE: Please ensure the attached document lists the employee’s name, PEP cycle (mid or annual), and date.
- 2) Is an employee required to enter feedback in the "Employee Comments" section on the long form? No. However, it is recommended to ensure the comments are documented.

- 3) What if an employee has comments that are not entered onto the PEP form? Employees may also summarize their comments on a separate document and write “See attached” in the comment section on the long form. The attachment is included with the PEP for filing in the Official Personnel Folder.

NOTE: Please ensure the attached document lists the employee’s name, PEP cycle (mid or annual), and date.

- 4) Is employee feedback allowed with a mid-cycle PEP memo? Yes, using the attached document listed in #3.
- 5) Is employee feedback allowed after the PEP meeting? Yes, using the attached document listed in #3.

C. Employee self-evaluations

- 1) What is the purpose? Many teams use this as a tool to discuss some of the line-item ratings at the PEP meeting.
- 2) Is a self-evaluation required? No.
- 3) If a self-evaluation is completed, must the employee share it with the supervisor?
Not necessarily. Employees may use this tool to prepare for the PEP meeting. This could help them organize the things they want to discuss. In this instance, the self-evaluation does not need to be shared.
If the employee wants to reference their self-evaluation as documentation, then yes, the self-evaluation should be shared.
- 4) Will an employee face counseling or discipline because of listing higher ratings on a self-evaluation? No.
- 5) Is a self-evaluation a substitute for employee comments? Typically no. However, the employee can attach it and write “See attached” in the Employee Comments section of the long form.

D. Supervisor rating form

- 1) Is a supervisor rating form required? No.
- 2) If a supervisor rating form is completed, must the employee share it with the supervisor? Yes. The form instructions require it to be provided to the supervisor. This allows the supervisor to be notified of the employee's concerns. If the document is not shared with the supervisor, then it is unofficial and employees may keep it in their own private records.
- 3) Will an employee face counseling or discipline because of listing low ratings on a Supervisor rating form? No

D. Contesting or disputing a PEP rating

1) How does an employee contest (dispute) a PEP rating?

- a. For mid-cycle PEPs: Mid-cycle PEPs cannot be grieved. Any concerns that an employee has regarding the PEP rating can be entered in "employee comments" on the long PEP form or as an "employee comments" attachment. Please see #2 in the previous section.
- b. For end-cycle PEPs: The same option as for mid-cycle. Also, end-cycle PEPs can be grieved. See Grievance Process below.

E. Grievance Process

(1) Preliminary Requirement: Before initiating the grievance procedure the employee must first discuss the grievance with the employee's supervisor. The parties are obligated to attempt to resolve the grievance at the lowest possible step.

(2) Step One: Within 20 calendar days after the employee reasonably became aware of the alleged cause of complaint, the employee may present the grievance in writing (email) to the appointing authority. Note - the appointing authority is listed on the PEP (in the signatures). The form is on DBM's website, linked [here](#).

- 2a. A copy of the grievance shall be given to the employee's supervisor.
- 2b. The appointing authority shall hold a conference with the employee within 10 calendar days after receipt of the written grievance.
- 2c. The appointing authority shall issue a written decision within 10 calendar days after the conference.
- 2d. If the employee is not satisfied with the decision, the employee or employee's designated representative may appeal to the head of the principal unit or designee (often this is a Chief or Assistant State Superintendent) within 10 calendar days after receipt of the written decision.

(3) Step Two. The head of the principal unit or a designated representative shall hold a conference with the employee within 10 calendar days after receipt of the written appeal.

- 3a. The head of the principal unit shall issue a written decision to the employee within 10 calendar days after the conference.

3b. If the employee is not satisfied with the decision, the employee may appeal to DBM within 10 calendar days after receipt of the written decision.

3c. An appeal may be filed with DBM as follows: by email to appeals.dbm@maryland.gov; by fax to 410-333-7603. An appeal shall include a copy of the decision being appealed and any other prior decisions.

(4) Step Three. Within 30 days of receipt of the employee's appeal, DBM might meet with the parties and attempt to resolve the grievance.

4a. If a settlement is not reached, DBM will forward the appeal to the Office of Administrative Hearings.

4b. The disposition of the appeal by the Office of Administrative Hearings is the final administrative decision.

F. Maryland State laws referenced in E. Grievance Process:

Maryland Code, State Personnel and Pensions (SPP) Section 12-202 - Linked [here](#)

SPP Section 12-203 - Linked [here](#)

SPP Section 12-101(d)(2) - Linked [here](#)

--State employee grievance procedures do not include a mid-year performance appraisal.

SPP Section 12-201(a)(2) - Linked [here](#)

--If a grievance is based on a performance rating of satisfactory or better:

a) The employee may appeal the grievance only at Steps One and Two of the grievance procedure; and

b) A decision at Step Two of the grievance procedure is final.