



ROCHESTER LAND BANK CORPORATION SUPERVISION AND PERFORMANCE EVALUATION POLICY

For the purpose of this Supervision and Performance Evaluation Policy, individuals who are paid employees of the Rochester Land Bank Corporation (“Land Bank”) shall be considered “employees.” The term “employee” shall not include directors, vendors, service providers or other independent contractors, nor shall the term “employee” include City of Rochester employees providing services to the Land Bank.

At the time of adoption of this Supervision and Performance Evaluation Policy, the Land Bank does not have any employees. The Executive Director is a City of Rochester employee compensated by the City of Rochester. The Corporation Counsel of the City of Rochester is Counsel to the Corporation and may assign municipal attorneys to advise and represent the Corporation. Neither the Corporation Counsel nor any such municipal attorney(s) are employees of the Rochester Land Bank Corporation.

This policy is adopted to apply at such time as the Land Bank may hire employee(s).

Purpose:

Supervisors represent an important link between management and non-management employees. Their role is to communicate to the employees under their supervision the goals and policies of management and to communicate to management the attitudes, suggestions, and complaints of their employees. The Rochester Land Bank Corporation is committed to ensuring that all employees are properly supervised and that all supervisors are properly trained to carry out this very important function. This Supervision and Performance Evaluation Policy aims to achieve this objective by implementing a formal supervision system. It sets out specific procedures and standards to ensure that employees of the Land Bank are properly supervised and their performance is regularly appraised.

Policy Statement:

It is the policy of the Land Bank that the work of all employees shall be assigned, directed, and reviewed by supervisory personnel. Except in the most unusual circumstances, each employee shall have only one supervisor to whom he or she is directly responsible. It shall be the responsibility of each supervisor to ensure that the approved purpose and goals for their respective departments are accomplished and that the Land Bank’s policies regarding human resources are implemented and observed.

Definitions:

For purposes of this policy, the terms used are defined as follows:

Conference Memorandum: A written follow-up to an employee following an informal counseling session, which confirms the reason for the counseling, a summary of the effect of an employee's misconduct, a summary of the employee's response to the counseling, and a statement of the corrective actions expected



Employee: A person who is hired by another person or business for a wage or fixed payment in exchange for personal services and who does not provide the services as part of an independent business; Any individual employed by an employer.

Employee Conference: A private supervisory conference between a supervisor or other administrative officer and an employee at which the employee's performance deficiencies are discussed in order to prevent the need for counseling.

Employee Counseling: Formal action taken against an employee for misconduct or incompetence when other efforts (i.e., evaluation, conference) fail or when a single incident is so severe as to warrant it.

Evaluation Period: Normally, a 12-month period beginning the first day of July and ending the last day of June of each year. An evaluation period may cover a period of less than or more than 12 months, but must cover at least 120 calendar days starting with the employee's receipt of an individual performance plan.

Major Job Requirements: Key responsibilities of the job as defined in the essential duties and responsibilities contained in the position description.

Performance Appraisal: The on-going process in which the supervisor "coaches" employees on how well they are meeting performance expectations. It culminates in the annual completion of a Performance Planning and Appraisal form.

Performance Plan: Set of expectations agreed to by supervisor and employee for the performance of duties and responsibilities as outlined in the job description. A plan includes major job requirements and may include added goals.

Performance Standard: A way to measure achievement of job requirements and/or goals.

Supervisor: Any individual having authority, in the interest of the employer, to hire, suspend, discharge, assign, reward, or discipline other employees, or having responsibility to direct them, or to adjust their grievances, or having authority to effectively recommend such action subject to Human Resource review, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.

1.1 Planning, Assigning and Directing Work

It is the responsibility of each supervisor to ensure that the approved purpose and goals for their respective departments are accomplished. To this end, supervisors shall be held accountable for the following:

- Establishing departmental operating policies and procedures within the framework of Land Bank policy
- Defining what constitutes satisfactory performance for each major job function of every position



under their supervision.

- Recommending the hiring of additional personnel or the creation or elimination of positions in departments under their supervision.
- Maintaining neat and orderly work areas.
- Ensuring that Land Bank rules and regulations are observed by employees under their supervision.
- Keeping employees informed of issues relating to their work assignments and work progress.
- Ensuring that employees are aware of the "peaks and valleys" related to the work load in their unit, advising them of heavy work load periods when approval of requests for time off will be limited, and to the extent possible, for identifying periods when overtime assignments will likely be required.

With respect to planning, assigning, and directing work, this policy grants to each supervisor the following basic rights in order to carry out their responsibilities:

- The right to claim the services of their subordinates from the beginning of their shifts until the end of their shifts and during other times when overtime services might be warranted.
- The right to assign, direct and control the performance of work by employees under their supervision consistent with job descriptions and position classifications.
- The right to hold subordinates accountable for the satisfactory completion of work assigned, and
- The right to evaluate how effectively such subordinates perform.

2.0 Interviewing and Hiring

Each supervisor shall be involved in the interviewing and selection of the staff they will supervise. In the case of part-time and student assistant employees, the supervisor shall be responsible for final selection. For full-time employees, the decision to extend an offer of employment must receive prior approval from the Executive Director or his/her designee.

As part of their formal training, each supervisor shall undergo training in conducting employment interviews. This training includes information on what constitutes appropriate interview questions and behavior. Supervisors may only participate in the interview process if they have completed this training.

3.1 Orientation

Supervisors are responsible for ensuring that all new-hire paperwork is completed and submitted on a timely basis. In addition, all employees should be provided with copies of any departmental training materials, in order to ensure that they receive adequate notification of departmental policies and



procedures:

4.0 Training

Supervisors shall bear primary responsibility for the training of all employees under their supervision. They need not perform this training personally, but may rely upon other employees in the organization or other professional training resources. At a minimum, training must include job- specific instruction in the essential duties and responsibilities of the position to which the employee is assigned and training in how to perform the job safely.

4.1 Job Specific Training

Although employees are expected to already possess the requisite knowledge, skills and abilities for performing essential job functions, some training is initially necessary in order to assist the employee in carrying out their duties in conformance with Land Bank guidelines.

4.2 Safety Training

Supervisors shall be responsible for assuring that subordinates know how to do their work safely and have the materials, tools, and other means necessary to do so. This includes training every employee in the safe methods for performing their job. Employees are to be trained in the safe handling of equipment, machine operation, hazardous chemicals, and emergency evacuation procedures as well as general safety rules. They must also be informed of their right to report unsafe working conditions without fear of reprisal.

5.1 Controlling Attendance

Supervisors shall be responsible for maintaining adequate enough control over the attendance of subordinates to verify that subordinates have completed the required number of hours on duty each day, or have been approved for and recorded charges to appropriate leave accruals. This includes controlling absenteeism and tardiness and approving requests for time off. Supervisors must become familiar with the attendance rules that affect the employees they supervise and apply these rules in a fair and consistent manner.

In order to carry out these responsibilities, this policy provides each supervisor the following rights:

- The right to hold employees fully accountable for all the time that they are on duty. No employee has the right to leave his/her assigned work without the specific approval of his/her supervisor unless a situation exists that places his/her health or safety in immediate jeopardy.
- The right to approve and disapprove requests for time off in accordance with both organizational and employee needs.
- The right to schedule vacations and lunch and rest breaks, and



- The right to verify employee time records and approve overtime when necessary

6.0 Appraising Performance

Performance Appraisal is an on-going process in which the supervisor "coaches" subordinate employees on how well they are meeting performance expectations. The process begins with the development of a performance plan that defines acceptable performance for the major job requirements of the employee's position. Throughout the evaluation period, the supervisor should advise subordinates how well they are performing and coach those who are not meeting expectations on how they may improve.

At the end of the evaluation period, the supervisor must determine the appropriate performance rating for the employee. Once the appropriate manager has approved the final rating, the supervisor must meet with the employee to share this information and discuss how well he/she has performed in each major job function, including discussion of particular strengths or weaknesses.

7.0 Employee Counseling

7.1 Employee Conference

Before taking a formal counseling action, a supervisor may first attempt to correct the offending behavior by holding an Employee Conference. An Employee Conference is a private meeting between a supervisor or other administrative officer and an employee at which the employee's performance deficiencies are discussed. The motivation for such a session is to improve the employee's performance, eliminate the performance deficiencies, and/or make certain that the employee understands work rules and expectations. The emphasis in this conference is proactive. It is not a form of discipline and is intended to preclude the need for future counseling action. The session may mention performance problems and deficiencies but should not dwell on them. Instead, the conference should focus on future performance expectations and the special efforts the supervisor will be taking to make the employee accountable .

A conference memorandum is a written follow up to an employee following a face-to-face conference session which confirms the reason for the conference, a summary of the effect of the employee's misconduct, a summary of the employee's response to the conference, and a statement of the corrective actions expected. Conference memoranda normally should not be written without the actual face-to-face conference session that allows the subordinate to respond and describe any special problems in his/her life or in the work environment that might be contributing to his/her performance. A copy of the conference memorandum shall be retained in the employee's personnel file in the section maintained for performance reviews.

The Employee Conference approach is not permitted in those cases where the employee's behavior meets the definition of misconduct resulting in immediate discharge.

7.2 Employee Counseling Process

Employee counseling may be initiated for various reasons, including, but not limited to, violations of



work rules or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's record, and may range from verbal counseling to immediate separation. In all cases, the supervisor shall document the counseling. Such documentation shall inform the employee of the possible consequences, including final written warning, suspension and/or discharge, should additional violations or performance problems occur. The written documentation must be signed by the employee's supervisor and the employee.

The normal employee counseling procedure consists of: Level 1. Verbal counseling. Level 2. First written warning . Level 3. Final written warning. Level 4.Suspension. Level 5. Discharge.

Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. In addition, a higher-level warning need not pertain to the same or similar offense for which a lower level warning was given. Moreover, exceptions or deviations from the normal procedure may occur whenever Land Bank management deems it appropriate .

Employee counseling must be timely and must occur within 30 calendar days of the discovery of the incident requiring the counseling action.

Probationary and temporary employees may be terminated without advance notice for any violation of work rules or for poor job performance.

8.1 Addressing Complaints and Resolving Problems

The Land Bank has established procedures to allow employees to voice any work related concerns they might have without fear of retaliation. These procedures provide an avenue for the identification and resolution of differences between an employee and the corporation regarding wages, hours, or working conditions. These procedures may be used when an employee believes that a violation, misapplication, or misinterpretation of the policies, regulations, or work rules of the Land Bank has personally adversely affected him or her. These guidelines may not be used to dispute the actual written policies, regulations, or work rules or to dispute the final decision resulting from this review process. Furthermore, the following matters shall not be subject to review under these procedures:

- Employee Counseling Actions (except as noted in Section 8.2)
- Promotions and/or Transfers
- Performance Evaluations
- Temporary Assignments
- Reductions in Force Layoffs)

8.1 Complaint Review Procedure



The following steps are applicable to all employees for the resolution of a complaint:

Level 1:

- a) The employee shall request a meeting with his or her immediate supervisor to bring the complaint to the supervisor's attention . Exceptions to this step are indicated in Section 8.2.
- b) The supervisor shall receive the complaint, ascertain the facts, and research the relevant policies, regulations and work rules. The supervisor shall report the findings to the employee within seven (7) calendar days.
- c) The supervisor shall attempt an informal resolution of the complaint within the next seven (7) calendar days. At this stage, either the employee or the supervisor may suggest mediation as a means for resolving disputes. Participation in mediation is voluntary .

Level 2:

- a) If the complaint is not resolved at the conclusion of Step 1, an employee may present his or her complaint to the Executive Director.
- b) The Executive Director shall ensure that Step 1 has been followed, or else waived as provided below in Section 8.2.
- c) The Executive Director will take the matter under consideration and attempt to resolve or otherwise answer the complaint within fourteen calendar days.

Level 3:

- a) If the complaint is still not resolved within thirty (30) calendar days from the initiation of the complaint, an employee may file a written complaint form with the Land Bank Board of Directors.
- b) The Board of Directors shall convene the Personnel Committee to investigate and answer the complaint within thirty calendar days of receipt of the complaint.

Employees who seek resolution of complaints by using these procedures shall not be subjected to discrimination or retaliation or be penalized in any way. However, circumventing or failing to follow these procedures without proper justification may result in employee counseling.

8.2 Exceptions to Process

All employee complaints should be handled at the lowest level possible. However, the following exceptions are recognized as instances where an employee may file a complaint with the Board of Directors without first meeting with his or her immediate supervisor:

- 1) If the employee suspects or has proof that a federal, state or local law or regulation is being



violated or is about to be violated.

- 2) If a safety hazard exists that threatens the health of an employee or customer.
- 3) If the grievance directly involves the immediate supervisor and the employee can reasonably demonstrate that the department head may not be able to deal objectively with the situation or if the grievance directly involves the Executive Director

The Board shall determine if adequate reason exists to justify circumventing the normal process.

8.3 Confidentiality of Process

The Land Bank regards all statements, documents, and other aspects of a complaint review proceeding to be confidential information. Under current policy, unauthorized dissemination of information determined by the Land Bank to be confidential may constitute grounds for immediate dismissal.

9.1 Supervisor's Safety Responsibilities

Supervisors shall be responsible for safeguarding the well being of the employees in their charge. In addition to the Safety Training responsibilities identified above, supervisors shall be held accountable for the following:

- Knowing the rules of safety that apply to the work supervised, and when necessary, obtaining expert safety advice.
- Complying with applicable federal and state laws and Land Bank regulations concerning employee safety.
- Demonstrating safety in one's own work habits and personal conduct.
- Encouraging employees to discuss the hazards of their work.
- Making sure employees understand and abide by general safety rules.
- Ensuring that employees are aware they have the right to report unsafe working conditions without fear of reprisal.
- Inspecting the work environment regularly to aid in the identification of hazards before they occur, or risks that may arise from changes in equipment or methods.
- Motivating employees to work safely by such methods as periodic safety meetings, use of educational materials, and staff recognition.
- Reporting, investigating, and analyzing every accident occurring in a department under their supervision.



- Effecting the remediation or abatement of the cause of any accident occurring within departments under their supervision.
- Ensuring that employees report all work-related illnesses or injuries, regardless of how minor.
- Cooperating with others both within and external to Land Bank that are actively concerned with preventing accidents.
- Taking the following steps whenever unsafe methods or unsafe working conditions are noted:
 - 1) Stopping the unsafe method or working condition.
 - 2) Instructing the employee involved in an unsafe method as to the correct method and initiating disciplinary action if warranted
 - 3) Warning others of unsafe conditions and prohibiting others from working until the unsafe condition is corrected.
 - 4) Keeping a record of unsafe working conditions noted, including date discovered, name of manager notified, and date repaired.