

AGENDA ITEM

MARCH 113
Executive Director
Evaluation Process

DATE: March 20, 2009

TO: Members, Board Operations Committee
Members, Board of Governors

FROM: Robert A. Hawley, Deputy Executive Director

SUBJECT: Executive Director Annual Performance Evaluations

EXECUTIVE SUMMARY

A timetable and procedure for conducting the Executive Director's (ED's) annual performance evaluation is set forth below. By pre-existing Board action, the Board Operations Committee (BOps) conducts the evaluation of the ED in accordance with the criteria and process previously adopted and reports to the Board of Governors. In 2008, a special subcommittee was assigned to recommend an abbreviated process for the ED evaluation in light of the well-developed evaluation history that exists on the incumbent ED. The subcommittee's considerations are set forth here. This item is before the Board to confirm the process for the ED's streamlined 2008-09 review. If you have questions, please call Robert Hawley at 415-538-2277 or Robert.Hawley@calbar.ca.gov.

I. EXECUTIVE DIRECTOR ANNUAL PERFORMANCE REVIEW PROCESS

A. The Authorities

By Board action, the Executive Director of the State Bar (ED) is subject to an annual performance evaluation. The review is to be conducted by a Board committee designated by the Board, currently the Board Operations Committee (BOps). The State Bar's Office of Human Resources and the State Bar's Deputy Executive Director assist BOps in this process. The criteria, timetable and procedures governing the ED's evaluation are established by Board action. (See, Board Book, Tab 18 [Staffing], Article 1 [Executive Director], Section 9 [The Executive Director's Annual Performance Evaluation], Attachment 1).

The ED is employed by the Board under a contract. This contract was renewed last year to run through November 2013. The contract sets the salary of the ED, which was recently adjusted November 2008, following the 2008 performance evaluation process. Under the ED's contract, the ED's salary is subject to further adjustment in the discretion of the Board, following the 2008-09 annual performance evaluation.

Due to the fact that the incumbent ED has served in the position for eight years and has a well-developed performance history, reported each of those years in an extensive report, it

was suggested in 2008, that the annual performance evaluation be streamlined and scaled back. A presidential select task force was appointed to evaluate how this could be accomplished.

A revised process is before the Board for adoption. The process is very similar to that which has historically occurred, but is lessened in its detail and intensity. BOps is to continue to oversee the evaluation process. BOps will circulate to the Board a streamlined evaluation form (Attachment 2). The input received will then be compiled and discussed between the ED and the Board and a determination made as to whether a salary adjustment is appropriate in November 2009. A proposed timeline for this process is set forth below

B. Timeline

The following timetable is proposed:

March 5 – 6	Board adopts timetable and process. Evaluation forms are distributed.
April 15	Completed evaluation forms are returned to the State Bar. Any written comment the Executive Director wishes to provide is returned to the State Bar.
May 1	Evaluation forms are synthesized. An abbreviated written Evaluation Report is prepared and shared with the Board Operations Committee.
May 8	The evaluation data is shared with the Executive Director.
May 14 -15	The Evaluation of the Executive Director is discussed between the Board and the Executive Director.

II. PROCEDURE

All communications pertaining to the evaluation process are strictly confidential. The Board Book, Tab 18 [Staffing], Article 1 [Executive Director], Section 9 [The Executive Director's Annual Performance Evaluation] provides in this regard:

“The meetings of the committee and all information obtained in the course of the evaluation proceedings shall be confidential, and shall not be disclosed except as otherwise provided herein. Sufficient disclosure shall be made to the evaluatee on request to assure a full and fair opportunity to respond to evaluation material, except that the identity of the persons providing evaluation material shall not be disclosed.”

The Evaluation Committee and Board should strictly adhere to this confidentiality requirement.

The Board Operations Committee is chaired by the President in conducting the Executive Director's evaluation. The Office of Human Resources, under the Direction of the Deputy

Executive Director, has staffed and provided administrative assistance in conducting the Executive Director's review in the past, subject to strict confidentiality requirements. The Office of Human Resources is available to BOps for this purpose in connection with this year's process as well.

III. FISCAL AND/OR PERSONNEL IMPACT

Any fiscal or personnel impact is within existing budget and policy standards.

IV. BOARD BOOK ADMINISTRATIVE MANUAL IMPACT

The Resolution suspends any Board adopted rules that are inconsistent with the resolution.

V. RECOMMENDATION AND RESOLUTION

Assuming the above meets with the approval of the Board and BOps, it will serve as the procedure for the 2008-09 review process for the ED. Assuming this procedure is acceptable, the following resolution is recommended:

RESOLVED, upon the recommendation of the Board Committee on Operations, that the Board of Governors hereby approves for 2009 the streamlined procedure for conducting the Annual Performance Evaluation of the Executive Director, consistent with the item before the Board Committee and Board this date; and it is

FURTHER RESOLVED that the Board Committee on Operations be chaired by the President in conducting the Executive Director's evaluation; and it is

FURTHER RESOLVED that any Board adopted procedures inconsistent with this resolution are suspended, pending further Board action.

Attachment 1

Board Book, Tab 18 [Staffing], Article 1 [Executive Director], Section 9 [The Executive Director's Annual Performance Evaluation]).

Section 9 The Executive Director's Annual Performance Evaluation

The Executive Director of the State Bar is subject to an annual performance evaluation to be completed by July of each year. The review shall be conducted by a Board Committee designated by the Board, currently the Board Operations Committee. The State Bar's Office of Human Resources and the State Bar's Deputy Executive Director shall assist the designated Board Committee in this process.

(a) Evaluation Criteria

The Executive Director's evaluation is conducted based on performance criteria and competencies and on goals and objectives set by the designated Board Committee. The designated Board Committee, annually sets the Executive Director performance targets and annually evaluates progress in achieving these targets. The performance criteria and competencies for evaluation are: job skills, technological proficiency, quality performance, quantity of work, leadership, teamwork and collaboration, constituency commitment, communication, fiscal accountability, development and compliance with policies and procedures, strategic perspective/planning, managing change, managing and developing staff, Board/constituency relations, valuing diversity.

(b) Confidentiality

The meetings of the designated Board Committee and all information obtained in the course of the evaluation shall be confidential and shall not be disclosed except as otherwise provided in this article. Sufficient disclosure shall be made to the Executive Director to assure a full opportunity to respond to evaluation material. The identity of the persons providing evaluation material shall not be disclosed.

(c) Timetable and Procedures

Each year, the Board sets the timetable and procedures for conducting the Executive Director's annual performance evaluation. The committee shall meet with the Executive Director as soon as practical in the board year to discuss the performance standards, goals, procedures and timetable. The Board Committee shall see the procedures and meetings during the board year to assure a full and fair evaluation, and shall present its report to the Board in executive session at the July meeting.

(Source: Board of Governors' Resolutions, March 2002, March 2003, March 2004).

Attachment 2

EXECUTIVE DIRECTOR EVALUATION 2008-09 (SHORT FORM)

JOB SKILLS: Effectively utilizes knowledge and skills necessary to perform effectively as Executive Director. Exercises good judgment. Applies innovation where relevant. Seeks guidance as appropriate. Actively develops and improves professional skills and competencies. Keeps current on trends in governmental, non-profit corporation, bar association, public protection, professional regulation and other areas relevant to position.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

MANAGEMENT PERFORMANCE: Effectively plans, directs and oversees the State Bar operation and its programs. Seeks to innovate and improve State Bar management practices and organizational culture and climate to optimize effectiveness. Meets the reasonable demands of the Board of Governors and the State Bar’s constituencies for information and assistance related to the State Bar’s operation. Demonstrates flexibility, creativity and an optimistic perspective. Maintains a sound organizational structure for the State Bar’s operational needs. Handles a variety of tasks well, and "shifts gears" with relative ease.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

LEADERSHIP: Effectively serves as the spokesperson for the State Bar when called upon to do so or appropriately delegates responsibility to respond to the media, the Legislature, the membership and other constituencies. Responds effectively to the Board and to constituent groups regarding the State Bar’s operation. Effectively persuades and influences others to appropriate courses of action. Instills confidence in the State Bar and provides effective assistance to the Board and direction to State Bar staff. Effectively monitors the organizational culture and climate of the State Bar and its Board and designs positive interventions as appropriate. Uses management styles and techniques appropriately. Encourages teamwork and accountability among Board members and staff. Establishes and furthers the State Bar’s reputation for integrity in performing its responsibilities.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

TEAMWORK AND COLLABORATION: Collaborates effectively with others (including the Board of Governors, the Senior Management Team, and other constituencies) to achieve optimal results. Uses others effectively as resources. Is open to new ideas and offers assistance to others. Values and enhances teamwork. Understands and practices concepts related to team-building.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

FISCAL ACCOUNTABILITY: Assures that the budget parameters of the Board of Governors are administered in a prudent and responsible manner for the entire State Bar operation. Provides the Board with information necessary to its budget planning. Assures staff adherence to budget limitations by all parts of the State Bar’s operation. Uses financial resources effectively.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

STRATEGIC PERSPECTIVE/PLANNING: Effectively coordinates the Board’s planning initiatives. Assures staff compliance with the planning effort. Formulates and implements, consistent with Board-adopted institutional policy, long-term and short-term goals and plans. Develops and implements standards and systems to evaluate performance of the State Bar against Board adopted goals. Participates in and supports institutional strategic planning objectives and priorities. Assures alignment of State Bar operational units and sub-entities with the institutional strategic planning goals of the Board. Organizes resources and exercises follow-up and control to assure completion of goals consistent with overall institutional needs. Initiates corrective action timely to avoid delays and problems.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

BOARD/CONSTITUENCY RELATIONS: Effectively orients and educates new Board members. Keeps the Board and its officers fully informed on matters of significance which may or will affect the State Bar. Provides leadership guidance to the Board. Responds to Board inquiries and requests within reason. Identifies and responds meaningfully to the perspectives and priorities of others. Is skilled in generating consensus and understanding in conflict situations. Effectively gives and receives criticism in a constructive manner. Provides effective liaison and staff support to the Board Committees and State Bar subentities to allow them to perform their functions. Assures that Board and subentity actions are fully informed and effectively communicated for appropriate action.

Above Average ___ **Average** ___ **Needs Improvement** ___

COMMENTS (please provide comments especially for a “Needs Improvement” rating):

OVERALL RATING: Above Average ___ **Average** ___ **Needs Improvement** ___

OVERALL COMMENTS):
