

AGENDA ITEM

JULY 111

DATE: July 22, 2011

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

FROM: Robert A. Hawley, Deputy Executive Director

SUBJECT: Executive Director Annual Performance Evaluation

EXECUTIVE SUMMARY

By pre-existing Board action, the Board Operations Committee (BOps) oversees the performance evaluation of the Executive Director in accordance with the criteria and process adopted and reports to the Board of Governors. Following the arrival of the State Bar's new Executive Director, BOps reviewed the pre-existing evaluation criteria and modified them adding performance measures. As the new criteria amend the Board Policy Book this is before the Board for approval. If you have questions, please call Robert Hawley at 415-538-2277 or Robert.Hawley@calbar.ca.gov.

EXECUTIVE DIRECTOR ANNUAL PERFORMANCE REVIEW PROCESS:

A. The Authorities

By Board action, the Executive Director of the State Bar 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 Executive Director'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 Executive Director is employed by the Board under a contract. A new contract was entered with the new Executive Director running through November 2013. The contract sets the terms and conditions of employment including the salary of the Executive Director. Under the Executive Director's contract, the Executive Director's salary is subject to adjustment in the discretion of the Board, following annual performance evaluations. Discretionary merit compensation is also provided where goals and performance standards are met.

Following a thorough review of the existing evaluation criteria, BOps modified them as reflected in Attachment 2. BOps continues to oversee the evaluation process. BOps will circulate to the Board the evaluation form (Attachment 2). The input received will be compiled and discussed between the Executive Director and the Board and a determination made as to whether a merit-based compensation adjustment under the governing contract is appropriate. A proposed timeline for this process is set forth below.

B. Timeline

The following timetable is proposed:

July	Board adopts updated process.
September	Evaluation forms are distributed to all current Board members.
October	Completed evaluation forms are returned to the State Bar. Any written comment the Executive Director wishes to provide is returned to the State Bar.
November	Evaluation forms are synthesized. A written Evaluation Report is prepared and shared with the Board Operations Committee.
November	The evaluation data is shared with the Executive Director.
November	The Evaluation of the Executive Director is discussed between the Board and the Executive Director.

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.

FISCAL / PERSONNEL IMPACT:

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

BOARD BOOK IMPACT:

Tab 18 [Staffing], Article 1 [Executive Director], Section 9 [the Executive Directors Annual Performance Evaluation] is amended as set forth.

RECOMMENDATION AND RESOLUTION:

Assuming the above meets with the approval of the Board and BOps, it will serve as the procedure for the 2011-12 review process for the Executive Director. Assuming this procedure is acceptable, the following resolution is recommended:

RESOLVED, that upon the recommendation of the Board Operations Committee, the Board of Governors, approves the 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 Operations Committee be chaired by the President in conducting the Executive Director’s evaluation; and it is

FURTHER RESOLVED, that Tab 18 [Staffing], Article 1 [Executive Director], Section 9 [the Executive Directors Annual Performance Evaluation] be amended consistent with the action taken here.