

156.828 Employee evaluations.

- (1) The commissioner of education shall adopt written evaluation procedures for all certified and equivalent employees of the Office of Career and Technical Education. The procedures shall be based upon recommendations received from a committee composed of equal numbers of teachers, counselors, and administrators of the Office of Career and Technical Education.
- (2) Evaluations shall be in writing. An evaluator shall follow all statutory and regulatory provisions for evaluation and shall present and explain all documentation affecting an employee's evaluation, as well as discuss every aspect of performance with the employee at each evaluation. The evaluator shall solicit the employee's opinions and suggestions and shall advise the employee of the measures needed to improve performance.
- (3) Each full-time employee who has completed initial probation, and each part-time employee who works over one hundred (100) hours each month and who has completed initial probation shall be evaluated.
- (4)
 - (a) The first-line supervisor of an employee shall be the evaluator, providing the period of supervision has been for a period of at least ninety (90) calendar days.
 - (b) If the evaluator has supervised an employee for at least ninety (90) calendar days and ceases to be the employee's first-line supervisor after such period of time, the evaluation of the employee shall be at least five (5) working days prior to the day when the responsibility for supervision ceases.
 - (c) If the first-line supervisor ceases to be the supervisor of an employee due to the suspension, demotion, or dismissal of the first-line supervisor, paragraph (b) of this subsection shall not apply.
 - (d) If the first-line supervisor ceases to be an employee's supervisor because the employee transfers, the first-line supervisor shall evaluate the employee prior to transfer, if the period of supervision of the employee is not less than ninety (90) calendar days prior to notification of transfer.
- (5) Teachers and administrators in the state-operated secondary area vocational education and technology centers shall be evaluated in the following categories and appropriate criteria for each category shall be described in the written evaluation procedure:
 - (a) School or classroom management, as appropriate;
 - (b) Job knowledge and skills;
 - (c) Instructional management;
 - (d) Employee conduct; and
 - (e) Professional responsibility.
- (6) All other certified and equivalent staff in the field and in the central office shall be evaluated in the following categories with appropriate criteria described in written evaluation procedures:
 - (a) Job knowledge and skills;
 - (b) Quality of work;

- (c) Employee conduct; and
 - (d) Professional responsibility.
- (7) There shall be established by the commissioner of education an evaluation appeals procedure for certified or equivalent personnel in the Office of Career and Technical Education.
- (8) (a) Within five (5) working days of an evaluation, an employee may request reconsideration of the evaluation by the evaluator.
- (b) Within five (5) working days of the reconsideration, an employee may:
- 1. Submit a written response to any evaluation which shall be attached to the evaluation; and
 - 2. Submit a written request for reconsideration of any evaluation to the second-line supervisor.
- (c) No later than fifteen (15) working days after receipt of the request, the second-line supervisor shall inform the employee and the evaluator in writing of the decision after the second-line supervisor has:
- 1. Obtained written statements from both the employee and the evaluator; or
 - 2. Met with the employee and the evaluator; and
 - 3. Reviewed the evaluation process according to statutory or regulatory requirements as well as the ratings.
- (9) Within thirty (30) days after the employee has received the written decision of the second-line supervisor, the employee may appeal an evaluation to the next level. For the state-operated secondary area vocational education and technology centers, this appeal shall go to the ombudsman for mediation. If not resolved at this level, the employee may file an appeal with the appointing authority or designee who shall make a final ruling. For other employees in the Office of Career and Technical Education, this appeal shall go to the appropriate office head and then to the appointing authority or designee.
- (10) If an employee receives an overall unsatisfactory evaluation rating on two (2) successive evaluations, the employee shall be:
- (a) Demoted to a position commensurate with abilities; or
 - (b) Terminated.

Effective: June 25, 2013

History: Repealed, reenacted, renumbered, and amended 2013 Ky. Acts ch. 59, sec. 17, effective June 25, 2013. -- Amended 2006 Ky. Acts ch. 211, sec. 30, effective July 12, 2006. -- Amended 2003 Ky. Acts ch. 29, sec. 12, effective June 24, 2003. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 47, effective May 30, 1997. -- Amended 1994 Ky. Acts ch. 469, sec. 15, effective July 15, 1994. Amended 1992 Ky. Acts ch. 417, sec. 8, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 470, sec. 13, effective July 1, 1990.

Formerly codified as KRS 151B.075.