

Performance and Appraisal Regulations

Owner:

Human Resources Office

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Dutch text is binding.

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**Performance and Appraisal Regulations of the Amsterdam University of Applied Sciences
(25 August 2014)****Preamble**

These regulations are the implementing regulations for the 'Policy on Performance and Appraisal of the Amsterdam University of Applied Sciences', as adopted by the Executive Board. These regulations are in accordance with Chapter N of the Employment Agreement for the Higher Professional Education Sector 2012-2013 (cao-hbo 2012-2013), as adopted by the Executive Board on 25 August 2014, with the approval of the trade unions of 3 June 2014.

Article 1. Definitions

In these regulations, the following terms are defined as follows:

- a) Appraisal decision : the written and substantiated decision of the employee's hierarchical supervisor, in which the employee's performance is assessed, with allocation of an appropriate appraisal category. This decision may have consequences for the employee's legal status, including the granting or withholding of an annual salary increase, as referred to in Article H-3 cao-hbo.
- b) Appraisal interview : interview during which the supervisor explains the appraisal decision and the consequences thereof to the employee, and (new) arrangements are made for the future.
- c) Hierarchical supervisor : the person who is authorised to assess the employee and issue the appraisal decision on behalf of the employer.
- d) HR cycle : cycle of times at which the employee and the supervisor meet, evaluate and make arrangements, aimed at the optimisation of the employee's performance and his¹ professional development, individually and as part of a team, as referred to in the 'Policy on Performance and Appraisal of the Amsterdam University of Applied Sciences'.
- e) Job profile : the general description of the position in which the employee has formally been employed, as adopted by the Executive Board.
- f) Functional supervisor : the person who is charged with conducting the annual consultation with the employee and the implementation of the appraisal decision on behalf of the hierarchical supervisor, including conducting the appraisal interview. This is the supervisor with formally delegated implementing powers.
- g) Supervisor : the person who is charged with conducting the annual consultation and – if applicable – the appraisal interview with the employee, on behalf of the employer. This may be the hierarchical supervisor or – in the event that powers have been delegated – the functional supervisor of the employee.

¹ In these regulations, *he*, *him* and *his* also refer to *she* and *her* respectively.



- h) Annual appraisal : mandatory annual appraisal of the employee's performance by the supervisor, which in any case consists of the appraisal decision (see 1 paragraph a), which – where necessary – will be explained during the appraisal interview (see 1 paragraph b).
- i) Annual consultation : annual mandatory formal meeting between the supervisor and the employee on the employee's performance and professional development, as referred to in N-1 paragraph 2 cao-hbo. The arrangements made during the annual consultation are laid down in writing in a report.



Article 2. The annual consultation

1. Within the framework of the HR cycle, every employee will have a least one formal consultation concerning his performance and professional development per year.
2. The consultation will be conducted by the hierarchical supervisor and/or the functional supervisor².
3. If there is functional relevance to it, the supervisor may – in consultation with the employee – invite a third party to be present during (part of) the annual consultation, such as a project leader of the project in which the employee is involved or a supervisor of the centre for applied research in which the employee is carrying out research.
4. At the request of the employee or the supervisor, an HR adviser of the institution can be present during the consultation for support, unless one of the parties objects to this.
5. During the annual consultation, the following topics will in any case be discussed:
 - the employee's general performance since the previous annual consultation as referred to in paragraph 1, or – if there has been no previous annual consultation – from the starting point onwards³;
 - the quantity, quality and progress of the activities, including the progress made in the realisation of past arrangements;
 - the employee's professional development in relation to his position and past arrangements;
 - the employee's need for support;
 - the employee's job satisfaction and matters such as the balance between work and family life, the employee's vitality and absenteeism, the work pressure experienced and the working conditions;
 - the employee's ambitions, his employability and his career perspectives in the long term;
 - experience with the supervisor's supervision;
 - ancillary activities.
6. During the consultation, arrangements will in any case be made with regard to:
 - the targets to be realised and the results to be achieved by the employee in the coming period;
 - the employee's development.
7. The annual consultation will be conducted with due observance of the employee's job profile, taking account of the arrangements made during earlier interviews, such as the annual consultation, the appraisal interview (if any) and/or at the starting point.
8. At least two weeks in advance, the supervisor will invite the employee to the annual consultation, stating the topics he wishes to discuss during the consultation. In addition, the format on the basis of which the annual consultation will be conducted and recorded will be communicated.
9. The employee must prepare for the consultation by means of a written evaluation according to the format referred to in paragraph 8. The evaluation and any topics the employee wishes to discuss must be handed in to the supervisor at least two working days before the annual consultation.

² The hierarchical supervisor of a large degree programme/department is authorised to delegate the conducting of the annual consultation to a functional supervisor, such as a team coordinator.

³ In this context, 'the starting point' may be one of the following:

- the employee entering the employment of the institution;
- the employee joining the degree programme/department through internal mobility;
- the replacement of the supervisor.



10. The supervisor may use feedback concerning the employee's performance requested from third parties, as well as relevant measurements taken by third parties – such as teaching evaluations, quality assurance reports and study success rates – as input for the annual consultation.
Both the employee himself and the supervisor can request the feedback referred to in the preceding sentence from third parties, on the understanding that the supervisor will inform the employee in advance of the type of information he will request, and from whom he will request it.
11. The supervisor will draw up a report of the annual consultation and the arrangements made during the consultation, according to the format referred to in paragraph 8. The employee will be provided with this report within no more than three weeks after the annual consultation. The supervisor and the employee may agree that the employee will draw up the report himself. The supervisor and the employee will sign the report containing the arrangements laid down to indicate their agreement.
12. If the employee does not agree to the written report of the annual consultation and/or the arrangements recorded therein, the supervisor and the employee will try to come to an agreement on the relevant contents. If they fail to come to an agreement, the employee will sign the report 'as seen', adding his written remarks. These remarks must be signed by the employee, while the supervisor must sign them 'as seen'.
13. The report of the annual consultation and any remarks will be kept in the employee's personnel file. The employee will be provided with a copy of the report.
14. The report of the annual consultation will be removed from the personnel file three years after the date of the consultation.



Article 3. The annual appraisal

1. Within the framework of the HR cycle, every employee will be assessed by his hierarchical supervisor at least once a year. The appraisal will be recorded by means of the written appraisal decision. Taking the appraisal decision may not be delegated to any functional supervisor.
2. In the written appraisal decision, the hierarchical supervisor will record a substantiated opinion on the employee's performance over the course of the preceding period of no more than one year. In addition, the hierarchical supervisor will state the decision he has taken with regard to the employee's legal status.
3. The hierarchical supervisor may use third-party feedback, as well as relevant measurements taken by third parties – such as teaching evaluations, quality assurance reports and study success rates – as input for the appraisal decision.
If there is a functional supervisor, he must provide input for the appraisal decision as well. If third-party information is used, this information will be made available to the employee.
4. The appraisal decision will be in line with the meetings between the employee and the supervisor over the course of the past appraisal period.
5. The decision with regard to the employee's legal status as referred to in paragraph 2 above will in any case pertain to the annual salary increase as referred to in Article H-3 cao-hbo. It will be based on the three appraisal criteria described therein. In addition to these, the 'intermediate category' of *Mediocre* may be used within the institution, which, with regard to the consequences for the salary, is in line with the cao category of *Good*.

Schematically, the possible appraisal outcomes can be presented as follows:

Cao-hbo Art. H-3, paragraph 2	Practical application AUAS	Salary consequences
Excellent The employee's performance exceeded the normal level for the position.		Salary increase by 2 increments*
Good The employee's performance was at the normal level for the position.	Good The employee's performance was <u>regularly or consistently</u> at the normal level for the position.	Salary increase by 1 increment*
	Mediocre The employee's performance was <u>sometimes at, and sometimes below</u> the normal level for the position.	
Unsatisfactory The employee's performance was <u>regularly or consistently</u> under the normal level for the position.		No salary adjustment

* as long as the maximum for the job grade has not been achieved yet

Appraisal 'Unsatisfactory'

6. Before the employee's performance is assessed as being *Unsatisfactory*, there will be at least one extra formal meeting, during which the supervisor will state his intention to assess the employee's performance as being *Unsatisfactory*, as, in his opinion, it is regularly or consistently below the normal level for the position. In mutual consultation, points for improvement will be identified. The supervisor will draw up, sign and archive a written report of the relevant meeting, including the arrangements made, in accordance with Article 2, paragraph 11 through 14. There must be at least three months between the extra meeting and the annual appraisal, during which period the employee can work on improving his performance.



7. If the hierarchical supervisor decides to assess the employee's performance as being *Unsatisfactory* after the period of at least 3 months as referred to in Article 6, he will explain his decision and the consequences thereof during a personal meeting with the employee. If applicable, the functional supervisor will be present at this meeting.
8. If the employee's performance has been assessed as being *Unsatisfactory*, the meeting will be used to make concrete arrangements on the next steps to be taken. The employee will be given the opportunity to improve his performance. The parties will agree on an improvement process, the term of which will be appropriate and reasonable, during which process the supervisor will have regular evaluation meetings with the employee. At the end of that process, the employee's performance will be assessed again.

Appraisal 'Mediocre'

9. From an employment law point of view, the intermediate category of *Mediocre* falls under the category of *Good* of the cao-hbo, on the basis of which a one-increment salary increase is granted.
The intermediate category of *Mediocre* has been introduced for internal use within the institution, to offer the hierarchical supervisor the opportunity to clearly indicate that – in his opinion – the employee's results and performance are not at the desired level (yet).
If the employee's performance has been assessed as being *Mediocre*, the salary increase should not be viewed as a reward, but rather as an incentive to work on improvement over the course of the coming year.
The appraisal category of *Mediocre* is intended as a warning and may only be allocated to an employee once. The following year, the employee's performance must be assessed as being either *Good* or *Unsatisfactory*, depending on his performance.
10. Before the employee's performance is assessed as being *Mediocre*, there will be at least one extra formal meeting, as is the case when the employee's performance has been assessed as being *Unsatisfactory* as described in paragraph 6.
11. If the employee's performance has been assessed as being *Mediocre*, there will be a personal meeting with the employee, in accordance with the conditions of paragraph 7. During this meeting, arrangements will be made on how the employee is to improve his performance and how the employer will support him in this.

Appraisal 'Good'

12. If the employee's performance has been assessed as being *Good*, this will generally not be discussed in a personal meeting with the employee. However, if the employee or the supervisor would like to have an appraisal interview, one must be arranged.
If applicable, the hierarchical supervisor can delegate this meeting to the functional supervisor. However, if the employee specifically requests a meeting with the hierarchical supervisor, this request must be complied with. In such case, the functional supervisor will still be present at the meeting.

Appraisal 'Excellent'

13. The hierarchical supervisor will have a personal meeting with the employee to explain why the employee's performance has been assessed as being *Excellent*. In addition, the supervisor and the employee will discuss the ambitions and career opportunities of the employee. Arrangements will be made with regard to the future. If applicable, the functional supervisor will be present at this meeting.

Other conditions

14. At the request of the employee or the supervisor, an HR adviser of the institution can be invited to be present during the appraisal interview. An employee or supervisor may have himself assisted by a third party as well, provided that this is communicated to the supervisor or the employee, respectively, in advance.



15. During the meeting that takes place after the employee's performance has been assessed as being *Unsatisfactory*, *Mediocre* or *Excellent*, the hierarchical supervisor will provide the employee with the written appraisal decision. If the employee's performance has been assessed as being *Good*, the employee will receive the appraisal decision by email. In all cases, the employee must sign the appraisal decision 'as seen', and hand it in to the hierarchical supervisor within no more than 5 working days.
16. The arrangements the hierarchical supervisor makes with the employee during the meeting that takes place after the employee's performance has been assessed as being *Unsatisfactory*, *Mediocre* and *Excellent* will be recorded in writing in an arrangements report. The employee must sign the arrangements report to indicate his agreement.
If the employee does not agree to the written report of the arrangements made during the annual consultation, the supervisor and the employee will try to come to an agreement on the relevant contents. If they fail to come to an agreement, the employee will sign the arrangements report 'as seen', adding his written remarks. These remarks must be signed by the employee, while the supervisor must sign them 'as seen'.
17. The written appraisal decision and – if applicable – the arrangements made during the appraisal interview, as well as any appendices, will be kept in the employee's personnel file. The employee will be provided with a copy of the documents referred to in the preceding full sentence. The documents will be removed from the personnel file three years after being recorded.
18. If the employee does not agree to the decision with regard to his legal status that the hierarchical supervisor has taken on the basis of the appraisal, he may request a review in writing, with due observance of the conditions of Article 4 and – in the event that the review request is not granted, or not sufficiently granted – object in writing, with due observance of the conditions of Article 5.
19. If there has been no appraisal and, as a result, the employee does not receive an annual salary increase, he should initially discuss this with his hierarchical supervisor. If this still does not lead to an appraisal decision, the employee can object to this in writing to the hierarchical supervisor of the person who should have assessed the employee. In such case, the supervisor referred to in the preceding full sentence will see to it that the appraisal takes place within three months after all. The lodging of this objection will not affect the increment date.

Appraisal in the event that the employee is absent for an extended period of time

20. In the event of long-term absence on the part of an employee, it may not be possible to carry out a regular appraisal.
If the term with regard to which the employee can be assessed is shorter than 12 months, the hierarchical supervisor must make a decision on the basis of the following three options, according to the standards of reasonableness and fairness:
 - a. In the event of long-term illness – whether or not in combination with pregnancy/maternity leave – in which no extraordinary, specific factors play a role, the supervisor must allocate the appraisal category that was allocated during the previous appraisal (where applicable, with a maximum of one increment); or
 - b. If an employee is absent for longer than 6 months for a reason other than the reason referred to in paragraph a. (for example for a sabbatical) and is assessed on the basis of the previous appraisal, he will not be granted a salary increase; or
 - c. An alternative for the above situations is to postpone the appraisal until the term of 6 months for which the employee can be assessed has taken place. In such case, any financial consequences thereof will take effect at a later date as well.
21. If the (sick) leave period of the employee exceeds 12 months, there must be an appraisal 6 months after the employee's full return to work. In such case, any financial consequences thereof will take effect at a later date as well.



Article 4. Review

1. An employee who is of the opinion that:
 - a. the appraisal is in conflict with any stipulation of these regulations or the applicable cao-hbo, or;
 - b. according to the standards of reasonableness and fairness, the appraisal is not supported by the grounds and facts contained in the appraisal decision,can submit a written request to his hierarchical supervisor to review the appraisal decision he has taken, including the chosen appraisal category and the resulting decision on whether or not to grant the employee an annual salary increase. The employee may also request a review in respect of other decisions with regard to the employee's legal status that are taken within the framework of the appraisal.
2. The review request must be submitted to the hierarchical supervisor within 10 working days of the employee signing the appraisal decision 'as seen'.
3. The hierarchical supervisor will consult his own supervisor and the H&R adviser of his unit on the request. The hierarchical supervisor will take a decision on the review request within 10 working days. If the hierarchical supervisor decides not to comply with the review request, this decision will be substantiated and laid down in writing.

Article 5. Objection

1. The employee can object to the decision of the supervisor as referred to in Article 4, paragraph 3 through the appeal tribunal, which is the dean or the director of the central department or unit that the employee falls under from an organisational point of view. For deans and directors of central departments/units, the Executive Board will serve as the appeal tribunal.
2. A notice of objection must meet the following requirements:
 - the name and address of the person submitting the objection,
 - the date,
 - a description of the decision to which the objection pertains,
 - a copy of the decision (if possible),
 - the substantiation of the objection,
 - if an authorised representative has been engaged, a signed written power of attorney from the person submitting the objection.
3. The written notice of objection must be submitted to the appeal tribunal within four weeks of the decision as referred to in Article 4, paragraph 3.
4. The appeal tribunal will submit the objection to the *appraisals advice committee* for advice. The appeal tribunal will only decide on the objection after the *appraisals advice committee* has issued an advice.
5. As soon as possible, and preferably within four weeks of the *advice committee* receiving the notice of objection, both the employee and the hierarchical supervisor will be given the opportunity to explain their positions at a hearing. The employee may have himself assisted by a third party.
6. The *advice committee* will in any case assess:
 - d. whether the appraisal is in conflict with any stipulation of these regulations or the applicable cao-hbo, or;
 - e. according to the standards of reasonableness and fairness, the appraisal is supported by the grounds and facts contained in the appraisal decision.



If the *advice committee* finds that there has been a breach of procedural rules in formation of the appraisal, the *committee* will determine the consequences thereof. In making this decision, account will be taken of the extent to which the employee's interests were prejudiced.

7. The *advice committee* will issue an important advice to the appeal tribunal. The advice will be substantiated with reasons, laid down in writing and signed by the chairman. The employee will be informed of the contents of the advice.
8. Within 10 days of receipt of the advice, the appeal tribunal will take a decision on the objection. The employee will be informed of this in writing. In the event that the decision on the objection derogates from the advice as referred to in paragraph 6, this will be substantiated.
9. Submitting an objection will have no negative consequences whatsoever for the employee.
10. The *appraisals advice committee* consists of three members. One member will be nominated by the Executive Board and one member by the joint professional organisations. The members referred to in the preceding sentence will jointly appoint the third member and chairman of the committee.

The chairman and the members will be appointed and dismissed by the Executive Board.

The Executive Board will appoint an employee of the Legal Affairs department of the institution as the secretary of the appraisals advice committee.

Article 6 Unforeseen circumstances

All matters not provided for by these regulations will be decided by the Executive Board.

Article 7 Effective date and official title

These regulations may be cited as 'Performance and Appraisal Regulations, Amsterdam University of Applied Sciences', and take effect on the day after they have been adopted by the Executive Board and approved by the professional organisations in accordance with the stipulations of Article N-1 paragraph 1 and N-2, paragraph 2 of the *cao*.

These regulations replace the 'Performance and Appraisal Interview Regulations of Hogeschool van Amsterdam, University of Applied Sciences' of 29 May 2006, including the review of 25 June 2008.