

AGENDA ITEM

111 JULY

DATE: July 19, 2012

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

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 Trustees. Following the arrival in 2010 of the State Bar's current Executive Director, BOps reviewed and revised the evaluation criteria and process. The first and second evaluation cycle was completed under this process in November 2011 and 2012. The process for the third annual evaluation is presented here for approval. The process is begun now to assure that current board members whose terms end before November will be included in the process. If you have questions, please call Robert Hawley at 415-538-2277 or Robert.Hawley@calbar.ca.gov.

BACKGROUND

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 procedure governing the Executive Director's evaluation are established by Board action. (See, Board Policy Book, Tab 18 [Staffing], Article 1 [Executive Director], Section 10 [The Executive Director's Annual Performance Evaluation], Attachment 1). The Board Policy Book provisions that govern the Executive Director and the executive Lines of Authority are provided at Attachment 2. The governing evaluation criteria are set forth at Attachment 3.

The Executive Director is employed by the Board under a contract. The contract with the current Executive Director runs through November 2013, subject to renewal through

2015. 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 annual merit compensation payable in November 2012 is also provided where goals and performance standards are met.

Following a review of the then existing evaluation criteria and process, in 2011, BOps revised both as reflected in the revised Board Policy Book, Attachments 1, 2, 3. BOps continues to oversee the evaluation process with the State Bar Office of Human Resources administering the process. This item is before the Board to confirm the process and timeline for the 2012-2013 evaluation period.

The Executive Director's contract with the Board runs to November 2013. It is subject to renewal for two one year periods thereafter. At the board meeting in July 2012, the board authorized the President to select a Presidential Committee to recommend action on the contract. The President appointed the Board Operations Committee to undertake this task. [Attachment 4]. In addition to completing the annual review in November of this year, the board also needs to determine whether it wishes to renew the contract for additional years on the existing contract terms or renegotiate a new contract going forward.

B. Timeline

The following timetable is proposed:

July	Board confirms the 2012-2013 process.
August/September	Evaluation forms are distributed to all current 2012-2013 Board members.
September/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.
October/November	Evaluation forms are synthesized. A written Evaluation Report is prepared and shared with the Board Operations Committee.
November	The Evaluation Report is shared with the Executive Director. The Evaluation Report is discussed between the Board and the Executive Director. An adjustment to the Executive Director contract salary and the award of merit based compensation payable in November for the 2012-2013 period is determined. The status of the Executive Directors contract going forward is determined.

C. Procedure

All communications pertaining to the evaluation process are strictly confidential. The Board Policy Book, Tab 18 [Staffing], Article 1 [Executive Director], Section 10 [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."

All Board members should strictly adhere to this confidentiality requirement.

BOPs 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.

ISSUE

Should the process described here be affirmed for the 2012-2013 evaluation period.

CONCLUSION

It is recommended that the process described here be reaffirmed for the 2012-2013 evaluation period.

FISCAL / PERSONNEL IMPACT:

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

RULE AMENDMENTS:

None

BOARD BOOK IMPACT:

None

RECOMMENDATION

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:

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Board Committee on Operations agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, that the Board Committee on Operations, recommends that the Board of Trustees approve the procedure for conducting the Annual Performance Evaluation of the Executive Director consistent with the item before the Board Committee and Board this date.

PROPOSED BOARD OF TRUSTEES RESOLUTION:

Should the Board concur with the Board Committee on Operations's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Board Committee on Operations, the Board of Trustees hereby 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.