

# AGENDA ITEM

111 JULY 18 2014

**DATE:** July 18, 2014

**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. Three evaluation cycles were completed under this process in November 2011, 2012 and 2013. The process for the fourth 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](mailto: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 also provided at Attachment 1. The governing evaluation criteria are set forth at Attachment 2, supplemented with specialized goals that were identified for the Executive Director's 2013-2014 review.

The Executive Director is employed by the Board under a contract. The contract with the Executive Director was renewed in January 2014 and now runs through January 2017, subject to renewals through 2019. 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 January 2015 is also provided where goals and performance standards are met.

Following a review of the then existing evaluation criteria and process, in 2010, BOps revised both as reflected in the revised Board Policy Book, Attachments 1 and 2. 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 2013-2014 evaluation period.

#### B. Timeline

The following timetable is proposed:

July	Board confirms the 2013-2014 process.
August/September	Evaluation forms are distributed to all current 2013-2014 Board members.
September/October	Completed evaluation forms are returned to the State Bar. Any written comment the Executive Director wishes to provide is provided 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. Any compensation adjustment to the Executive Director contract and an award of merit based compensation payable in January 2014 for the 2013-2014 period 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 2013-2014 evaluation period.

## **CONCLUSION**

It is recommended that the process described here be reaffirmed for the 2013-2014 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 2013-2014 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.