Evaluation of Classified Personnel

The desired outcome of the evaluation process is to help the individual become a better employee. An evaluation program could include, without limitation:

1. Document performance that needs improvement
2. Improve performance
3. Create a basis to reward superior performance
4. Promote individual growth
5. Provide for modification of assignments
6. Provide notice of deficiencies that may impact continued employment
7. Create a channel of communication between administrators and classified employees in the area of job performance appraisal

North Dakota law does not require “cause” for dismissal of at-will (not under contract) school employees. However, given all of the protected categories (e.g., age, disability, race), it is helpful if objective written assessments of job performance are available in the event that a termination is considered. Memos that document areas of concern and/or dissatisfaction with job performance are particularly useful in dealing with charges of discrimination or retaliation filed with the Department of Labor or the Equal Employment Opportunity Commission (EEOC).

When a classified employee is employed for a specified duration, the employee may be entitled to due process rights prior to termination. These rights include (a) notice of charges against the employee, (b) an explanation of the employer's evidence, and (c) an opportunity for the employee to respond prior to final action.