

The Bill Blackwood
Law Enforcement Management Institute of Texas

Redesigning the Written Performance Evaluation and
related Departmental Policy and Procedures
for the Travis County Sheriff's Department

A Policy Research Paper
Submitted in Partial Fulfillment
of the Requirements for the Institute

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#763

ABSTRACT

The purpose of this research was to examine the Travis county Sheriff's Office employee appraisal process. The Sheriff's office indicated numerous problems with the evaluation system. A revamping of the system is necessary so those employees can be evaluated fairly and accurately.

The "Written Performance Evaluation" is one of the most dreaded duties all supervisors must undertake on a regular basis. The written performance evaluation is the most common method used to document an officer's job performance. To be effective an appraisal system must be job specific and the evaluator must be properly trained.

Research revealed that the Travis County Sheriff's Office has used the same evaluation method, using numerical scoring, for the majority of the past 25 years. In addition, both sworn and civilian personnel are evaluated using the same form and procedures. Interviews with current supervisors revealed numerous problems and/or inconsistencies with the current system.

Research revealed that the same problems and concerns being experienced by the Travis County Sheriff's Office are also found nation wide, both in law enforcement agencies and civilian organizations.

It is purposed that the Travis County Sheriff's Office adopt one of two options regarding performance evaluations. One would require a redesign of the current system with a focus on "job specific" criteria. The second option involves doing away with the Formal Evaluation process – to be replaced by a continuously updated "Employee Development Folder".

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Picture yourself the Sergeant responsible for anywhere from eight to twenty officers. Your duties, just to name a few, include: updating employee development folders, scheduling in-service training, completing timesheets, daily duty rosters, performing shift briefings, providing bi-monthly shift statistics, reviewing all reports, keeping track of all shift activity and calls, and of course writing performance evaluations. You come to work and your Lieutenant advises that one of your deputies is being transferred to another duty assignment. You now have three days to update his/her employee development folder, complete a written evaluation, review the evaluation with the Deputy, and forward all paperwork to his new supervisor. You drag out his employee development folder and the evaluation forms as your stress level goes up and your headache begins.

Organizations of all types have some method of evaluating an employee's performance. The need for organizations to train managers and supervisors in the correct method of completing employee performance evaluations became very clear. These same organizations began formal training seminars in the art of evaluating employees.

The purpose of this research is to develop a new "Formal" written performance evaluation form and the written Policy and Procedures for the Travis County Sheriff's Office. The research is intended to provide a proposal to the command staff of the Travis County Sheriff's Office to adopt a new evaluation form and written policy.

The performance appraisal has been described as a process of identifying, observing, and developing human performance in organizations (Cardy, 1998). The evaluation of a person's job performance has been around as long as there have been workers and supervisors. This author observed that the majority of manual labor type professions used a verbal evaluation process. The worker is either told that he is doing a good job or that he is doing it wrong. In some instances the employee is just fired for doing the job wrong and the employee has little or no recourse. While conducting my research I found that the majority of non-manual or white-collar type organizations use some form of written evaluation process.

My father had his own masonry business and had several crews of men working at one time. This author personally observed and experienced the verbal form of performance evaluation while learning the trade. There were many days while working at ground level my father would be working on the scaffold laying brick. All the workers would know when he needed something or if a mistake had been made. You would first hear a little laugh, and then he would send a trowel full of mortar flying my way. We would usually get hit but we learned what he expected or needed.

This may not have been the best form of feedback in evaluating a worker's job performance, but it was very effective in that you learned what was expected. The mud slinging was always done in fun and all the workers adopted this form of message sending. My father would always show his men, by example, how they needed to correctly do the job.

He was the kind of boss that wouldn't have his workers do any job that he himself would not do. The mud slinging type of job performance evaluation would not work in this time and age. However, many supervisors do not ask employees to do any job they would not do themselves. These types of supervisor's can effectively evaluate an employee's job performance because they have done the work and know what is expected.

Since my start in 1976, the Travis County Sheriff's Office has used the same employee evaluation form and numerical rating system. The numerical system has a rating scale from 1 to 5, one being the lowest rating and five being the highest, with a set group of job performance categories in which the employee is evaluated. Up until several years ago there were no real instructions or formal training. When you were promoted you were taught the current way that your supervisor completed the evaluations. Newly promoted supervisors would use a combination of what they themselves liked and what they liked from the other supervisors. Then when other officers were promoted you passed your methods or ideas on to them. The lack of formalized training and complete instructions leaves each supervisor to interpret how best to perform an evaluation. Several years ago the Sheriff's office developed its own interdepartmental supervisors training course. A portion of this training includes training in completing performance evaluations.

Several supervisors were interviewed reference their method and interpretation of completing the current Travis County Sheriff's Office evaluation form. Each had his/her own ideas and interpretation of the current process.

The following are some of the recurring problems that this author observed and other supervisors mentioned reference the current Travis County Sheriff's Office written evaluation system.

- No clear time period as to when an officer should have his performance evaluation. Most believe evaluations are to be completed annually, when an officer transfers, when testing for promotion, or when disciplinary actions are taken. Supervisors advised they found some employees had not received written evaluations for as long as six years.
- The numerical scoring is 1 to 5, representing the lowest to highest rating. This author was taught that the ratings would remain as whole numbers. Interviews of one lieutenant found it is an acceptable practice to give fractional scores. Yet other supervisors are under the impression that only whole scores can be given.
- The current Travis County Sheriff's Office evaluation form has predetermined categories in which each officer will be evaluated. This officer has observed supervisors changing the categories to meet their own expectations of what is expected. One supervisor told me that he did not like the way the form was worded, so he changed it to meet his own terminology.
- This author reviewed many "Employee Development Folders" and the majority of the evaluations inside were worded almost identically. The scores given were also reflective of this pattern.

- Several years ago the Sheriff's Office adopted "self evaluation questionnaires". Each employee should have been given this self-evaluation to complete prior to his evaluation. Some supervisors used this form and others did not. This form was very seldom used on the corrections side of the organization. Currently the form is still used but only on a limited basis by very few supervisors.

Because performance appraisals are used to determine personnel actions concerning pay, promotion selection, and termination it is understandable that they are the target of legal disputes involving employee charges of unfairness and bias. The most widely used United States federal laws are Title VII of the Civil Rights Act and the Age Discrimination in Employment Act (Brewer & Wilson, 1995). Findings show, however, there are very few suits against law enforcement organizations where employee performance appraisals come into play. The majority of the suits occurred in the private sector and covered a wide range of discrimination issues. The same issues involving performance appraisals could be challenged in the law enforcement community. Implementing a new performance form raised the question, in my mind, could there be civil ramifications? In one case an employee was evaluated, using the old appraisal form, and received satisfactory scores for several years. When a new form was implemented, the same employee, with the same duties received a below average rating. Said employee was counseled and received below average scores for the next two years. Eventually he was terminated due to his below average evaluations. The courts concluded that the employee was not unfairly treated because he was given below average scores, using the

new form, on several consecutive appraisals. He had been given time to improve his performance (Kirkland v. Safeway Inc., 1998).

A different aspect, to a new appraisal form, was the addition of two new sections to the appraisal form. The employee returned from leave and was rated below average, then terminated. The employee previously had satisfactory appraisals. The court ruled that the agency couldn't change the appraisal form, without the employee's knowledge, and then evaluate their performance (Allegheny Ludlum Corp v. National Labor Relations Board, 1997).

In a wrongful termination suit the plaintiff could bring up the employee performance appraisals to show that he/she had a good work history and that there was no reason for the supervisor to give below average rating and then be terminated due to those ratings. The plaintiff's rating supervisor would have to prove that the ratings were fair. The only way this would be possible if the rating supervisor had written documentation, other than the appraisal, showing the poor work performance. If there is no documentation then the termination could be overturned (Thomas v. Eastman Kodak, 1999). The rating supervisor should always be careful, while rating employees, not to allow his personal feelings to interfere with the ratings and strive to be impartial providing documentation for any unusual ratings (Texas Border Patrol v. Federal Labor Relations Authority, 1993).

This author was involved, as a first line supervisor, in the termination of an employee. The employee was assigned to the courthouse security detail and his duties

involved screening persons, by use of a x-ray machine and metal detector, before entering the courthouse. He was terminated due to his continuously being late, not showing up for work at all, and lying. The employee charged that his termination was racial in nature. This author, along with previous supervisors, had written documentation of every incident and the resulting disciplinary actions leading up to the termination. Due to the complete documentation the suit was never filed.

Consequently, many of the suits revolve around the appraisal process and documentation about the employee. By continuously documenting performance, whether good or bad, many suits can be avoided or beaten in court (Patterson v. Atel, 1996).

LITERATURE REVIEW

The majority of the documents that were researched revealed that "formal" evaluations are a very important tool for any supervisor. The written evaluation is the only way in which most employees will know if their job performance is acceptable and what, if any, corrective action the employee or his supervisors can take. Due to the unique nature of law enforcement organizations, there should be separate evaluation forms for officers and civilian personnel.

The primary purpose of a performance evaluation process is to provide supervisors with a job-related tool for:

- (a) evaluating subordinate performance on a formal, periodic basis;
- (b) promoting common understanding of individual needs, work objectives and standards of acceptable performance;

- (c) providing subordinates with feed-back as to how well the supervisor feels they are meeting expectations;
- (d) suggesting specific courses of action the subordinate can take in order to meet or exceed expectations;
- (e) providing supervisors with feed-back as to how then can help subordinates in their personal growth and development; and
- (f) setting objectives for future performance (Cameron, 1989).

Appraisers at all levels must remember that performance appraisals are meant primarily for development and growth, not for censure. By identifying their strengths and weaknesses, appraisals can help employees develop their full potential. In turn, better employees make for better police agencies (L.J. Roberts, 1995).

A supervisor should not depend on memory alone to effectively rate an officer's job performance and complete a formal evaluation. There isn't a day that goes by that a supervisor does not observe and evaluate the performance of one of his officers.

Normally the supervisor does not note, in writing, the behavior or performance of the officer whether it good or bad (Landy & Farr, 1995). It was recommended that a supervisor keep a continuously updated, written record, of his officer's activities in between evaluation periods. By keeping this type of documentation a supervisor will find that the evaluations will reflect a more accurate account of the officers actual job performance for that evaluation period and the completion of the evaluation form will be easier (Cronin, 1978). This same type of documentation is very useful if an employee wants to dispute the evaluation either interdepartmentally or in court.

Research indicates the majority of the law enforcement agencies use one of two types of evaluations: numerical or descriptive rating. It was also found that there is a trend moving towards a peer evaluation style. The peer evaluation style is one in which subordinates and employees of the same rank complete the employee's appraisal. This is also known as the "natural work group setting" (Landy & Farr, 1995). Another group of quality control advocate's support the notion that the written appraisal process could be eliminated altogether (Cardy, 1998). The elimination of the formal written evaluation, within the Travis County Sheriffs Office, would be possible if the supervisors would correctly update and maintain each employee's employee development folder. Evaluating each employee from the contents of their employee development folder would all but eliminate the problem of the duplication of evaluation terminology and they're scoring.

PRACTICE REVIEW

This author has experienced the problems a supervisor has when trying to use the same form to evaluate officers and civilians. One example is trying to evaluate a patrol officer and a dispatcher using the same form. A dispatcher needs to be evaluated on their various dispatch duties and not their knowledge of the city, county, and local laws. In turn, the patrol officer would not need to be evaluated on their knowledge of dispatch duties and operations. It should be noted that presently all employees of the Travis County Sheriff's Office are evaluated by the same form regardless of their position or job assignment.

This author interviewed several supervisors from the Travis County Sheriff's Office and some from other agencies and found that the majority kept no written documentation, other than a copy of the officer's formal evaluation form, since the last evaluation. The Travis County Sheriff's Office does not teach its supervisors, in the departmental supervisor-training course, how to keep individual officer performance records. The agency does however have an "Employee Development Folder" for each employee. Used correctly this folder would be a good resource for supervisors to document and gather information for future evaluations. This folder has three sections that can be used to document any officer activity for future reference:

- One section is for any notable officer activity. This section is used to make "line entries", whether good or bad, about the officers activities. The new supervisors are taught that this section can be used to note any activity.
- The second section lists any commendations or awards, also know as "atta-a-boys".
- The third section is for noting any disciplinary or corrective actions against the officer.

The idea of keeping a daily written account of an officer's activity is good, but I have found very few supervisors keep any notes, much less put any information in the Employee Development Folder. The most common excuse is that they have no time. Most supervisors agreed that if they had up-to-date activity and performance notes evaluations would be easier to complete and take less time. This author believes that if

supervisors had daily activity information, on the officer being evaluated, there would be less duplication of terminology and scores as presently exhibited by current evaluations.

This author reviewed several different types of performance appraisals from several different agencies and found that each agency had their own idea of the type of appraisal that works best for their agency. One agency, located in London, England, had no formal or written officer performance appraisal. The officer's were given a duty log at the beginning of each shift, and during their tour of duty they would log all their activity on that duty log. The supervisor would collect the log at the end of the each shift and then file the form for future reference. When the work history of an officer needed to be checked the supervisor or higher administrator would pull the officers duty logs for what every period of time they needed. The rest of the agency appraisals fell into one of two types of appraisals. They either had a numerical scale or descriptive scale type system. The numerical scale places a numerical value on various characteristics, abilities, or aspects of the worker's performance. The descriptive scale will have a series of job specific descriptors and a series of performance scales that the officer will be rated on (Melnicoe & Menning, 1978).

This author also reviewed the performance evaluation forms of two civilian organizations, Dillards Department Stores and Daughters of Charity Seton Hospital. Both of these civilian agencies use a descriptive style in evaluating their employees. It was also noted that neither of these civilian organizations have a standard documentation procedure, for employee performance, other than the written performance evaluation form.

CONCLUSION

Research showed, with very few exceptions, that the most common way of evaluating an employees job performance was the written performance evaluation. There are many different variations, to the performance evaluation, in use. It was found that some agencies do not use a performance evaluation form but do document their employees job performance. Although the evaluation can be a very important tool it was shown that without the proper training, in the use of the evaluation, and proper documentation prior to the evaluation that evaluation could become a liability to the organization.

Like so many other aspects of law enforcement documentation is critical. Without proper documentation it is hard to explain or defend many actions. Another part, just as important, is the training needed so as to properly complete many job tasks. It is important that before any form of performance evaluation is utilized there is proper training in the use of the form and the documentation needed to properly evaluate that employees job performance.

The Travis County Sheriff's Office uses the same evaluation form to evaluate all the employees regardless of their job assignment and description. Although the supervisors receive some training they are left to interpret the numerical scoring and different work task sections on their own. Couple this with their work load most supervisors tend to just mimic the scoring and narratives on previous evaluations. This, of course, may result in incorrect or inadequate performance evaluations, which can also put the organization in jeopardy of possible legal actions.

By developing an evaluation form, for all officers, that has predetermined job descriptions and performance rating blocks the supervisors could complete the forms in a more timely manner. Then properly train the supervisors on the completion of the performance evaluation and the pre-evaluation documentation. The Travis County Sheriff's Office requires all supervisors to keep an employee development folder on all officers in addition to the annual evaluations. If the supervisors properly documented the officer's work activities and job performance, in the employee development folder, then the performance evaluation would not be needed. This would require that one format, for the employee folders, be adopted and the supervisors be mandated to follow the format and procedures.

It is proposed that the Travis County Sheriff's Office administrators look at two proposed options:

- (1) Adoption of a newly created performance appraisal package for the enforcement and corrections officers, with a revised policy and procedures section. The civilian employee's would continue to be evaluated by use of the current, numerical evaluation, form. The revised policy and procedures would be written so as to cover both evaluations and the proper format and documentation in the employee development folder.
- (2) To discontinue the current "formal" written evaluation process for enforcement and corrections officers but mandate the supervisors to correctly and continuously maintain the "Employee Development Folder".

The civilian personnel would continue to use the current, numerical evaluation, form due to their annual pay increase being tied into their performance evaluation.

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APPENDIX

TRAVIS COUNTY SHERIFF'S OFFICE CORRECTIONS AND ENFORCEMENT PERFORMANCE APPRAISAL PACKAGE

DATE	
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Officer Name					Emp #	
Rank & Duty Assignment						
Probationary Officer or Supervisor	Yes		No		Date of Rank	

Evaluators Name & Rank					Emp #	
Date of Next Evaluation						

TRAVIS COUNTY SHERIFF'S OFFICE CORRECTIONS AND ENFORCEMENT PERFORMANCE EVALUATION FORM

CATEGORIES		UNACCEPTABLE PERFORMANCE	BELOW EXPECTATIONS	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	SUBSTANTIALLY EXCEEDS EXPECTATIONS
1.	Knowledge of TCSO Policies and Procedures.	Shows NO understanding of Policy and Procedures.	Shows Moderate understanding of Policy and Procedures.	Shows Good understanding of Policy and Procedures.	Shows Exceptional understanding of Policy and Procedures.	Shows Expert understanding of Policy and Procedures.
2.	Knowledge of State and Local Laws and Procedures.	Shows NO knowledge of Penal code, Traffic code, or other Criminal Statutes.	Shows Inadequate working knowledge of Penal code, Traffic Code, Texas C.C.P., or other Criminal statutes.	Shows a Good working knowledge of Penal code, Traffic code, Texas C.C.P. and other Criminal Statutes.	Shows Exceptional working knowledge of Penal Code, Traffic code, Texas C.C.P. and other Criminal statutes.	Shows Expert knowledge of Penal code, Traffic code, Texas C.C.P. and other criminal Statutes.
3.	Quality of Work.	Rarely produces work that is neat and precise.	Inconsistently produces work that is neat and precise.	Usually produces work that is neat and precise.	Rarely produces work that is not neat and precise.	Always produces work that is neat and precise.
		Rarely produces work that is correct.	Inconsistently produces work that is correct.	Usually produces work that is correct.	Rarely produces work that is not correct.	Always produces work that is correct and error free.
4.	Dependability	Cannot be relied on to complete assigned work.	Inconsistently reliable in completing assigned work.	Consistently reliable in completing assigned work.	Rarely fails to complete assigned task.	Always completes assigned work.
		Must be constantly supervised.	Regularly has to be supervised.	Usually does not have to be supervised.	Rarely has to be supervised.	Never has to be supervised.
5.	Attendance	Has frequent unexcused absences and has received disciplinary action.	Has moderate unexcused absences.	Has occasional unexcused absences.	Absent only with prior approval.	Very rarely absent.
		Has frequent unexcused tardiness and has received disciplinary action.	Has moderate unexcused tardiness.	Has occasional unexcused tardiness.	Tardy only with prior approval.	Very rarely tardy.
6.	Initiative and Enthusiasm	Never anticipates work to be done.	Inconsistently anticipates work to be done.	Usually anticipates work to be done.	Rarely fails to anticipate work to be done.	Always anticipates work to be done.
		Never approaches work with enthusiasm.	Occasionally approaches work with enthusiasm.	Usually approaches work with enthusiasm.	Rarely fails to approach work with enthusiasm.	Always approaches work with enthusiasm.
7.	Judgement	Exercises poor judgement in routine situations and causes sever consequences.	Exercises fair judgement in routine situations.	Exercises good judgement in routine situations.	Exercises exceptional judgement in routine situations.	Always exercises correct judgement in routine situations.
		Exercises poor judgement in nonroutine situations and causes severe consequences.	Exercises fair judgement in non-routine situations.	Exercises good judgement in non-routine situations.	Exercises exceptional judgement in non-routine situations.	Always exercises correct judgement in non-routine situations.
8.	Cooperation	Rarely accepts instruction or direction without argument and has received disciplinary action as a result.	Accepts instruction or direction but questions without good cause.	Accepts instruction and direction and questions only with good cause.	Accepts instruction and direction/offers constructive suggestions.	Makes constructive recommendations before instruction and direction.
		Frequently attempts to circumvent unpleasant tasks and received disciplinary action as a result.	Occasionally attempts to circumvent unpleasant tasks.	Does not attempt to circumvent unpleasant tasks.	Shows willingness to accept unpleasant tasks.	Regularly volunteers to undertake unpleasant tasks.
9.	Relating with the Public.	Interacts and communicates poorly with the public / citizens and has received disciplinary action as a result.	Interacts and communicates fairly well with the public / citizens.	Interacts and communicates well with the public / citizens.	Interacts and communicates exceptionally well with the public / citizens.	Serves as a model officer when interacting and communicating with the public / citizens.
10.	Relating with Co-workers	Interacts and communicates poorly with co-workers and has received disciplinary action as a result.	Interacts and communicates fairly well with co-workers.	Interacts and communicates well with co-workers.	Interacts and communicates exceptionally well with co-workers.	Serves as a model officer when interacting and communicating with co-workers.
11.	Appearance	Maintains a poor appearance, personal grooming and/or poor bearing and has received disciplinary action as a result.	Frequently counseled on appearance, personal grooming, and/or bearing.	Maintains appearance, personal grooming, and bearing within TCSO standards.	Maintains appearance above standards, takes pride in appearance, personal grooming and bearing.	Serves as a model officer in appearance, personal grooming and bearing.
12.	Safety	Ignores officer safety standards and practices.	Inconsistently observes officer safety standards and practices.	Consistently observes officer safety standards and practices.	Shows exceptional observance of officer safety standards and practices.	Never violates officer safety standards and practices - instructs fellow officers.
		Frequently endangers fellow officers.	Rarely endangers fellow officers.	Never endangers fellow officers.	Shows great concern for the safety of fellow officers and attempts to control danger factors.	Exhibits excellent concern for fellow officer safety and insures total safety control.
13.	SUPERVISORY SKILL'S (Supervisors Only)	Displays little or no supervisory skills and has received disciplinary action as a result.	Displays some supervisory skills but requires close monitoring by another supervisor.	Displays good supervisor skills.	Displays exceptional supervisory skills.	Displays excellent supervisory skills. Serves as a model for all supervisors.

INSTRUCTIONS: This evaluation has several categories each with individual descriptors for each performance level. Each category shall have an "X" placed in the section best describes the performance level of the employee. Any category with marks in the Unacceptable Performance, Below Expectations, or Substantially Exceeds Expectation: levels SHALL have a written explanation of that rating in the comments section of this evaluation package.

COMMENTS SECTION (Identify all comments by category number. There must be written justification for any marks in the Unacceptable or Below Expectations, or Substantially Exceeds performance levels. Document an action plan for any Unacceptable or Below Expectations Performance.)

Cat # 1	
Cat # 2	
Cat # 3	
Cat # 4	
Cat # 5	
Cat # 6	
Cat # 7	
Cat # 8	
Cat # 9	
Cat # 10	
Cat # 11	
Cat # 12	
Cat # 13	

OFFICER COMMENTS SECTION

Employee Signature _____ Date _____

Evaluators Signature _____ Date _____

Captains Signature _____ Date _____

cc: personnel,edf