



U.S. Department of the Interior

Performance Management Handbook (370 DM 430 HB)

A Guide for Managers/Supervisors and Employees

Office of the Secretary
Office of Human Capital

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U.S. Department of the Interior Performance Management Handbook

Part I: The Performance Appraisal Process

Timeline of Performance Management Activities

<p>Appraisal Period – The appraisal period coincides with the fiscal year, October 1 to September 30.</p>	<p>October 1 to September 30</p>	<p><i>Or as otherwise approved by the DOI Office of Human Capital</i></p>
<p>Complete Performance Appraisals – Assign ratings and complete EPAP forms for prior fiscal year that ended on September 30.</p>	<p>October 1 to 31</p>	<p><i>Or 30 days after the end of the Performance Appraisal Period</i></p>
<p>Finalize New Performance Plans – Rating officials have 45 days in which to establish employee performance plans (including critical elements and performance standards), i.e., to finalize and sign an Employee Performance Appraisal Plan (EPAP) form.</p>	<p>October 1 to November 15</p>	<p><i>Or 45 calendar days from beginning of appraisal cycle</i></p>
<p>Minimum Appraisal Period – The length of time, 90 calendar days, that the employee must be performing in a position supervised by the rating official and under an approved performance plan in order to be eligible for an interim or annual appraisal.</p>	<p>90 Calendar Days</p>	
<p>Progress Review – Formal discussion with the employee <u>at least once</u> during the appraisal period to review the employee’s progress and communicate performance on critical elements as compared to the established performance standards; to make any recommended revisions to the performance plan; and to consider/identify any developmental needs or performance improvement required.</p>	<p>March through May</p>	<p><i>Or approximately midway through the employee’s performance appraisal period</i></p>
<p>Interim Appraisal – A performance appraisal that is issued in specific, limited circumstances prior to the end of the appraisal period to an employee who has been under a performance plan for at least 90 days.</p>	<p>As Required</p>	

1. Introduction

Managing employee performance is an integral part of the work that all managers and supervisors perform throughout the year. It is as important as managing financial resources and program outcomes because employee performance or the lack thereof, has a profound effect on both the financial and program components of any organization.

The Department of the Interior's performance management policy, Departmental Manual (DM) 370 DM 430, is designed to establish and document the expectations of individual and organizational performance, provide a meaningful process by which employees can be rewarded for noteworthy contributions to the organization and its mission, and provide a mechanism to improve individual/organizational performance as necessary.

To accomplish these objectives, managers need to identify organizational goals to be accomplished, communicate individual and organizational goals to employees such that the individual understands how his/her job responsibilities and requirements support the overall strategic mission and goals of the Department, monitor and evaluate employee performance, and use performance as a basis for appropriate personnel actions, including rewarding noteworthy performance and taking action to address unacceptable performance.

This Handbook is designed to complement the Department's performance management policy and provide supervisors and employees with a working guide for the day-to-day administration of performance management. This Handbook includes explanations and easy-to-follow reference guides for activities conducted throughout the performance cycle, and serves as a valuable informational resource, especially as a quick overview of performance management requirements for supervisors and employees, including new employees.

Any Department employee or employee representative seeking further information concerning this Handbook may contact the appropriate servicing Human Resources Office. Servicing Human Resources Offices may contact the Department's Office of Human Capital, Workforce Relations Division concerning questions related to this supplemental guidance.

2. Importance of Performance Management

In today's workplace, performance improvement and the role of performance management are increasingly popular topics. With pressures to drive down operational budgets and to do more with less, organizations are now required to become even more effective and efficient, and to execute better business strategies to remain successful.

The primary reason to ensure performance management processes are functioning properly is to tighten the link between strategic organizational objectives and day-to-day actions. Effective

goal setting (including timelines), combined with a method to track progress and identify obstacles, contribute to success and achievement of mission-related results. Regularly tracking progress against performance goals and objectives also provides the opportunity to recognize and reward employees for performance and exceptional effort, contributing to job satisfaction, and productivity.

What is the impact of a poorly structured and implemented performance management process? If individual goals are not aligned with organizational strategy, then time and resources are wasted. Low employee engagement levels may mean that individuals are not performing at their best. Inconsistent evaluation criteria and rewards can lead to mistrust, lower productivity, and higher attrition. If top performers see no differentiation in performance ratings, no opportunities, and unfair compensation for under-performers, morale can suffer. Lack of documentation, visibility, and accountability can negatively affect stakeholders who are demanding more transparency. If accurate performance information is unavailable or difficult to access, training and development decisions, along with project assignment decisions, may not be made in the Department's, or in the individual's, best interests. An annual process will not adequately alert managers to problems in a timely manner. Last, but not least, a lack of proper documentation related to performance may result in legal issues.

Management "buy-in" is essential to the performance management process. When management does not understand the importance and value of the process, the results can range from consistently late or incomplete appraisals to employee-management mistrust, avoidance of performance discussions, and a lack of honest performance-related discussions. Additionally, managers may feel unprepared to deliver quality feedback and to oversee effective performance discussions.

Frequently, when performance management is mentioned, people think of the employee performance appraisal or review. Performance management, however, involves much more. ***Properly constructed appraisals should represent a summary of an ongoing and year-long dialogue.*** An effective performance management process enables managers to evaluate and measure individual performance and optimize productivity by:

- Aligning individual employees' day-to-day job responsibilities with strategic organizational objectives.
- Providing visibility and clarifying accountability related to performance expectations.
- Documenting individual performance to support personnel actions and career planning decisions.
- Establishing focus for skill development and learning opportunities.

Many of the practices that support performance management also positively impact job satisfaction, employee retention, and engagement; as well as trust and loyalty.

Performance management practices include:

- Delivering regular relevant job feedback.
- Setting and communicating clear performance expectations.
- Evaluating performance and delivering incentives in a fair and consistent manner.

- Providing appropriate learning and development opportunities.
- Recognizing and rewarding top performers.
- Taking action to address poor performers.

Employees want to feel successful, do well at their jobs, and contribute to the overall success of the organization. To ensure this happens, employees need a clear understanding of individual goals and how they fit into the larger organization. When effectively implemented, the best practices of performance management result in a wide range of benefits and successes for employees, managers, and the overall organization.

3. Performance Management Process

The U.S. Office of Personnel Management defines performance management as the systemic process of: **planning** work and setting expectations, continually **monitoring** performance, **developing** the employee's capacity to perform, periodically **rating** performance in summary fashion, and **rewarding** good performance.



This Handbook is organized by these five components with supplemental guidance on how to deal with poor performance included in Part II.

4. Performance Planning

In an effective organization, work is planned in advance. This includes setting performance expectations and goals for individuals in order to channel efforts toward achieving organizational objectives. Involving employees in the planning process helps them understand organizational goals, what needs to be done, why it needs to be done, and how well it should be done.

Developing Employee Performance Plans

The fundamental basis of performance planning is the development of the performance plan for each employee. The performance plan outlines, in writing, the specific **critical elements** for which the employee will be held individually accountable during the appraisal period and the **performance standards** against which the employee's performance will be measured; i.e., how well the employee must perform on each element. Critical elements and performance standards should be strategically linked, results-focused, measurable, understandable, verifiable, equitable, achievable, and provide for meaningful distinctions between levels of performance. Performance plans should also be flexible so that they can be adjusted for changing program objectives and work requirements. When used effectively, these plans can be beneficial working documents that are discussed often, and not merely paperwork that is filed in a drawer and seen only when performance ratings are required.

The performance plan is documented using the Department's Employee Performance Appraisal Plan (EPAP) forms: DI-3100 for non-supervisory employees & DI-3100S for supervisory employees. Current versions of the EPAP forms are available at: <https://www.doi.gov/pmb/hr/non-ses-performance-management-toolbox>.

Before the start of the appraisal period, rating officials (generally, an employee's immediate supervisor) and employees should begin developing written performance plans for the next appraisal period. The process must allow for employees to provide input into the plan development. Performance plans must be recorded on the Department's Employee Performance Appraisal Plan (EPAP) form: DI-3100 for non-supervisory employees; DI-3100S for supervisory employees.

Performance plans must be established – signed by the rating official and provided to the employee – within 45 days of the beginning of the appraisal period, an employee's entrance on duty, the assignment of an employee to a detail or temporary promotion scheduled to exceed 120 days, the assignment of an employee to a new position, or the assignment of an employee to a new or different rating official.

Critical Elements

The Department's policy outlines that employees may have a minimum of one, but not more than five elements in their performance plans—all of which must be considered critical. Through these elements, employees are held accountable as individuals for work assignments and responsibilities of their position. A critical element is a work assignment or responsibility of such importance that Unacceptable performance in that element alone would result in a determination that the employee's overall performance is Unacceptable.

As defined by law, failure in one or more critical elements can result in the employee's reassignment, removal, or reduction in grade. Consequently, critical elements must describe

Rating officials may use several sources to assist them in determining the appropriate critical elements for their employees. These include but are not limited to:

- *Goals and objectives as outlined in the Department's strategic plan (<https://www.doi.gov/bpp>)*
- *Specific performance goals established for a given program area as outlined in the Department's annual performance plan (<https://www.doi.gov/bpp>)*
- *Bureau/Office-specific program goals and objectives*
- *Functional area/organizational goals and objectives*
- *Other internal management policy/direction*
- *Laws and/or regulatory requirements*
- *Customer/stakeholder feedback*
- *Employee input*
- *Employee position descriptions*
- *Performance plans for higher level management officials within employee's supervisory chain*

work assignments and responsibilities that are significantly influenced by an employee's work effort and within the employee's control. For most employees, this means that critical elements cannot describe a group's performance. However, a supervisor or manager can and should be held accountable for seeing that results measured at the group or team level are achieved. In addition to supervisors and managers, critical elements assessing group performance may be appropriate to include in the performance plan of a team leader who can reasonably be expected to command the production and/or resources necessary to achieve the results (i.e., held individually accountable).

All performance plans must have at least one critical element that is linked to the strategic goals of the organization. Rating officials should determine which appropriate mission areas, strategic goals, priority performance goals, strategies, or strategic plan

performance measures can best be utilized to develop the critical elements and standards in each employee's performance plan. Some positions, because of the unique nature of their job responsibilities, have specific mandates for critical elements to be included in the performance plan (e.g., Federal Information Security Management Act (FISMA), Federal IT Acquisition Reform Act (FITARA)). Supervisors should be aware of those regulatory requirements and ensure that the mandatory criterion is adequately addressed as a critical element in the employee's performance plan.

In addition, *performance plans for all supervisors and managers must include the mandatory supervisory/managerial element (Critical Element #1 on the DI-3100S form)* as one of the maximum five critical elements. The mandatory supervisory/managerial critical element addresses the level of performance expected for carrying out supervisory/managerial duties. Rating officials must use this mandatory critical element as defined on the most recent version of the DI-3100S form. The description of the mandatory supervisory/managerial critical element must be used as defined, without modification. The sample Fully Successful performance standard included in Critical Element #1 can be modified or further specified to the supervisory employee's position.

Performance Standards

While critical elements tell employees *what* they have to do, the performance standard tells them *how well* they have to do it.

Performance standards are the expression of the performance thresholds, requirements or expectations that must be met to be appraised on a critical element at a particular level of performance. Performance standards must be focused on results and include credible measures such as:

QUALITY—Addresses how well the employee or work unit is expected to perform the work and/or the accuracy, appearance, usefulness, or effectiveness of the final product. Measures may include error rates (such as the number or percentage of errors allowable per unit of work) and customer satisfaction rates (determined through a customer survey/feedback).

QUANTITY—Addresses how much work the employee or work unit is expected to produce. Measures are expressed as a number of products or services expected, or as a general result to achieve.

TIMELINESS—Addresses how quickly, when, or by what date the employee or work unit is expected to produce the work.

COST-EFFECTIVENESS—Addresses dollar savings or cost control. These measures should address specific resource levels or constraints (money, personnel, or time) that can generally be documented and measured. Cost-effectiveness measures may include such aspects of performance as maintaining or reducing unit costs, reducing the time it takes to produce or provide a product or service, or reducing waste.

To develop specific measures, the rating official must determine the type or types of standards that can realistically be used to assess the outputs, outcomes, or results and progress toward goals for a given critical element, and then determine the measures and minimum results/outcomes/outputs that are required to achieve the specified level of performance.

The Department has developed **Benchmark Standards** for non-supervisory ([Appendix A](#)) and supervisory ([Appendix B](#)) positions that may be used to describe expected performance for all critical elements. These Benchmark Standards can be applied to every position, but they can and should be further defined specifically for each critical element. **Federal regulations require, at a minimum, that a specific performance standard be established at the Fully Successful level for each critical element. Ideally, the Benchmark Standards should be further defined with specific standards at the other levels of performance as well so employees clearly understand their performance expectations.** When specific standards are developed by the rating official, they should require levels of performance that are essentially equivalent to that described by the Benchmark Standard at each performance level.

Rating officials should be careful that the Fully Successful performance standard allows room for errors. Allowing no room for error, referred to as an “absolute” retention standard, is permissible only when an agency can clearly defend the need for perfection; for example, when a single failure would result in loss of life, injury, breach of national security, or significant monetary loss.

Questions that may help determine whether you are writing an absolute standard include:

- **How many times may the employee fail this requirement and still be performing at the Fully Successful level?**
- **Does the performance standard use words such as “all,” “never,” or “each”? These words do not automatically create an absolute standard, but they often alert you to problems.**

For additional guidance on developing specific performance standards, see [Appendix C](#).

Figure 1: Example of a Critical Element and Performance Standard

Critical Element 1 Title: <i>HR Policy Products (Employee Relations)</i>	Critical Element Description: <i>Develops policy guidance for Bureau in the area of employee relations that is consistent with legal requirements and effective people management strategies.</i>
	Strategic Goal Alignment: <i>DOI Strategic Plan Mission Area 6- Modernizing Our Organization and Infrastructure for the Next 100 Years; Goal #1- Align DOI organizational structure and workforce to improve partnership engagement and mission delivery</i>
Performance Standards	
Outstanding	<i>See attached benchmark standards.</i>
Exceeds Expectations	<i>See attached benchmark standards.</i>

<p>Fully Successful</p>	<p>The attached Benchmark Standards are further defined by the following measurable criteria:</p> <p><i>Products usually reflect sound analytical thinking and present recommendations consistent with sound HR principles and Administration initiatives. Written products generally follow plain language principles, including logical organization, descriptive section headings, simple terms, and good use of tables, lists, graphics, and white space.</i></p> <p><i>Draft written products are usually completed and submitted for review by the date agreed to at initial assignment. Revisions are usually done and returned within the agreed-upon time frame.</i></p> <p>...</p>
<p>Unacceptable</p>	<p>See attached benchmark standards.</p>

Employee Participation in Developing the Performance Plan

Supervisors and managers must encourage employees to participate in the development of the critical elements and performance standards for their positions in order to give them a clearer understanding of their performance expectations, as well as the role their positions play in achieving the mission and goals of the organization.

However, the final decision regarding critical elements and performance standards always rests with management. The EPAP form has a block (Part A-2) that is to be signed by the employee and supervisor indicating that employee input into the development of the performance plan was solicited by the supervisor.

A performance plan is established when the EPAP form has been signed by the rating official and issued to the employee. In some Bureaus/Offices, a reviewing official (generally the second level supervisor) may also be required to sign the EPAP form, certifying that the performance plan has been established. Consult your servicing Human Resources Office for specific requirements.

Employees should sign the EPAP form to acknowledge that they have received the performance plan, not to indicate agreement with its content. If an employee refuses to sign, the rating official must document the refusal on the EPAP form.

Examples of Employee Participation Techniques:

- (1) Employee and rating official jointly develop the performance plan;**
- (2) Employee provides the rating official with a draft plan;**
- (3) Rating official provides the employee with a draft plan; or**
- (4) Employee writes one of the critical elements that he/she performs in his/her position.**

Whether or not the employee chooses to participate in the process of developing the plan or signs the EPAP form, the supervisor has the authority to implement the performance plan without the employee's agreement and hold the employee accountable for performing under the plan.

A performance plan must be established within 45 days of:

- ***The beginning of the appraisal period (which runs October 1 through September 30);***
- ***The employee's entrance on duty;***
- ***The assignment of an employee to a detail or temporary promotion scheduled to exceed 120 days;***
- ***The assignment of the employee to a new position; or***
- ***The assignment of an employee to a new or different rating official.***

5. Monitoring Employee Performance

Effective managers see to it that assignments and projects are monitored continually. Monitoring well means consistently measuring performance and providing ongoing feedback to employees and work groups on their progress towards reaching their goals. ***Effective and timely feedback during the appraisal period that assesses employee performance against the established critical elements and standards is an essential component for a successful performance management program.*** On-going performance monitoring and feedback provides rating officials regular opportunities to assess how employees are doing and to identify and resolve any problems early on. Employees need to be told what they are doing well and whether there are areas that need improvement.

Feedback can come from many different sources, such as observation by rating officials and other managers, measurement systems, and feedback from peers, stakeholders and customers. The rating official is responsible for determining the types, sources, and means of collecting the data and feedback that most accurately gauge performance, to ensure that each employee receives accurate, effective, and timely performance feedback. Rating officials should maintain documentation of employee performance, both positive and when improvement is needed, throughout the year. This will allow the rating official to provide specific examples during regular feedback sessions, progress reviews, for the development of the rating of record, or at other appropriate times.

When providing feedback, the following concepts should be kept in mind:

- Feedback works best when it relates to a specific goal, such as those established in the employee's performance plan. Basing feedback on the employee's performance against the elements and standards is critical to providing tangible, objective, and powerful feedback. Telling an employee that he/she is doing well because he/she exceeded

his/her goal by ten (10) percent, for example, is more effective than simply saying “you're doing a good job.”

- Employees should receive information about how they are doing in as timely a fashion as possible. If performance improvement is required, the sooner the employee is advised of the deficiency, the sooner he/she can take steps to correct the problem. Conversely, if a goal has been exceeded, the sooner the employee receives positive feedback, the greater the impact and sense of appreciation for the achievement.
- Feedback should be provided in a manner that will best help performance. This is not to say that feedback should be exaggerated or under-stated. On the contrary, feedback should be accurate, factual, and complete to most effectively reinforce what the employee has done well, and what the employee needs to do to improve his/her performance.

Managing the Performance Plan through Change

Given the dynamic nature of federal work and changing program objectives, the performance plan should be considered a “living document” that is reviewed regularly as part of the on-going monitoring stage of performance management and updated as needed to reflect evolving needs. If changes are made to the performance plan, the rating official must sign the new plan and provide it to the employee for signature as well. ***If substantial changes are made to the performance plan, the employee must be afforded a minimum of 90 days to perform under the new plan before a performance rating may be assigned.*** If the performance plan must be modified in the last 90 days of the appraisal period – generally after July 1 – due to a significant change in the employee’s work assignments, the appraisal period must be extended in order to afford the employee at least 90 days to perform against the new plan.

Position and Rating Official Changes during the Appraisal Period

Temporary Assignments

Whenever an employee is assigned to a detail or temporary promotion that is scheduled to exceed 120 days, he/she must have a new performance plan established for the temporary assignment. When the employee completes the temporary assignment, the temporary supervisor must assign an interim rating on the employee’s performance against the temporary assignment performance plan. A copy of the interim appraisal must be provided to the employee and to the employee’s permanent rating official. The interim appraisal is then used by the rating official in assigning the annual summary rating in a proportional manner.

For employees on details/temporary assignments outside of the Department for over 120 days, the rating official must make a reasonable effort to obtain performance information from the external agency/organization.

Employees on Intergovernmental Personnel Act (IPA) assignments may receive a rating of record based on a combination of their IPA and Department service or solely on the basis of their IPA performance (if they did not work at the Department during the appraisal period) if the following conditions are met: (i) critical elements and performance standards for the IPA assignment were approved by the DOI supervisor of record; (ii) the employee has had an opportunity to perform under the performance plan for at least 90 days during the appraisal period; and (iii) the IPA supervisor provides input regarding the employee's performance for the rating of record. The DOI supervisor of record evaluates the performance information, assigns a rating level for each critical element and assigns an overall rating of record.

Please see the section addressing [Interim Appraisals](#) for additional information.

Permanent Changes in Position

When an employee has served 90 days under a performance plan and changes positions via reassignment, promotion, or change to lower grade during the annual appraisal period, the rating official for the employee's old position must assign an interim rating. The new rating official must establish a new performance plan for the employee within 45 days of the effective date of the new assignment. At the end of the appraisal cycle, the rating official must consider the interim rating in proportion to the work performed against the new performance plan in determining the employee's annual rating of record.

Please see the section addressing [Interim Appraisals](#) for additional information.

Change in Rating Official

When employees are assigned to a new rating official, they must be issued a new EPAP form signed by the new rating official. Departing rating officials must complete an interim appraisal for any employee who has been under a performance plan for at least 90 days when the rating official leaves his/her position. If the rating official leaves his/her position in the final 90 days of the appraisal period, and the supervised employees otherwise meet the criteria for receiving a rating, the departing rating official will prepare a summary rating for his/her employees, which will serve as the rating of record for that appraisal period. If an employee has not been supervised by the rating official for 90 days, the reviewing official may prepare the summary rating.

Progress Reviews

An important part of the on-going monitoring process is ensuring that each employee receives at least one formal progress review during the each appraisal period—approximately midway through the period. The purpose of the progress review discussion is to examine the employee's progress and communicate feedback on the performance of the critical elements as compared

Tip for a Successful Progress Review:

Prior to the progress review meeting with the rating official, employees are encouraged to submit written documentation of their accomplishments since the last formal performance meeting with the rating official.

to the performance standards; to make any necessary revisions to the performance plan; and to identify any developmental needs or performance improvement required. Summary ratings or performance ratings on the critical elements are not assigned during the progress review discussion. Completion of the progress review discussion must be documented in Part B of the employee's EPAP form by both the rating official and employee.

While only one progress review is required by Department-wide policy, additional progress reviews may be required by collective bargaining agreements at the local level. In addition, rating officials are encouraged to frequently discuss performance with subordinate employees during the appraisal period. This is particularly critical in the case of an employee who is not performing at the Fully Successful level.

If an employee's performance falls below the Fully Successful level at any time, the rating official should contact the servicing Human Resources Office for additional advice and assistance on the steps to follow.

For additional supervisory guidance on effective performance discussions, see [Appendix D](#); for employee guidance, see [Appendix E](#).

6. Developing Employees

The process of performance management provides an excellent opportunity to identify developmental needs of employees. During the planning and monitoring of work, deficiencies in performance become evident and can be addressed. Areas for improving good performance also stand out, and action can be taken to help successful employees develop even further.

Developing employees is more than just training. Developing employees covers all efforts to foster learning, which happens on the job every day. When organizations focus on developing their employees' capacity to perform rather than just training them, employees will be able to adapt to a variety of situations, which is vital for the survival, well-being, and goal achievement of individuals as well as organizations.

Employee development can be either formal or informal. **Formal development** may include:

- Traditional training in structured courses, classrooms, and formal development programs;
- Detail assignments that provide valuable experience for growth and additional skill sets;
- Self-study courses, including on-line courses available to employees that address agency-specific skills and competencies.

One effective means of identifying formal training for an employee is establishing an Individual Development Plan (IDP). For additional information on developing an IDP, see [Appendix F](#).

Consistent with Departmental policy, supervisory employees are required to have an IDP in place that is updated annually. Bureaus/Offices may require the use of an IDP for other non-supervisory positions. Check with your servicing Human Resources Office about any specific requirements and for the IDP or appropriate form to be used by your Bureau/Office for documenting employee development needs.

While managers have a large influence over formal training, they have even greater impact on creating a climate for **informal development**, which can take a wide variety of forms:

- Feedback is a natural part of the monitoring process of performance management, but specific and timely feedback to employees about their performance against established expectations also provides the foundation for discussing developmental needs.
- Job rotations and special assignments can stretch and challenge employees and broaden their understanding of the organization.
- Coaching and counseling provide individualized advice and instruction.
- Mentoring helps employees clarify career goals, understand the organization, analyze strengths and developmental needs, build support networks, and deal with roadblocks.
- Using the manager as an informal teacher acknowledges that managers consciously teach employees through their own model, habits, and system of values.
- Learning teams can form to meet regularly to focus on improving performance.

Although these informal developmental strategies cost very little, they have potentially big payoffs in terms of improved individual and organizational performance.

7. Rating Employee Performance

Within the context of formal performance management requirements, rating means evaluating employee performance against the critical elements and standards in an employee's performance plan and assigning a numerical rating. A performance rating prepared at the end of an appraisal period is normally called an annual summary rating (or rating of record). This summary rating is based on work performed during the entire appraisal period, including any temporary assignments (e.g. details) of over 120 days.

In specific, limited circumstances, a performance rating may be issued prior to the end of the appraisal period to an employee who has been under a performance plan for at least 90 days. These performance ratings, which are called “interim appraisals”, are discussed in further detail below.

Eligibility Requirements for Performance Ratings

To be eligible for a performance rating, an employee must:

- Be a permanent full-time or part-time employee; and
- Have been covered by a performance plan for at least 90 days;

OR

- Be a temporary employee who has worked more than 120 days during the annual appraisal period; and
- Have been supervised by the same rating official and covered by a performance plan for at least the last 90 days of the appraisal period.

The annual appraisal period may be extended for up to a maximum of 90 days past the end of the appraisal period to allow for rating of employees who have not been in the same position, under the same rating official, or under a performance plan for the full 90 days at the end of the appraisal year.

Process for Preparing a Performance Rating

Rating Critical Elements

Rating officials should compile performance data from various sources as a part of the rating process. It is often a good idea to ask employees to keep track of their own progress using data identified during the planning phase so they can provide a complete account of their accomplishments during progress reviews and the final appraisal process (i.e., self-assessment). As they deem appropriate, rating officials should also consult employees’ customers and colleagues, review employees’ self-assessments and other relevant performance documentation, and seek out available feedback to ensure he/she has an accurate and complete picture of the employee’s performance for the entire appraisal period. ***The rating official must obtain an interim rating for employees on details/temporary assignments over 120 days within the Department. For employees on details/temporary assignments outside of the Department for over 120 days, the rating***

Remember - The 90 day minimum appraisal period is for issuing a rating, either interim or annual summary rating. An employee’s performance may decline at any time to the Unacceptable level, at which time immediate action is necessary.

official must make a reasonable effort to obtain performance information from the external agency/organization.

The assigned rating reflects the level of the employee's performance as compared to the performance standards established in the employee's performance plan. If an employee has not had an opportunity to demonstrate performance of a critical element during the appraisal period, no rating will be assigned and the words "Not Rated" should be written on the EPAP form for that element. ***A critical element marked as "Not Rated" is not considered in the calculation of the summary rating.***

When assigning a rating for each critical element, the rating official should:

- Carefully read each performance standard beginning with the Fully Successful level, which is considered the base-level standard.
- Determine the level that best describes the employee's performance on the critical element as compared to the performance standards (i.e., Benchmark Standards, or other additional specific measurable criteria established). The sum of the employee's performance of the element must, in the rating official's judgment, meet the assigned level's criteria.

In appraising performance, rating officials may not take into consideration work that is not completed because of an absence for which the employee is on any type of approved leave.

Each critical element should be assigned one of the following ratings based on the employee's performance for the appraisal period as compared to the standards established and documented on the performance plan (*Note: Elements are rated only with whole numbers.*):

<i>Rating Level</i>	<i>Standard</i>	<i>Points Assigned</i>
Outstanding	Exceptional performance in all aspects of the critical element that is of such high quality that organizational goals have been achieved that would not have been otherwise. The employee consistently achieved expectations at the highest level of quality possible and accomplished objectives even when faced with unanticipated challenges.	5 points
Exceeds Expectations	High level of performance that exceeds expectations in significant areas of the critical element and exhibits a sustained support of organizational goals.	4 points
Fully Successful	Consistently successful performance that contributes positively to organizational goals. The employee effectively applies technical skills and organizational knowledge to deliver results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed-upon timelines.	3 points

<i>Rating Level</i>	<i>Standard</i>	<i>Points Assigned</i>
Unacceptable	Quality and/or quantity of work are not adequate for the position. Work products do not meet the requirements expected.	0 points

Narrative Summaries

A narrative summary must be written and recorded on the EPAP form for each critical element assigned a rating of Outstanding or Unacceptable. This summary should contain examples of the employee's performance that substantiate and explain how the employee's performance falls within the rating levels assigned. A narrative summary is encouraged, but not required, for critical elements assigned a rating of Exceeds Expectations or Fully Successful.

Figure 2: Example Narrative Summary

Narrative Summary
Describe the employee's performance for the critical element. A narrative summary must be written for each element assigned a rating of Outstanding or Unacceptable.
The employee is a "role model" team member and has performed above and beyond my expectations. The employee completed not only the assigned workload but is always ready and willing to help out other teammates with their workloads. During this performance cycle, the employee routinely provided "tips and tricks" during staff meetings to help co-workers become more efficient in their work processes as well. This has increased the productivity of the team overall. Additionally, I have received multiple compliments from customers on the employee's courteousness, timeliness and attention to accuracy in their work.
Rating for Critical Element 1: <input checked="" type="checkbox"/> Outstanding-5 <input type="checkbox"/> Exceeds Expectations-4 <input type="checkbox"/> Fully Successful-3 <input type="checkbox"/> Unacceptable-0

Calculation of Summary Ratings

Once all of the individual critical elements have been rated, the rating official will prepare a summary rating and document the rating on the EPAP form. The numerical ratings for each critical element will be added together, and the total will be divided by the number of critical elements to get an average score. Any critical element marked as "Not Rated" is not considered in the calculation of the summary rating.

<i>Summary Rating Points</i>	<i>Summary Rating</i>
4.6 – 5.00 AND No critical element rated lower than Exceeds Expectations	Outstanding

<i>Summary Rating Points</i>	<i>Summary Rating</i>
3.6 – 4.59 AND No critical element rated Unacceptable	Exceeds Expectations
3.0 – 3.59 AND No critical element rated Unacceptable	Fully Successful
One or more critical elements rated Unacceptable	Unacceptable

Note: An employee with a summary rating in the Outstanding point range, but with a critical element rated below Exceeds Expectations, cannot be rated Outstanding. The employee must be rated Exceeds Expectations.

Preparing the Rating of Record

Within 30 days following completion of the appraisal period (including any extensions, if applicable), the rating official must review the performance of each employee based on previously communicated critical elements and performance standards and prepare the annual rating of record.

The rating official for appraisal purposes is the individual supervising the employee at the end of the performance appraisal period. The rating (or in some cases the reviewing) official will assign the rating of record, provided he or she has supervised the employee for at least 90 calendar days and provided the employee has worked under the same set of performance standards for at least 90 days prior to the end of the appraisal period.

If, at the end of the performance appraisal period, the rating official has not supervised the employee for at least 90 calendar days, the reviewing official may serve as the rating official. The appraisal period may be extended by up to 90 days past the normal end date if an employee, on the normal end date of the appraisal period, has not been under performance standards for at least 90 days and has not received an earlier closeout rating from a departing rating official within the past 90 days.

Rating officials shall not assign employee ratings under an arbitrary distribution system (such as a bell curve). This is contrary to the intent of the appraisal system and would interfere with assigning ratings based on actual performance.

Any rating of record that is Outstanding or Unacceptable must be reviewed and approved by the reviewing official prior to discussion with the employee. A review of the summary rating is not required for ratings of Exceeds Expectations or Fully Successful, unless established by internal Bureau/Office guidance. Consult your servicing Human Resources Office for any additional guidance.

Interim Appraisals

Interim appraisals are written appraisals that include a summary rating issued under specific, limited circumstances prior to the end of the appraisal period to an employee who has been under a performance plan for at least 90 days.

They are assigned when an employee has been under a performance plan for at least 90 days and one or more of the following occurs:

- The employee completes a detail or temporary promotion longer than 120 days;
- The employee changes positions via reassignment, promotion, change to lower grade during the annual appraisal period;
- The rating official leaves his/her position during the annual appraisal period;
- The need arises to document a level of competence determination for within-grade increase (WGI) purposes when the employee's most recent rating of record is not consistent with his/her current performance. A rating for this purpose becomes the rating of record.

A copy of the interim appraisal must be provided to the employee and, if applicable, to the new rating official. Any interim appraisals are then used by the new rating official in assigning an annual summary rating. The weight given to interim appraisals in deriving the annual summary rating must, to the extent practicable, be proportional to their share of the appraisal period. In determining the proportional weight that the interim rating should have, the rating official should take into account not only the time spent in each position, but also other factors, such as the amount/complexity of the work throughout the year.

Note: If the rating official leaves his/her position in the final 90 days of the appraisal period, and employee otherwise meets the criteria for receiving a rating, the departing rating official will prepare a summary rating, which will serve as the rating of record (annual summary rating) for that appraisal period.

Discussion with the Employee

After the rating is completed and approved/signed by the reviewing official (in cases of Outstanding and Unacceptable ratings or as otherwise required), the rating official is responsible for conducting a performance appraisal meeting to discuss and present the summary rating to the employee.

The rating official should be prepared to have a thorough performance rating discussion. In preparation for the discussion, the rating official should ensure the following:

- All necessary approvals of the rating of record have been completed.

- Employee performance on each critical element during the rating period has been reviewed and noted, including tasks that were completed well and any areas needing improvement. Specific examples should be noted when possible.
- A private location and adequate time has been set aside to meet with the employee, including time for employee input (as a general rule, 30 minutes to one hour per employee).
- Future expectations and goals of the organization have been considered.

Tips for Supervisors/Managers on Conducting Year-End Performance Discussion

- *Be professional, calm, and focused on discussing the employee's performance.*
- *Begin with positive feedback on tasks the employee has done well, regardless of the final rating.*
- *Review each critical element and discuss items of note, both positive and negative as appropriate, and advise the employee of the rating on that element.*
- *Provide specific examples.*
- *Describe any changes in performance needed and ensure the employee understands the requirements.*
- *Allow time for employee questions.*
- *Summarize the performance and communicate the summary rating assigned to the employee.*

Once the discussion is complete, the rating official must sign the EPAP form, documenting that the rating of record has been issued to and discussed with the employee. The employee must also be afforded an opportunity to sign the EPAP form to indicate that the rating has been discussed with him/her. Rating officials should keep a copy of the completed EPAP form for their files, provide the employee with a copy, and submit the signed copy to the servicing Human Resources Office to be filed in the employee's electronic Official Personnel Folder (eOPF). The final EPAP form should be submitted to the servicing Human Resources Office within 60 days following the end of the appraisal period.

In the event the employee refuses to sign the EPAP form, the rating official has the authority to implement the performance rating. The rating official should annotate "Employee refused to sign" on the employee's signature block of the EPAP form and forward the completed form to the servicing Human Resources Office for filing in the employee's eOPF.

Reconsideration Process

When an employee has a concern about the rating given on a particular element that, if changed, will affect the outcome of the rating of record, he/she may request a reconsideration of this rating through their Bureau/Office reconsideration process.

Employees covered by a collective bargaining agreement that includes a reconsideration procedure will be governed by that procedure as the exclusive method to request reconsideration.

Basic Requirements for Reconsideration Process

Each Bureau/Office may determine the process that will be utilized when an employee requests reconsideration of a rating, and whether to use the reviewing official in the reconsideration process, or choose a reconsideration official, reconsideration committee, or other designee to review the reconsideration request. However, ***Bureaus/Offices must ensure the process includes both an informal and formal stage and that timeframes are reasonable.*** In addition, the authority to make a final decision on a request for reconsideration must remain within a given Bureau/Office.

Each Bureau/Office must formally notify all employees of its reconsideration process. Contact your servicing Human Resources Office for the steps to follow for reconsideration. See [Appendix G](#) for guidance on designing a rating reconsideration process.

8. Rewarding Performance

Rewarding performance means providing incentives to, and recognition of, employees for their performance at work and acknowledging their contributions to the agency's mission. Recognition is an ongoing, natural part of day-to-day experience. Good performance should be recognized without waiting for nominations for formal awards to be solicited.

Awards may come in many forms, including cash, time off, non-monetary items, honor awards, etc. Many of the actions that reward good performance — like saying, “You did a great job” — don’t require specific regulatory authority and are easy to give.

Performance Award Eligibility

Performance-based awards are an integral part of the performance appraisal process. As such, they are linked to the rating of record and submitted and considered for approval only at the conclusion of the appraisal period.

Under Departmental policy, starting with work performed in fiscal year 2019, an employee must be rated at the Fully Successful level or higher to be eligible to be considered for one or more of the following performance-based awards: cash award, time-off award, or other appropriate equivalent recognition. ***Employees rated Outstanding must be considered for an award*** and are also eligible for a Quality Step Increase.

Supervisors/managers have the flexibility to recognize employees using the above forms of recognition or combination thereof based on the employees' ratings of record. All awards are at the discretion of management and subject to funds availability.

Supervisors/managers should contact their servicing Human Resources Office for further information and assistance regarding appropriate award delegations and procedures that must be followed.

Other Performance-Related Personnel Actions

The rating of record has a bearing on various other personnel actions, such as granting within-grade pay increases, promotions, and determining additional retention service credit in a reduction in force. The relationship of the rating of record to other personnel actions includes the following:

Within-Grade Increases

Within-grade increases (WGIs) or step increases are periodic increases in an employee's rate of basic pay from one step of his/her grade to the next higher step of that grade after meeting certain performance and length of service requirements.

For General Schedule Employees: In order to be granted a WGI, the employee must be performing at the Fully Successful level or higher, as documented in his/her most recent rating of record. An employee whose current performance rating is Unacceptable is ineligible for an increase and his/her WGI must be denied. On occasion, an employee's most recent rating of record may not reflect the level at which he/she is performing at the time a WGI is due. For example, an employee was previously rated at the Fully Successful level, but his/her current performance has declined to the Unacceptable level. In those instances, the rating official will need to prepare a new rating of record (an interim appraisal) prior to the end of the appraisal period to document the appropriate level of performance and support the WGI determination decision.

A WGI determination may be delayed if the employee has not been under a performance plan for his/her current position for the minimum appraisal period and does not have a rating of record in any position that was issued within the 90 days before the end of the WGI waiting period.

For Federal Wage System Employees: An employee under a regular Federal Wage System (FWS) schedule with a current rating of record of Fully Successful or higher must be advanced to the next higher step within the grade upon completion of the required waiting period. FWS employees with a current Unacceptable rating of record must have their step increases withheld until their performance improves to the Fully Successful level. The WGI determination must be supported by the most recent rating of record.

Supervisors/managers should contact their servicing Human Resources Office for further information and assistance in handling WGI determinations.

Promotions

In order to be eligible for noncompetitive promotion to a higher grade in a career ladder position, an employee must have a current rating of record of Fully Successful or higher in addition to meeting other prescribed requirements. When considering an employee for merit promotion under competitive procedures, due weight will be given to appraisals of past and/or present performance.

Probationary/Trial Periods

New employees must be carefully observed during the probationary/trial period to determine whether they have the qualities needed to become satisfactory permanent employees. Proper use of periodic progress reviews to determine progress during the probationary/trial period can do much to ensure that these employees have adequately demonstrated their qualifications and fitness for retention in Federal service. However, an employee may be removed at any time during the probationary/trial period if his/her performance is Unacceptable on any critical element.

Probationary Periods for Supervisors and Managers

Individuals serving a supervisory or managerial probationary period need to be observed to determine whether they perform supervisory or managerial duties at a Fully Successful level. New supervisors and managers who do not successfully complete the probationary period are normally assigned to a position of the same grade and pay as that held prior to the supervisory or managerial position. Proper use of progress reviews during this period can do much to ensure that the employee has fully demonstrated the qualifications and skills necessary for the supervisory or managerial position.

Reduction-in-Force

An employee's performance rating of record is one of the factors used to determine the employee's assignment rights during a reduction-in-force (RIF). An employee is given performance credit for RIF retention when the performance meets certain criteria. Credit is given by adjusting the employee's service computation date for RIF purposes. Generally, the employee receives additional service credit based on the average of the three most recent ratings of record received during the 4-year period prior to the issuance of the RIF notice. Employees will receive service credit in accordance with Federal regulations (5 CFR Part 351).

Consult your servicing Human Resources Office for further information on RIF assignment rights.

9. Dealing with Poor Performance

Supervisors should address Unacceptable performance at any time during the appraisal period and should not wait until the end of the appraisal period to do so. Whenever supervisors observe employee performance problems, they must promptly consult with their servicing Human Resources Office to discuss and assess appropriate actions to address the issue. At a minimum, the supervisor must initiate and document discussions with the employee to identify the problems and to assist the employee in correcting deficiencies. Action must not be postponed until the end of the annual appraisal period.

Additional guidance on addressing and resolving poor performance is provided in [Part II](#) of this Handbook.

Appendix A: Benchmark Employee Performance Standards

The Department has developed the following Benchmark Standards that may be used to describe expected performance for all critical elements for employees in non-supervisory positions. These Benchmark Standards can be applied to every position, but they can and should be further defined specifically for each critical element. ***Federal regulations require, at a minimum, that a specific performance standard be established for the Fully Successful level for each critical element.*** Rating officials are strongly encouraged to develop specific performance standards at additional levels to ensure that the employee has a clear understanding of the levels of performance expected.

Outstanding

The employee demonstrates exceptional performance in all aspects of the critical element that is of such high quality that organizational goals have been achieved that would not have been otherwise. The employee consistently achieved expectations at the highest level of quality possible and accomplished objectives even when faced with unanticipated challenges.

The employee demonstrates mastery of technical skills and a thorough understanding of the mission of the organization and has a fundamental impact on the completion of program objectives. The employee exerts a major positive influence on management practices, operating procedures and/or program implementation, which contribute substantially to organizational growth and recognition. The employee plans for the unexpected and uses alternate ways of reaching goals. Difficult assignments are handled intelligently and effectively. The employee has produced an exceptional quantity of work, often ahead of established schedules and with little supervision.

The employee's oral and written communications are exceptionally clear and effective. He/she improves cooperation among participants in the workplace and prevents misunderstandings. Complicated or controversial subjects are presented or explained effectively to a variety of audiences so that desired outcomes are achieved.

Indicators of performance at this level include outcomes/results that consistently exceed the Exceeds Expectations performance standard for the critical element.

Exceeds Expectations

The employee demonstrates a high level of performance that exceeds expectations in significant areas of the critical element and exhibits a sustained support of organizational goals.

The employee shows a comprehensive understanding of the objectives of the job and the procedures for meeting them. Effective planning by the employee improves the quality of management practices, operating procedures, task assignments and/or program activities. The

employee develops and/or implements workable and cost-effective approaches to improving organizational operations/results.

The employee effectively balances accomplishing work while handling difficult and unpredicted problems. The employee produces a high quantity of work, often ahead of established schedules with less than normal supervision. The employee works productively and strategically with others in non-routine matters, some of which may be complex and sensitive. The employee writes and speaks clearly on difficult subjects to a wide range of audiences.

Indicators of performance at this level include outcomes/results that consistently exceed the Fully Successful performance standard for the critical element.

Fully Successful

The employee demonstrates consistently successful performance that contributes positively to organizational goals. The employee effectively applies technical skills and organizational knowledge to deliver results based on measures of quality, quantity, efficiency, and/or effectiveness within agreed-upon deadlines, keeping the rating official informed of work issues, alterations, and status. The employee successfully carries out regular duties while also handling any special assignments and identifying opportunities to improve organizational operations/results that consider stakeholder perspectives. The employee plans and performs work according to organizational priorities and schedules. The employee communicates clearly and effectively and works effectively with others to accomplish organizational objectives.

Unacceptable

The employee's performance is unacceptable. The quality and/or quantity of the employee's work are not adequate for the position. Work products do not meet the requirements expected.

The employee demonstrates little or no contribution to organizational goals; failure to meet work objectives; inattention to organizational priorities and administrative requirements; poor work habits resulting in missed deadlines and/or incomplete work products; strained work relationships; failure to respond to client needs; and/or lack of response to rating official's corrective efforts.

Appendix B: Benchmark Supervisory Employee Performance Standards

The Department has developed the following Benchmark Standards that may be used to describe expected performance for all critical elements for employees in supervisory positions. These Benchmark Standards can be applied to every position, but they can and should be further defined specifically for each critical element. ***Federal regulations require, at a minimum, that a specific performance standard be established for the Fully Successful level for each critical element.*** Rating officials are strongly encouraged to develop specific performance standards at additional levels to ensure that the employee has a clear understanding of the levels of performance expected.

Outstanding

With only rare exception, the employee demonstrates exceptional leadership skills and develops effective working relationships with others; immediately handles difficult situations with direct reports with professionalism and effectiveness, and demonstrates foresight in correcting situations that may cause future problems before they arise; encourages independence and calculated risk-taking among direct reports, yet takes responsibility for their actions; is open to and solicits the views of others; assigns work in a fair and effective manner; and promotes cooperation among peers and direct reports while guiding, motivating and inspiring positive responses.

The employee demonstrates a high level of commitment to the Merit System Principles, Standards of Ethical Conduct for Federal Employees, equal employment opportunity, whistleblower protection, and anti-discrimination and anti-harassment laws, regulations and policies. The employee has a significant positive impact on fostering an inclusive, safe and fair work environment; strengthening diversity and inclusion; improving employee engagement; and effectively managing and implementing recruitment, employee performance, employee development, employee conduct, and internal management policies.

The employee manages assigned programs and direct reports in a manner that is of such high quality that organizational goals have been achieved that would not have been otherwise; usually leads the completion of work by others ahead of deadlines without sacrificing quality; and leads staff to anticipate customer needs and take steps to meet those needs without prompting, as appropriate to each employee's grade level. The employee's leadership allows the organization to accomplish objectives even when faced with unanticipated challenges. The employee leads the development and implementation of new approaches, which significantly improve productivity, mission results, operational efficiency, or generate substantial savings of time or money without compromising quality. The employee systematically monitors quality, delivery, and customer satisfaction levels, making adjustments accordingly, and works with staff to proactively implement solutions to prevent problems and avoid gaps in customer expectations.

Indicators of performance at this level include outcomes/results that consistently exceed the Exceeds Expectations performance standard for the critical element.

Exceeds Expectations

The employee demonstrates leadership skills that exceed expectations and establishes sound working relationships with others; almost always handles difficult situations with direct reports with professionalism and effectiveness; shows good judgment in dealing with others and considering their views; encourages high performance among direct reports; assigns work fairly; and has a strong sense of mission, seeking out responsibility.

The employee demonstrates a strong commitment to the Merit System Principles, Standards of Ethical Conduct for Federal Employees, equal employment opportunity, whistleblower protection, and anti-discrimination and anti-harassment laws, regulations, and policies. The employee has a positive impact on fostering an inclusive, safe and fair work environment; strengthening diversity and inclusion; improving employee engagement; and effectively managing and implementing recruitment, employee performance, employee development, employee conduct, and internal management policies.

The employee manages assigned programs and direct reports in a manner that exceeds expectations and exhibits a sustained support of organizational goals. Through the work of his/her direct reports, the employee improves the quality of management practices, operating procedures, and/or program activities; produces a high quantity of work, often ahead of established schedules; and leads the development and/or implementation of workable and cost-effective approaches to improving organizational operations/results. The employee normally anticipates customer needs and works with staff to resolve or prevent potential problems, resulting in high levels of customer service.

Indicators of performance at this level include outcomes/results that consistently exceed the Fully Successful performance standard for the critical element.

Fully Successful

The employee is a capable leader who works successfully with others and listens to suggestions. The employee generally handles difficult situations with direct reports with professionalism and effectiveness. The employee also works well as a team member, supporting the group's efforts and showing an ability to handle a variety of interpersonal situations. The employee assigns work fairly and monitors and corrects performance among direct reports.

The employee's work with others demonstrates commitment to the Merit System Principles, Standards of Ethical Conduct for Federal Employees, equal employment opportunity, whistleblower protection, and anti-discrimination and anti-harassment laws, regulations and

policies. The employee responds constructively when employees make protected whistleblower disclosures, takes responsible actions to resolve protected disclosures, and fosters an environment in which employees feel comfortable making protected disclosures. The employee fulfills management responsibilities to foster an inclusive, safe and fair work environment; strengthen diversity and inclusion; improve employee engagement; and effectively manage and implement recruitment, employee performance, employee development, employee conduct, and internal management policies.

The employee's leadership of direct reports ensures that the team contributes positively to organizational goals. The employee maintains contact with customers (internal and/or external), and is effective in understanding their needs and using feedback to address customer requirements. Through the management of assigned programs and/or direct reports, the employee provides timely, flexible, and responsive products and/or services, resulting in value to the mission. The employee solicits input from direct reports to improve work products and/or services and to develop employee skills.

Unacceptable

The employee's performance is unacceptable. The quality and/or quantity of the employee's work and leadership are not adequate for the position. The employee's management of assigned programs and/or direct reports does not meet the requirements expected.

The employee fails to motivate direct reports and promote team spirit; often provides unclear assignments and performance requirements or insufficient instructions to direct reports; frequently fails to provide sufficient explanation of organizational goals to direct reports; generally fails to satisfy customer needs and/or meet customer service objectives; and/or frequently fails to meet production or mission goals in a timely and quality manner.

The employee's work with others fails to show an understanding of the Merit System Principles, Standards of Ethical Conduct for Federal Employees, equal employment opportunity, whistleblower protection, and/or anti-discrimination or anti-harassment laws, regulations, or policies. The employee fails to fulfil management responsibilities of fostering an inclusive, safe and fair workplace environment, strengthening diversity and inclusion, improving employee engagement, or effectively managing and implementing recruitment, employee performance, employee development, employee conduct, or internal management policies.

Appendix C: Developing Performance Standards

The Benchmark Standards provided in this Handbook describe levels of performance for any position. However, rating officials are encouraged and expected to augment the Benchmark Standards with specific standards, using the following guidance.

The best standards are:

- Stated concretely and specifically
- Practical to measure
- Meaningful
- Exceed-able
- Realistic and based on sound rationale

Some questions that might be asked to assist in developing the standards include the following:

- Which general measures apply:
 - Is quality important? Does the stakeholder or customer care how well the work is done?
 - Is quantity important? Does the stakeholder or customer care how many are produced?
 - Is it important to accomplish the element by a certain time or date?
 - Is it important to accomplish the element within certain cost limits?
 - What measures are already available?
- How could quality, quantity, timeliness, and/or cost-effectiveness be measured?
- Is there some number or percent that could be tracked?
- If the element does not lend itself to being measured with numbers and can only be described, ask:
 - Who could judge that the element was done well?
 - What factors would they look for?

Rating officials should be careful that the Fully Successful standard is not impermissibly “absolute,” i.e., allows no room for errors, nor that it is a “backwards” standard. (An example of a backwards standard might be, “Makes more than 4 errors per document.” This would allow an employee to make 100 errors and still be rated fully successful.)

Some questions that might be asked to help determine whether you are writing an absolute standard include:

- How many times may the employee fail this requirement and still be Fully Successful?
- Does the standard use words such as “all,” “never,” or “each”? (These words do not automatically create an absolute standard, but they often alert you to problems.)
- If the standard allows for no errors is that because an error would result in risk of death, injury, etc.?

Some questions that might be asked to help determine whether you are writing a backwards standard include:

- Does the standard express the level of work the rating official wants to see or does it describe negative performance? (Example of describing negative performance: Requires assistance more than 50 percent of the time. A Better Choice is: Works independently on more than 50 percent of assignments and/or the time.)
- If the employee did nothing, would he or she meet the standard, as written? (Example: Completes fewer than four products per year. A Better Choice is: No more than 3 products are incomplete at the established deadline.)

Appendix D: A Supervisor's Guide to Effective Performance Discussions

Why do we have performance appraisal meetings, and how can they benefit you and your employees?

Giving and receiving feedback is one of the critical components of the performance appraisal process. As a rating official, it is incumbent upon you to ensure that the feedback provided is meaningful, that you take the time to prepare for the conversation, and that the employee has a chance to ask questions and provide input.

Meeting with your employees to discuss how they're doing can and should be very beneficial for both of you. Provided below are a few of the benefits that can result from good preparation and an open discussion:

- You get a chance to provide information directly to your employee about your expectations and standards and to provide feedback on the work he/she did well along with any areas needing improvement.
- You get to provide the employee information about the "big picture" and how what he/she does contributes to mission/organizational goals.
- You get a chance to ask the employee about how he/she feels about his/her job-- whether he/she enjoys the work, if he/she is ready for greater responsibilities, if he/she is feeling too overwhelmed by the work already assigned, whether he/she needs more assistance from you or coworkers, etc.
- You get a chance to get to know the employee a bit better, and he/she gets to know you a bit better, too. The more you know one another, the greater the chances that you'll be able to communicate well on an ongoing basis, especially if a problem crops up.
- You get the opportunity to discuss your employee's future with him/her. This can be as simple as discussing training opportunities to better handle a specific project or something as broad as the employee's career aspirations and how he/she plans to get there.

What Should You Do to Prepare?

While you are encouraged to provide feedback to your employees on an on-going basis, Department of the Interior policy requires that you meet formally with employees at least twice a year—once approximately mid-way through the appraisal period (called a Progress Review) and again at the end of the appraisal period. Remember, there may be additional formal discussions required by collective bargaining agreements that have been specifically negotiated for your

Bureau/Office. These meetings are a chance for you to engage in an open exchange with your employees about their performance.

Before the progress review or before you prepare the employee's appraisal:

- Request information from the employee on his/her key work accomplishments for the period being discussed. Keep a "kudos" folder for each employee with key accomplishments that you can reference.
- If you have specific issues that you want to discuss with the employee, ensure that you have prepared to discuss these clearly and concisely.
- Think about (and document) what's most important for you to tell the employee about how he/she is doing.
- Write down what you feel the employee has done/accomplished/learned, what he/she did particularly well, and any areas in which you may have been disappointed in how the employee performed, including what they could have done better. You should include examples of specific projects or assignments.
- Think about whether the employee has the skills that you think he/she needs to do his/her job well, and write down any skills you think need to be gained or improved.
- Write down the key points and questions you want to discuss during the meeting.

If in preparing for the performance discussions and/or finalizing the rating you believe that the employee is not performing at a Fully Successful level, you should immediately contact your servicing Human Resources Office to discuss what steps to take prior to meeting with the employee.

The Performance Discussion

During the actual performance discussion, you should review the employee's performance during the period in question including a summary of key accomplishments, praise him/her for work that he/she did particularly well, inform him/her of work that could have been improved and/or areas where he/she may need to focus more effort, etc. You should offer some examples, and give the employee the opportunity to ask questions for clarification or to provide information. This should definitely be a two-way dialogue rather than a lecture.

In addition, you should:

- Ask the employee how he/she feels the past six months or year went, and what he/she liked and didn't like (with the goal of finding out in what ways he/she felt supported, or

might have wanted feedback, or other information that you can use in working with the employee in the future).

- Ask whether the employee has adequate training and resources to carry out his/her work.
- Ask the employee about his/her short and/or long-term career goals and offer suggestions or resources to assist him/her with these goals, as appropriate.
- Clearly articulate your expectations for the next six months or during the coming year and ask if the employee understands them. Be prepared to clarify any areas of confusion.
- Refer to your notes, so that you don't overlook any points that you feel are important.
- Ensure that the employee has a chance to provide feedback and ask questions.

Once you have finished your discussion with the employee, provide him/her the Employee Performance Appraisal Plan (EPAP) form to sign. At the end of the appraisal period, make sure that he/she receives a copy of the completed EPAP form.

If the employee has concerns with the final rating, provide him/her with a copy of your Bureau's/Office's reconsideration process or refer him/her to the appropriate individual who can provide that information.

Don't forget that you can and should continue to discuss the employee's performance with him/her throughout the year. While the setting might not be as formal as during progress reviews or year-end rating discussions, it's still important to keep talking daily with your employees.

Appendix E: An Employee's Guide to Effective Performance Discussions

Why do we have performance appraisal meetings, and how can they benefit you?

Meeting with your supervisor to discuss how you're doing can be of great benefit to you. To make the most out of this discussion, here are some helpful tips:

- You get a chance to obtain information, directly from your supervisor, about his/her expectations and standards for you. That way, you know right up front what you need to do a great job.
- You get feedback on how you're doing. It's wonderful to hear about the good work that you're doing. It's also good to find out if you haven't been meeting expectations—once you know that there is something you could do better, you can work on it (which is definitely better than being in the dark and continuing to do something which does not work).
- You get the “big picture” about how you're doing on the job. Day-to-day feedback is great, but it helps, too, to step back and hear about how you're doing overall and how the work you do helps accomplish important goals of the organization.
- You get to talk with your supervisor about how you feel about your job. Do you enjoy the work you do? Are you ready for greater responsibilities? Are you feeling too overwhelmed by the work you've already been assigned? Do you need more assistance from your boss or your coworkers? This is your chance to have an open discussion with your supervisor about how you feel things are going.
- You get a chance to get to know your supervisor a bit better, and he/she gets to know you a bit better, too. The more you know one another, the greater the chances that you'll be able to communicate well on an ongoing basis, especially if a problem crops up.
- You get the opportunity to discuss your future with your supervisor. That can be as simple as discussing your interest in a training course to better handle a specific project, to something as broad as your career aspirations and how you plan to get there.

What Should You Do to Prepare?

Even though your supervisor is the one calling the performance meeting, you have considerable involvement in the discussion. In fact, you can and should give some thought to what you want to get out of this meeting.

Perhaps you want suggestions for how you can provide better customer service, or maybe you want specific feedback on what you do well and not so well when you give presentations. Just as your supervisor will be preparing for his/her meeting with you, it is important to do some preparation of your own. Preparation for meeting with your supervisor has two phases:

- 1) Before the progress review or appraisal discussion:
 - Prepare a list of your key work accomplishments, and give that to your supervisor in advance of the meeting for his/her consideration in preparing your rating. This way, you can help ensure that your significant accomplishments are not overlooked. Keep a “kudos” folder with your accomplishments in it as a reference for this.
 - If you have specific issues that you will want to discuss with your supervisor, give him/her a “heads up,” so that he/she can be well prepared for your discussion. Come prepared to discuss each issue clearly and concisely.
- 2) In preparation for the meeting when your rating is communicated, think about the following:
 - What’s most important for you to learn/find out about how you’re doing?
 - What have you done/accomplished/learned during the year? Make yourself a list of key items, so that you can ask for your supervisor for feedback on specific projects or assignments.
 - What did you do particularly well? What are the ways you may have been disappointed in how you performed?
 - What kind of feedback would you like to give to your supervisor? (e.g., I really like it when you review and edit my drafts before they’re put in final form, so that we don’t waste a lot of time and paper revising documents at the last minute; thank you for letting me take so much time off when my parents were visiting; I really need to hear from you about how I’m doing when I’m working on a project, rather than assuming that your silence means I’m doing okay; etc.).
 - Do you have the skills that you think you need to do your job well? What skills might you want to work on polishing up?
 - Where do you see your career heading? How can your supervisor help you achieve your career goals?

It may help to write down your key points and questions. That way, you can use your notes during your discussion and make sure that you don’t forget to bring up the important thoughts and questions you have.

The Performance Discussion

The day has come for your performance discussion. You've put some thought into how you're doing, and you're ready to have a good discussion with your supervisor. There's one more thing you may want to consider – take a look at your supervisor's perspective on the discussion you're about to have. Your supervisor may:

- Review your performance over the past six months or year with a summary of key accomplishments, work that you did particularly well, work that could have been improved, areas where you may need to focus more effort, etc. He/she will offer you some examples, and will give you the opportunity to ask questions for clarification or to provide information. This is definitely a two-way dialogue.
- Ask you how you feel the past six months or year went, and what you liked and didn't like (with the goal of finding out in what ways you felt supported, or how you might have wanted feedback, or other information that he/she can use in working with you in the coming year).
- Look ahead to the coming six months or year and discuss with you his/her specific expectation for you.
- Ask you whether you feel that you have adequate training and resources to carry out your work. This will likely lead to a discussion of what additional information or materials you may need.
- Ask you about your short and/or long-term career goals. Based on your response, he/she may offer suggestions or resources to assist you.

During the meeting, don't be shy about asking for clarification, particularly about your supervisor's expectations of you. Refer to your notes, so that you don't overlook any points that you feel are important. If your supervisor doesn't bring up the topic, do so yourself – if you want specific information, then ask specific questions. You may be amazed at how informative this discussion will be.

And yes, there is the paperwork that needs to get done. Your supervisor will ask you to sign your Employee Performance Appraisal Plan (EPAP) form, and will make sure that you receive a copy of your rating.

By the time you finish your discussion, you should have a good feel for how well you're doing, what your strengths and weaknesses are, and where you're heading in the coming year. Don't forget, though, that you can and should continue to discuss your performance with your supervisor throughout the year. While the setting might not be as formal as during progress reviews or rating discussions, it's still important to keep talking daily with your supervisor. If

you're ever in doubt about how you're doing, don't forget that you have an amazing tool at your disposal – you can simply, but directly, ask your supervisor for feedback, at any point during the year.

Still have questions about any of this or about the performance appraisal process in general? Consult with your supervisor, who will try to address any questions you may have, or contact your servicing Human Resources Office.

Appendix F: Supervisor's Guide to Developing Individual Development Plans

The Individual Development Plan (IDP) is a valuable performance enhancement tool for all federal employees. The IDP can assist those who want to enhance their skills and strengths, learn more about issues relevant to the performance of the agency, and grow personally and professionally. While Bureaus/Offices may require the use of an IDP at their discretion, supervisory employees are required to have an IDP in place that is updated annually. Check with your Human Resources Office for the IDP or other appropriate form used by your Bureau/Office to document employee development needs.

The following is a brief outline of the goals, definition, and steps in creating an IDP.

Goals: The employee and the supervisor should develop goals together. The IDP should connect the employee's career interests with the organizational mission and priorities. The most common goals of an IDP are to:

- Learn new skills to improve current job performance
- Maximize performance in support of organizational requirements
- Increase interest level, challenge, and satisfaction in current position
- Establish a career path, identifying the knowledge, skills, and abilities necessary for professional growth

Definition: An IDP may identify a broad spectrum of developmental activities, including on-the-job training, distance learning, formal classroom training, details, shadow assignments and self-development. It balances the needs of the organization and of the employee beginning with a focus on maximizing employee performance in the current job.

An IDP is a guide to help employees reach individual career goals within the context of organizational objectives. It is a developmental action plan to grow employees from their current state by providing systematic steps to improve and build on strengths. An IDP is a partnership between the employee and the supervisor for personal and professional development. Preparing an IDP involves open feedback, clarification, and discussion about developmental needs, goals, and plans. Periodic communication between the supervisor and the employee is key to ensure currency and relevance of an IDP.

An IDP is not a:

- Performance appraisal. It is not used to determine pay, awards or other personnel actions based on performance.
- Contract for training. Final approval of training opportunities is made based on factors such as timing and budget availability.
- Position description. It is not used for clarifying discrepancies in the job duties.

- Guarantee of promotion or reassignment to another position. While the developmental activities in an IDP may include training that might qualify the employee for another position or grade, there is no guarantee of advancement.

Responsibilities: As in all aspects of the employee/supervisor relationship, direct and open communication is the key to the success of an IDP. The following responsibilities address the IDP process specifically.

The **employee** is responsible for:

- Assessing their own skills necessary for performing the current position
- Suggesting developmental experiences which would enhance the skills necessary for performing in the current position and to achieve desired career goals
- Identifying personal career goals
- Understanding what skills are necessary for meeting career goals
- Participating in open discussions with the supervisor concerning the elements of the IDP
- Completing the developmental experiences in the IDP as approved by the supervisor
- Alerting the supervisor when the IDP needs review and updating

The **supervisor** is responsible for:

- Providing constructive feedback to the employee about skills necessary to perform the duties of the current position
- Reviewing employee suggestions for developmental experiences and making additional suggestions which would enhance the skills necessary to perform in the current position
- Coaching the employee about stated career goals
- Identifying developmental experiences which would enhance the skills necessary for performing in subsequent positions aligned with the employee's career goals
- Participating in open discussions with the employee concerning the elements of the IDP, and periodically reviewing and updating the IDP
- Giving final approval for specific developmental experiences
- Monitoring the progress of the employee in completing training and the developmental experiences in the IDP

Individual Development Plan (IDP)

Supervisory employees are required to have an IDP in place. Bureaus/Offices may require the use of an IDP at their discretion. Check with your Human Resources Office for the IDP or other appropriate form to be used by your Bureau/Office for documenting employee developmental needs.

IDP Performance Year: _____

Employee's Name	Position Title/Grade	Office Phone	Office Fax	Email Address
Current Supervisor's Name	Supervisor's Title	Office Phone	Office Fax	Email Address
Goals for Successful Performance in Current Position	Short-term Career Goals (2-3 years)	Long-term Goals (3+ years)		
Developmental Objectives: What do you need to do this year to work towards your goals?	Developmental Activities (training, assignments, projects, details, etc.)	Proposed Dates	Estimated Costs	Date Completed
Notes:	Employee's Signature/Date			
	Supervisor's Signature/Date			

Instructions for Completing the IDP

Employee Development and Career Goals – The employee and supervisor work together to complete the goals for successful performance in the employee’s current position and the employee’s short- and long-term career goals.

Developmental Objectives – Describe what the employee needs to do this year to work toward his/her goals. Objectives describe what the employee needs to learn or achieve in order to reach his/her goals.

Method of Training and Time Frame – Determine what type of training or activity is needed to accomplish the employee’s developmental goals. It could be on-the-job training, a detail, a formal training course or a combination of methods. Identify the proposed dates for the training or activity in the “Proposed Dates” column. Enter the actual or estimated cost of the activity in the “Estimated Costs” column. This column can be used in preparing your office’s annual budget. Once the training is completed, write the date in the “Date Completed” column.

Methods of Training:

- On-the-Job Training – Can include coaching by a skilled individual or details into positions that will give the employee the skills and knowledge needed.
- Details – Temporary assignments to another location and/or position to gain specific knowledge and/or experience.
- Courses – Formal training courses, e.g., from your bureau/office, local universities, commercial vendors.
- Webcasts/Computer-Based/Online Learning – A variety of topics are available through your Bureau/Office via webcasts, software packages, and online training.

Discussing the Development Plan – Supervisors should discuss the IDP with the employee and make any necessary modifications. The supervisor and employee should sign and date the plan. The IDP should be completed within 45 days from the beginning of the performance year.

Review and Modifications – The IDP should be reviewed at each performance review and modified as situations or needs change.

Appendix G: Guidance for Creating a Rating Reconsideration Process

Each Bureau/Office may determine the process that will be utilized when an employee requests reconsideration of a rating, and whether to use the reviewing official in the reconsideration process, or choose a reconsideration official, reconsideration committee, or other designee to review the reconsideration request. Bureaus/Offices have discretion to change the process and/or timeframes outlined below, but must ensure the process includes both ***an informal and formal stage*** and that timeframes are ***reasonable***. In addition, the authority to make a final decision on a request for reconsideration must remain within a given Bureau/Office. Each Bureau/Office must formally notify all employees of its reconsideration process.

Informal Reconsideration Procedure

When possible, the employee and rating official should informally attempt to resolve any disagreement about the performance appraisal and/or rating. An employee must discuss their dissatisfaction with the rating official before requesting a formal reconsideration unless the employee requests in writing to move directly to the formal stage and this is allowed by the Bureau/Office reconsideration process. This informal discussion should take place within 7 calendar days of the employee's receipt of the Employee Performance Appraisal Plan (EPAP) form, and the rating official's decision must be communicated to the employee, either verbally or in writing, within 7 calendar days of the informal reconsideration discussion.

If agreement cannot be reached informally, the employee may request a formal reconsideration of the rating through their servicing Human Resources Office.

Requesting a Formal Reconsideration

To request a formal reconsideration, the employee should send a written request to their servicing Human Resources Office within 7 calendar days of receipt of decision of the informal meeting. This request should include the following:

- Employee organization and duty station;
- Copy of the annual appraisal for which a reconsideration is being requested;
- Specific area(s) or details of the annual appraisal for which the reconsideration is being requested;
- The identity of the employee's designated representative (name, title, address, and telephone number), if applicable;
- Why the employee believes the rating is in error, with supporting facts and documents;
- The action the employee requests of the reconsideration official or the reconsideration committee; and

- A copy of the written decision of the informal reconsideration by the rating official, a statement confirming that the informal process was followed, and/or a written request to move directly to the formal stage.

The servicing Human Resources Office will review the formal request for reconsideration to determine if it is appropriate for acceptance under these procedures. If it is not accepted, the request will be returned to the employee with an explanation of the reason(s) for non-acceptance. If accepted, the request for reconsideration is referred within 14 calendar days of receipt to the reconsideration official, reconsideration committee, or other designee established by the Bureau/Office.

The formal reconsideration process shall be carried out by a person or person(s) as determined by the Bureau/Office, who have not been involved in the reconsideration request and, when practical, who do not occupy a position subordinate to any official who recommended, advised, or made a decision in connection with the appraisal involved. The servicing Human Resources Office shall advise the reconsideration official or committee members of their responsibilities during this formal process.

An employee may be represented during the formal reconsideration process. The Bureau/Office may disallow the employee's choice of representative for reason of conflict of interest or position or unreasonable cost to the Government.

The authority of the reconsideration official or reconsideration committee is limited to an impartial reconsideration of the employee's dissatisfaction with the rating given on a particular element that he/she believes may adversely affect the annual rating of record. The employee may not dispute (1) the number or type of performance elements identified for their position, or (2) the substance or contents of performance standards, including the objective criteria against which performance will be measured.

The reconsideration official or reconsideration committee shall be provided all the resources necessary to complete the impartial reconsideration and render the Bureau/Office decision.

The reconsideration official or reconsideration committee is responsible for the following actions in considering an employee's formal reconsideration request:

- (1) Reviewing any evidence or information submitted by the employee, rating official, and/or reviewing official;
- (2) Consulting with the employee, the employee's representative (if applicable), the rating official, the reviewing official, and staff experts as necessary and appropriate;
- (3) Increasing the summary rating or an element rating; removing or modifying narrative comments, or leaving the summary rating, element ratings, or narrative comments unchanged; and

- (4) Issuing a final written decision within 20 calendar days of receipt of the request for reconsideration that includes documentation of the basis for the decision. This document must be given to the employee and filed in the Employee Performance File (EPF).

The decision rendered by the reconsideration official or reconsideration committee (or other designee as determined by the Bureau/Office) is final and becomes the official rating of record.

Timeframes outlined above (or in the established Bureau/Office reconsideration process) may be extended on a case-by-case basis upon mutual consent of the parties and with concurrence of the servicing Human Resources Office.

Employees covered by a Collective Bargaining Agreement that includes a reconsideration procedure will be governed by that procedure as the exclusive method to request reconsideration.

U.S. Department of the Interior Performance Management Handbook

Part II: Addressing and Resolving Poor Performance

1. Introduction


Our employees work hard to make the Department of the Interior successful in carrying out its various missions, and strive to ensure that American taxpayers obtain the best from their government. However, at times, supervisors are faced with employees whose performance is not acceptable.

This Handbook is designed to complement the Department's performance management policy (Departmental Manual (DM) 370 DM 430) and provide supervisors tips and real world guidance for addressing and resolving unacceptable performance. This guidance should be used in concert with the technical advice you receive from your servicing Human Resources Office. You should also be aware that your Bureau/Office may have specific procedures and requirements that must be followed—such as those required in any applicable collective bargaining agreement.

Any supervisor or employee seeking further information concerning this Handbook may contact the appropriate servicing Human Resources Office. Servicing Human Resources Offices may contact the Department's Office of Human Capital, Workforce Relations Division concerning questions related to this supplemental guidance.

2. Why Should I Address Poor Performance?

Dealing with performance problems can be a real challenge for any supervisor. Experienced supervisors often say it is one of the toughest, but also one of the most important, parts of their jobs. It is a key supervisory responsibility, and failure to address poor performance can have a greater impact than you may expect. Let's briefly discuss some of the reasons supervisors often give for not addressing poor performance.



Dealing with poor performance can be time-consuming. My time is better spent supervising my productive employees.

While dealing with poor performance can be time-consuming, failing to address poor performance sends a clear message to other employees that you have different standards for poor performers and that they do not have to meet your performance expectations. As the Department strives to increase efficiency, maximum performance from every employee becomes even more critical. In the end, not taking the time to deal with a poor performance situation now may cost you more time in the long run. Usually, poor performance only gets worse over time—rarely does it correct itself without action on the part of the supervisor.

If I take action against one employee, it will lower morale among other employees and create a less productive work environment.

Actually, taking such action can have just the opposite effect. Most employees want, and expect, to be held accountable for their work and resent it when others do not “pull their weight.” Building a productive team begins by setting clear expectations with its individual members and addressing any failure to meet those expectations.

Telling employees that they are not performing in an acceptable manner is unpleasant and requires special human relations skills

Very few individuals enjoy criticizing others. As a result, many employees receive little or no corrective feedback from their supervisors. Constructive counseling given early and regularly most often leads to performance improvement and also eliminates the need to consider more formal action that can be even more unpleasant. Providing such counseling does not require special skills. There are several points to remember, however, and they will be discussed in this Handbook.

The procedural steps involved in addressing poor performance are complex and highly technical.

Many performance problems can be addressed prior to undertaking any formal action. Furthermore, the procedural steps are actually fairly straightforward and not that complicated. Those steps will be described later in this Handbook.

Upper management will not support me if I take action to address poor performance.

The same reasons it makes sense for you to address an employee’s poor performance should also make sense to your own supervisor. Explain the impact of the performance problems on the rest of the team and the organization at large and share this Handbook with your supervisor.

3. What Can I Do To Prevent Poor Performance?

The focus of this Handbook is on helping you address and resolve poor performance. The best way for supervisors to handle poor performance issues is to take action to try to avoid performance problems before they occur. Such preventive actions include:

Communicating clear performance standards and expectations to employees.

If your employees do not understand what is expected, it will be very hard, if not impossible, for them to meet those expectations. Providing clear expectations does not necessarily require you to lay out precisely written, detailed instructions on every component of the performance plan. Generally, the question you should ask yourself is: “Would a reasonable person understand what was expected?”

Providing regular and frequent feedback on performance.

Such feedback, both positive and corrective, whether given in regularly scheduled meetings or in impromptu discussions, is crucial to ensuring that expectations are understood. Frequent feedback lessens the likelihood that an employee will be surprised if it becomes necessary to take formal steps to resolve poor performance. Always look for opportunities to confirm that your employees understand what is expected.

Rewarding and recognizing good performance, informally and formally.

Recognizing good performance is simply another way of clarifying expectations. Recognizing good performance also increases the likelihood that good performance will continue.

Making full use of the probationary period for new employees.

The importance of the probationary or trial period is discussed in more detail in the “Special Topics” section of this Handbook. Performance problems often first show up during the initial period of Federal employment. This period is designed to provide an opportunity for management to address such problems in an expedient manner. Furthermore, an employee who is terminated during this period is not entitled to most of the procedures and appeal rights granted to employees who have completed probationary/trial periods.

A recurring theme in successful resolution of performance problems is that taking action early is always better than waiting. This is definitely true when considering ways to prevent performance problems. Early communication, early feedback (positive and corrective), and, if appropriate, early termination during a probationary or trial period are all good ways to prevent future performance problems. Investing time early is always time well spent.

4. Employee Counseling—An Early Intervention for Addressing Performance Concerns

When you detect a performance problem, it is important to intervene immediately and not wait until the end of the appraisal period to address the issues with your employee. **You must promptly consult with your servicing Human Resources Office to discuss and assess appropriate actions to address the issue.**

Oftentimes, you will find that performance problems can be resolved through effective performance counseling. A counseling session provides an excellent opportunity for a supervisor to review and clarify expectations with the employee, discuss performance problems, and try to determine the cause of the poor performance (e.g., lack of training, motivation, employee “burn out,” personal problems).

Important Note: Prior to counseling the employee, it is important that you first make sure you are faced with poor performance rather than misconduct. The difference between poor performance and misconduct is explained below.

Misconduct is generally a failure to follow a workplace rule (whether written or unwritten). Examples of misconduct include tardiness and absenteeism, insubordination, and falsification.

Poor performance, on the other hand, is the failure of an employee to do the job at an acceptable level. The acceptable level should be documented in the employee’s written performance standards and is typically described in terms of quality, quantity, or timeliness.

Although it is normal for performance and misconduct to be interrelated, it is important to recognize the difference between the two. This Handbook is designed to help you address and resolve problems that are primarily performance-based rather than misconduct-related.

As with any other performance discussion, the key to an effective counseling session is preparation.

Preparing for a Counseling Session

- Once you recognize that a performance problem exists, review what guidance the employee has been given on performance. Often, that guidance exists in his/her performance plan. But you may also have some applicable operating manuals or guides, so take a look at everything.
- Read the critical elements and performance standards established in the employee’s performance plan. If they do not really describe what you want from the employee, take

the time to fix them. Ask your servicing Human Resources Office to review the performance standards to ensure that there are not any problems with them.

- Even though you may never need to go any further than a counseling session to get the employee to improve, take the time to contact your servicing Human Resources Office and learn the options available to you should you need to take formal action later.
- Remember your goal is for the employee to improve his/her performance, not to win an argument with the employee. To prepare for a counseling session with an employee, write out and then practice saying what acceptable performance in the job looks like. Listen to yourself. If it does not make any sense to you, it will not make any sense to the employee. Be as specific as possible.
- Have some specific examples of poor performance in your mind (or in your notes) so that you can respond to the inevitable, “What do you mean?” Do not emphasize past poor performance, though; instead, seek to clarify and encourage future good performance.

Conducting a Counseling Session

After preparations have been completed, you are ready to counsel the employee. The counseling session should be in a private and uninterrupted environment. During the counseling session you should do the following:

- Identify the problematic performance and take explain why it is a problem (e.g., effect on the work unit).
- Provide specific examples of the poor performance; reiterate the performance expectations and what the employee must do to improve his/her performance.
- Set and maintain a constructive tone: be calm, professional, and focused.
- Seek cooperation, not confrontation, by focusing on how the employee’s performance fits into the performance of the total organization.
- Choose several points throughout the discussion where you can stop and get confirmation from the employee that he/she understands the problems and your expectations. Providing opportunities for him/her to respond will allow the employee to be active in the discussion and may lessen the negative connotation of a “lecture” being given.
- Use the session as problem-solving opportunity and encourage the employee to provide solutions. Plan some specific actions the employee will take to improve his/her performance, such as taking training or working closely with another employee for a period of time, etc. As appropriate, give the employee the responsibility of finding the

course or providing ideas by a specific date on how he/she can improve and reporting back to you.

- At the conclusion of the meeting, end on a positive note by emphasizing that improving the employee's performance is a mutually beneficial goal.
- After the counseling, document the results of the meeting in writing. This could be in the form of a counseling memorandum or email to the employee that summarizes the concerns raised, the performance expectations reiterated, and any specific follow-up actions discussed. At a minimum, keep notes for yourself documenting the date of the discussion and what was discussed.
- Follow up! If the employee shows improvement, let him/her know it immediately. If the employee appears to be still struggling, go back and talk again, or take further steps as described below.

During the counseling, the employee may reveal that he/she is dealing with personal problems that are impacting his/her work. As such, you should be aware of the services available through the Department's Employee Assistance Program (EAP). The EAP offers professional, confidential counseling and consultation services that can help employees resolve these issues at no cost. It's a good idea to know about EAP and how to refer an employee to those services. More information is available at <https://www.doi.gov/pmb/hr/eap>.

5. Addressing Unacceptable Performance

Usually it is best to start out with performance counseling, as discussed above, in order to clarify expectations. However, sometimes performance counseling is ineffective and the employee's performance declines to the unacceptable level. As the supervisor, you have the responsibility and authority to take action to address the unacceptable performance using one of the following options:

- A. You can use the standard unacceptable performance procedures outlined in 5 CFR Part 432, which leverages the use of a Notice of Opportunity to Demonstrate Acceptable Performance (commonly known as a Performance Improvement Plan or "PIP"); or
- B. As an alternative, you can address unacceptable performance under the procedures outlined in 5 CFR Part 752, which are also used to address misconduct.

In all cases of unacceptable performance, you must immediately contact your servicing Human Resources Office. The servicing Human Resources Office is available to provide guidance and assist you in navigating these procedures.

Taking Action for Unacceptable Performance Using Traditional Approach (Procedures of 5 CFR Part 432)

When dealing with unacceptable performance under 5 CFR Part 432, an employee must be provided with information concerning his/her performance and how it can be improved, and then be given an opportunity to demonstrate acceptable (at least Fully Successful) performance before the agency can take action based on the unacceptable performance. Before any performance-based action is proposed, the following must occur:

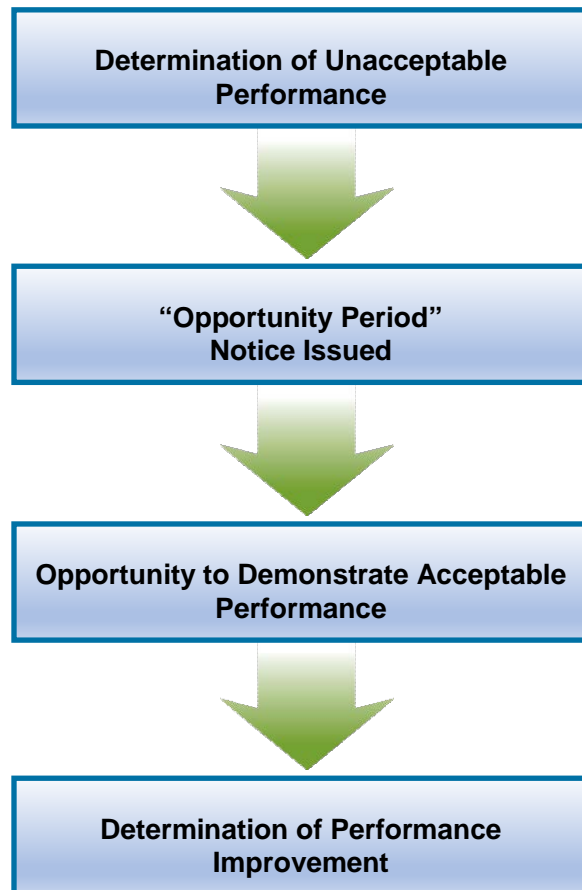
Initial Determination of Unacceptable Performance

For an initial determination of unacceptable performance to be valid, an employee must have been issued a performance plan with critical elements and performance standards for his/her job and his/her performance must be measured against those performance standards. The quality of the performance plan is, therefore, of key importance for taking action based on unacceptable performance.

While the unacceptable performance must be measured against the critical elements and performance standards of the performance plan, a formal performance rating denoting unacceptable performance is not required in order proceed with an action using these procedures.

Opportunity Period to Demonstrate Acceptable Performance

In order to take action under 5 CFR Part 432, the employee must first be notified in writing of the unacceptable performance and be afforded a reasonable opportunity to demonstrate at least Fully Successful performance. The written notification—Notice of Opportunity to Demonstrate Acceptable Performance (commonly known as a “PIP”)—must identify the **critical element(s)** in which an employee’s performance is unacceptable, inform the employee of the **performance requirement(s) or standard(s)** that must be reached to demonstrate at least Fully Successful performance, and identify the **assistance** that will be provided during the opportunity period. This notice must also inform the employee that unless his/her performance in the critical element(s) improves to and is sustained at an acceptable level (Fully Successful), the employee may be reduced in grade or removed.



The critical elements and performance standards and/or requirements against which the employee must perform during the opportunity period must be based on the performance plan and any other supplemental written expectations in effect at the determination of unacceptable performance. The Notice of Opportunity to Demonstrate Acceptable Performance may include clarification and greater specificity regarding performance expectations. However, care should be taken to avoid the appearance that higher performance standards are required during the opportunity period than in the original performance plan. If the new requirements constitute a significant change, such as standards or performance requirements that exceed the context of the current performance plan or which had not previously been applied or communicated to the employee, it may be necessary to treat them as a new performance plan requiring a minimum period of 90 days before the employee can be evaluated against them.

There is no legal obligation to provide counseling to an employee before beginning an opportunity period because of the employee's unacceptable performance. Regardless, it is generally a good management practice to talk to an employee when his/her performance begins to slip below the acceptable level. Hopefully, early counseling efforts would be successful and there would be no need for a formal opportunity period. Effective and productive relationships between managers and employees are necessary for performance improvements.

The opportunity period begins on the day the employee is issued a Notice of Opportunity to Demonstrate Acceptable Performance, unless the notice document indicates otherwise. **Generally, the opportunity period will last no longer than 30 days**, except when the supervisor determines that a longer period is necessary to provide sufficient time to evaluate the employee's performance. For example, if the employee is responsible for managing a project that will last longer than 30 days, it may be appropriate to extend the opportunity period to allow sufficient time to evaluate the success of that project. **For bargaining unit employees, the applicable collective bargaining agreement may also include additional requirements and must be checked before the notice document is issued.**

The Merit Systems Protection Board has ruled that employees do not have a right to formal training during the improvement period.

Macijauskas v. Department of the Army, 87 FMSR 5512 (1985)

Depending on the nature of the job and the employee's experience, it may be appropriate to offer assistance in a variety of ways. For example, an employee may be given a checklist, paired with another employee, offered training, and/or given closer supervision, such as through regular check-in meetings. Not every employee will require every type of assistance, but once assistance is offered, be sure to follow through with it during the opportunity period.

Monitoring Performance During the Opportunity Period

As a supervisor, the burdensome part of the opportunity period can be the careful monitoring required. For example, if you have set a standard related to an acceptable error rate in deliverables, you will need to ensure that you track each deliverable so that you can accurately determine the rate. You should maintain documentation of every incident of unacceptable performance, as well as the assistance provided to help the employee to improve. If the employee appeals an eventual action, you must be able to show that you honored your commitment of assistance, the employee was given a reasonable opportunity to demonstrate acceptable performance, and he/she failed to do so.

Special Considerations

In reality, performance-based actions do not always run as smoothly as the procedures just described. Some issues may occur that deserve special consideration.

Requests for Accommodation

When counseling, providing an opportunity period, or taking action, you may discover that an employee's performance problem is due to a mental or physical condition. As a result, the employee may request some type of accommodation. The Rehabilitation Act of 1973 requires that Federal agencies provide reasonable accommodations to qualified employees (and applicants) with disabilities, unless doing so would cause undue hardship. Reasonable accommodations remove barriers that prevent individuals with disabilities from applying for, or performing, jobs for which they are qualified. Reasonable accommodations might include, for example, acquiring screen reading software for someone who is visually impaired. If an employee raises that he/she is dealing with a medical condition, you should contact your servicing Human Resources Office immediately for assistance.

While each case may be different, as a supervisor, your responsibility is to address the performance problem. Keep in mind that a request for accommodation does not preclude you from proceeding with a performance-based action. In many situations, accommodations can be put in place at the same time an opportunity period is started.

Requests for Leave

Another issue that a supervisor may face is what to do when an employee requests leave during the opportunity period. You should consider each request for leave based on the specific circumstances of the request. Know the policies for approving or disapproving leave and get advice from your servicing Human Resources Office before you deny any leave during this time. Additionally, keep in mind:

- An employee on approved leave (e.g., annual, sick, leave without pay) cannot be penalized for work that is not completed while on approved leave.

- An employee should be aware of the procedures for requesting leave and for providing medical documentation (especially important for reasonable accommodation requests). The employee should also be aware the consequences they may face if these procedures are not followed.
- Be sure you understand the various leave entitlements available to employees, such as sick leave and the Family and Medical Leave Act.
- If an employee is on approved leave for a significant period of time during the opportunity period, you may want to extend the period to allow the employee a “reasonable” time on the job to improve.

Determination of Performance Improvement

Deciding what comes next depends on the employee’s performance during of the opportunity period.

If the employee has improved his/her performance to an acceptable level of performance (at least Fully Successful), there is no need for any action except to notify the employee of his/her success and continue providing feedback and encouragement.

If the employee is still performing unacceptably, you must take action. Your options include reassignment, demotion, or removal. Please note that employee reassignment to a position of equivalent grade/pay can be an option at any time. If there is reason to believe that the employee could be more successful in another position, reassignment should be effected as soon as reasonably possible—an opportunity period is not required for enacting a management-directed reassignment. Before you reach a decision on what to do, make sure that you seek guidance from your servicing Human Resources Office.

If the employee’s performance once again becomes unacceptable on any of the critical elements cited in the Notice of Opportunity to Demonstrate Acceptable Performance within one year following the beginning of the opportunity period, the agency may initiate action under 5 CFR Part 432 for reassignment, reduction in grade, or removal—without having to provide the employee another opportunity period.

Initiating a Performance-Based Adverse Action (Demotion or Removal)

If the employee’s performance remains unacceptable in one or more of the critical elements identified in the Notice of Opportunity to Demonstrate Acceptable Performance, the employee must be provided 30 days’ advance written notice of a proposed adverse action (demotion or removal) that identifies both the specific instances of unacceptable performance by the employee and the critical element(s) involved in each instance of unacceptable performance. A proposed action may be based on instances of unacceptable performance which occur during the one year period ending on the date of the advance notice of proposed action. The 30-day

notice period may be extended for a period not to exceed 30 days, or can be extended further in accordance with the provisions in 5 CFR § 432.105(a)(4)(i)(B).

In addition to the advance written notice, an employee whose demotion or removal is proposed is entitled to:

- A reasonable time to reply to the proposed action, orally and in writing;
- Representation by an attorney or other representative;
- Furnish medical documentation of a condition that may have contributed to his/her unacceptable performance; and
- A written decision.

A final written decision by a higher-level official must be issued within 30 days after the expiration of the advance notice period (including any approved extensions) and must be issued on or before the effective date of the action to be taken. The decision must consider any response to the proposal that the employee provided, and may be based only on those instances of unacceptable performance that occurred during the one year period ending on the date of the advance notice of proposed action. The written decision must specify the instances of unacceptable performance on which the action is based and inform the employee of any applicable appeal and/or grievance rights.

Figure 1. Elements of a 5 CFR Part 432 Action

Demotion and Removal Based on Unacceptable Performance Under 5 CFR Part 432	
1. Beginning of appraisal period	Give employee the critical elements and performance standards in writing.
2. Determination of unacceptable performance	Identify the critical element(s) for which the performance is unacceptable.
3. Formal opportunity to improve	Provide a formal period to demonstrate acceptable performance. Generally, period is 30 days, unless supervisor determines a longer period is necessary.
4. Notice of proposed action	If employee fails to raise performance to Fully Successful level during opportunity period, give employee 30 days advance written notice of action; only specify instances of unacceptable performance occurring in the past year and relating to the critical elements identified during the opportunity period.
5. Employee's answer to proposal notice	Provide a reasonable time to reply; employee has a right to representation.
6. Decision issued	Issue decision within 30 days after notice period expires; a higher level official concurs with the decision.

See [Appendix A](#) for a checklist to assist you in managing the opportunity period provided for under 5 CFR Part 432.

Taking Action for Unacceptable Performance Using Alternative Approach (Procedures of 5 CFR Part 752)

In some circumstances, it may be better to address unacceptable performance under the procedures outlined in 5 CFR Part 752, which is traditionally used to address employee misconduct. Although it may strike you as peculiar that a performance deficiency would be handled through misconduct procedures, there are times supervisors determine that using 5 CFR Part 752 procedures, which differ from 5 CFR Part 432 requirements, is the most appropriate method of taking action. The specific facts of your case, along with the weight of your evidence, will be determining factors in deciding which procedures are appropriate. A few examples of when this might be the case are available below.

Figure 2. Determining Factors for Whether to Use 5 CFR Part 432 or 5 CFR Part 752 Procedures

	Traditional: Opportunity Period—5 CFR Part 432 Procedures	Alternative: Same Process as Used for Misconduct—5 CFR Part 752 Procedures
Uses	The employee is: <ul style="list-style-type: none"> • Trying, but can't perform the work (ability); AND • Unacceptable in one or more critical elements and the performance plan is sound 	The employee: <ul style="list-style-type: none"> • Won't perform although he/she is able to perform (motivation) Or: <ul style="list-style-type: none"> • There are integrity issues present; • Consequences of failure are catastrophic (e.g., serious failure to follow safety/security procedures); • Exhaustive efforts to help have already been tried to no avail; • The concerns are outside of the performance plan.
Pros	<ul style="list-style-type: none"> • Lower burden of proof (substantial evidence) • Gives the employee an opportunity to show acceptable performance • Douglas Factors do not apply 	<ul style="list-style-type: none"> • Less focus on the details of the performance plan • Performance throughout the rating cycle can be considered
Cons	<ul style="list-style-type: none"> • Only performance after the Notice of Opportunity to Demonstrate Acceptable Performance is put in place counts • Management must offer assistance during the opportunity period • The performance plan will be scrutinized 	<ul style="list-style-type: none"> • Higher burden of proof (preponderant evidence) • Evidence of unacceptable performance must already be available • A third party could mitigate the action taken

Under 5 CFR Part 752, an agency may take action to suspend without pay, demote or remove an employee for such cause as will promote the efficiency of the service, to include a performance-based adverse action. As the supervisor, you will be required to show that the employee was on notice regarding the expected level of performance, but a formal opportunity period is not required. If using 5 CFR Part 752 to deal with unacceptable performance, you must be able to prove that:

- The employee was on notice that he/she was expected to perform a particular duty;
- The employee's performance was unacceptable in that duty; and
- The measurement of the employee's unacceptable performance was accurate and reasonable.

Note: A supervisor can take an action using 5 CFR Part 752 even in the absence of performance standards. He/she may rely on ad hoc standards or other general standards of performance that explain the expected performance requirement. However, the employee must have been notified of the expectations—an employee may not be disciplined for failing to perform a duty of which he/she was unaware.

To pursue a performance-based adverse action, such as removal or demotion, under 5 CFR Part 752, the employee must generally be provided 30 days' advance written notice of the proposed action. The written notice must state the specific reasons (i.e., performance deficiencies) for the proposed action include the relevant penalty determination factors (commonly referred to as the Douglas Factors), and inform the employee of his/her right to review the material which is relied on to support the reasons for proposed action. In addition to the advance written notice, the employee is entitled to:

- A reasonable time to reply to the proposed action, orally and in writing (consistent with Departmental policy, this period is limited to seven days—for bargaining unit employees, the applicable collective bargaining agreement should be checked for additional requirements);
- Representation by an attorney or other representative; and
- A written decision on the proposed action.

The written decision must be issued at the earliest practicable date, giving the specific reasons for the action decided upon. The deciding official must issue the written decision at the earliest practicable date after receipt of the employee's answer(s), or following expiration of the 7-day answer period, striving to limit the total time between the date the proposal notice is issued to the employee and the date that the final action is effected to 30 days to the extent possible. For removal actions, to the extent practicable, the deciding official must at the latest issue a written decision within 15 business days of the end of the 7-day answer period.

Only those reasons specified in the notice of proposed action and any information provided by the employee in the reply to the notice may be considered. The decision must be provided to

the employee on or before the effective date of the action. The decision must provide the employee with applicable appeal and/or grievance rights information.

Figure 3. Elements of a 5 CFR Part 752 Action

Suspension, Demotion, and Removal Based on Unacceptable Performance Under 5 CFR Part 752	
1. Notice of proposed action	Give employee 30 days advance written notice.
2. Employee's answer to proposal notice	Provide a reasonable time to reply, normally 7 days
3. Decision issued	Departmental policy provides that generally the decision should be made by a management official at a higher organizational level than the proposing official.

Comparison of 5 CFR Part 432 vs. 5 CFR Part 752

There are distinct differences between these regulations. For example, 5 CFR Part 432 requires that you give the employee an opportunity to bring his/her performance up to an acceptable level, while Part 752 does not require such an opportunity period. Another difference between the regulations is that 5 CFR Part 432 requires the use of established performance elements and standards. Under 5 CFR Part 752, the employee can be held to ad hoc standards, such as explicit instructions or work assignments, or professional standards established for certain occupations, such as law enforcement officers. In some cases, it may be more appropriate to hold the employee to these ad hoc standards, as long as they are no more stringent than the established performance standards. See [Appendix B](#) for a more detailed summary of the differences and similarities between these regulatory procedures.

The procedures for taking performance-based action contained in 5 CFR Part 432 and 5 CFR Part 752 do not apply to Bureau of Indian Education (BIE) contract educators. The procedures governing poor performance of these employees are described in Bureau of Indian Affairs Manual 62 BIAM 11.

Remember, there are many options available for dealing with performance issues. Consulting with your servicing Human Resource Office will ensure consistent, prudent action to ensure productivity and motivation to the workforce.

Appeal Rights

Employees have the right to appeal a performance-based removal, demotion, or suspension longer than 14 days to the U.S. Merit Systems Protection Board, and some employees covered by collective bargaining agreements may have the right to grieve the action through their negotiated grievance procedure. An employee can choose between these two methods of appeal, but cannot pursue both avenues.

In addition, allegations of discrimination, reprisal for whistleblowing, and other prohibited personnel practices can be raised in an employee's appeal of a performance-based removal or demotion. Such allegations can also be filed directly with the Bureau/Office Equal Employment Opportunity Office or the Office of Special Counsel.

Regardless of the route an employee chooses to appeal a performance-based action, following the advice in this Handbook and getting assistance early on from your servicing Human Resources Office and the Office of the Solicitor's Employment and Labor Law Unit will prepare you to present a strong case supporting your action before any third party. Remember—the staffs of those two offices are experts in this area, and will be glad to explain your role in the appeals process and provide the technical assistance you need.

6. Special Topics

During the process of addressing and resolving performance problems, you will need to keep abreast of certain situations that are driven by an employee's length of service. The two most common situations involve the consideration of an employee's probationary/trial period and the denial of his/her within-grade increase.

The Probationary/Trial Period

One of the most important times to address performance is during the probationary/trial period. As the final step in the hiring process of a new employee, this period—which generally lasts one to two years—is designed to give supervisors the opportunity to assess how well an employee can perform the duties of a job.

Employees' performance during this time period usually serves as a good indication of how well they will perform throughout their career. During this period, supervisors should provide assistance to help new employees get acclimated to the duties and responsibilities of their position, and at the same time, determine whether or not the employee is suited for the position.

If a performance-based action is warranted against a probationer, please keep in mind that probationers can appeal their termination to the U.S. Merit Systems Protection Board only if their termination is based on marital status or partisan political affiliation. Employees working

during their probationary/trial periods are not covered under 5 CFR Part 432 or Part 752. This exemption is due, in part, to the fact that the very nature of this period is to allow supervisors the chance to determine whether a new employee will be an asset rather than a liability to the organization.

The lapse of the probationary/trial period without a proper assessment of a new employee's performance may result in future performance problems. For supervisors, the probationary/trial period should always be considered a key period for addressing and resolving poor performance.

Within-Grade Increase Denials

While in the process of assisting an employee with improving performance, or sometimes in the process of taking a performance-based action, a supervisor often has to deal with the issue of a within-grade increase (WGI) denial. WGIs are granted for employees whose performance is acceptable (at least Fully Successful), but supervisors need to be aware of the process required to “deny” a WGI when an employee's performance is not at the acceptable level. ***If an employee's WGI is due during an opportunity period, the supervisor should contact the servicing Human Resources Office immediately for guidance on how to handle the WGI determination.***

In order to be eligible for a WGI, an employee must be performing at an acceptable level of competence (at least Fully Successful) at the time when the WGI is due. As soon as you determine that an employee's performance is falling below the Fully Successful level, find out when the employee's next WGI is due. If it is coming up anytime soon, you need to assess where the employee stands in terms of meeting the standards for an overall rating of acceptable performance in order to grant or deny the WGI—which may require you to prepare a new rating of record before the end of the appraisal period to document the appropriate level of performance at the time the WGI is due, if the most recent rating of record does not reflect the WGI determination decision.

Consistent with 5 CFR 531.409(e), when it is determined that a WGI should be denied, that determination must be communicated to the employee in writing as soon as possible after completion of the WGI waiting period. Once a WGI has been denied, a supervisor has the flexibility to approve a WGI at any time thereafter once the employee is determined to be performing at an acceptable level of competence (at least Fully Successful)—but the supervisor must consider the employee's performance at least every 52 weeks after the denial.

At the first sign of performance problems, contact your servicing Human Resources Office for advice on the best options for addressing the particular situation.

Appendix A: Checklist for Managing the Opportunity Period

Checklist – Managing the Opportunity Period	Yes	No
Does the Notice of Opportunity to Demonstrate Acceptable Performance identify the critical element(s) for which the employee’s performance is unacceptable and explain how he/she is failing to meet the performance requirements?		
Does the Notice of Opportunity to Demonstrate Acceptable Performance tell the employee specifically what he/she has to do to improve performance in order to keep his/her job and what establishes Fully Successful performance?		
Is it clear in the Notice of Opportunity to Demonstrate Acceptable Performance that continued failure to meet performance standards may result in demotion or removal?		
Has the employee shared that he/she is dealing with a medical condition that may be affecting his/her work? If so, have you met your legal obligation under the Rehabilitation Act of 1973 (reasonable accommodation)?		
Have you provided assistance to enable the employee to improve to at least the Fully Successful level as committed to in the Notice of Opportunity to Demonstrate Acceptable Performance? Ensure you have documentation of assistance provided (e.g., training certificates, email meeting summaries)		
Have you checked when the employee’s next within-grade increase is due? Were steps taken to deny the within-grade increase, if applicable?		
Has the employee’s performance remained at an unacceptable level during the opportunity period?		
<p>If the employee succeeds in raising his/her performance to at least the Fully Successful level during the opportunity period, remind the employee of his/her continuing obligation to maintain performance above the unacceptable level.</p>		

Appendix B: Comparison of Procedures under 5 CFR Part 432 and 5 CFR Part 752

5 CFR Parts 432 and 752 Similarities and Differences		
	Part 432	Part 752
Critical Element	Agency <i>must</i> prove the performance deficiency is in a critical element.	Agency is <i>not</i> required to prove the performance deficiency is in a critical element.
Establishment of Performance Expectations	When the employee's performance in one or more critical elements is unacceptable, the employee will: (1) be notified of the deficiency; (2) be offered the agency's assistance to improve; and (3) be warned that continued poor performance could lead to a change to lower grade or removal.	The extent to which an employee is on notice of the agency's expectations is a factor in determining the appropriateness of the penalty. Also, an agency cannot require that an employee perform better than the standards that have been communicated to the employee.
Decline Following Improvement	If the employee's performance improves during the opportunity period, and remains acceptable for one year, a new opportunity period is necessary before taking an action <i>under this chapter</i> .	There is no obligation to offer an opportunity period at any point.
Efficiency of the Service	Agency is <i>not</i> required to prove that the personnel action will promote the efficiency of the service.	Agency <i>must</i> prove that the personnel action will promote the efficiency of the service.
Burden of Proof	Action must be supported by substantial evidence: that a reasonable person might find the evidence supports the agency's findings regarding the poor performance, even though other reasonable persons might disagree.	Action must be supported by a preponderance of the evidence: that a reasonable person would find the evidence makes it more likely than not that the agency's findings regarding the poor performance are correct.
Advance Notice	The agency must provide a notice of proposed action 30 days before any action can be taken, and must provide the employee with a reasonable opportunity to reply before a decision is made on the proposal.	

5 CFR Parts 432 and 752 Similarities and Differences (continued)

	Part 432	Part 752
Content of Advance Notice	The notice must state the specific instances of unacceptable performance that are the basis for the action <i>and also the critical performance element involved.</i>	The notice must state the specific instances of poor performance that are the basis for the action.
Deciding Official	A person higher in the chain of command than the person who proposed the action must concur.	While not required by the regulation, Departmental policy (370 DM 752) requires that generally the decision should be made by a management official at a higher organizational level than the proposing official.
Agency Decision	Agency must issue a final decision within an additional 30 days of the expiration of the 30 days advance notice period.	Consistent with Departmental policy, the agency must issue a written decision at the earliest practicable date after employee's reply (or expiration of reply period) and effect the final action within 30 days of the issuance of the advance notice to the extent possible.
Penalty Mitigation	Once the agency meets the requirements to take an action, the U.S. Merit Systems Protection Board (MSPB) cannot reduce the agency's penalty.	After finding that the agency meets the requirements to take an action, the MSPB may reduce the agency's penalty.
Douglas Factors	The Douglas Factors are not used.	The agency must consider the relevant Douglas Factors when reaching a decision on the appropriate penalty (see 370 DM 752).
Time Limits	Time limited to performance deficiencies occurring within the one year period prior to the proposal notice.	No time limit for inclusion of "incidents/charges".
Affirmative Defenses	The agency action will not be sustained if the employee was harmed by the agency's failure to follow procedures, if the agency decision was reached as a result of the commission of a prohibited personnel practice, or if the decision is otherwise not in accordance with the law.	

Note: For bargaining unit employees, the applicable collective bargaining agreement must be checked for additional requirements.