

FREQUENTLY ASKED QUESTIONS ABOUT NON-SES PERFORMANCE APPRAISAL

1. Who is covered under the performance appraisal requirement in Chapter 430 and who is required to have a performance appraisal?

With the exceptions listed below, all permanent and temporary employees are covered and must receive annual performance appraisal ratings.

- Positions filled by political appointees
- Expert and consultant positions filled under 5 U.S.C. 3109
- Volunteers serving without pay
- Employees whose appointments are not expected to exceed 120 days in a 12-month period. (Note: In accordance with 5 U.S.C. 4301(2)(H), a temporary employee must agree to serve without a performance appraisal in order to be excluded from the performance appraisal system.)
- Senior Executive Service (SES), Senior Level (SL) and Scientific and Professional (ST) employees. These employees are appraised under a different system established by the Department
- Employees outside the United States who are paid in accordance with local prevailing wage rates
- Administrative law judges appointed under 5 U.S.C. 3105
- Board of Contract Appeals judges appointed under 41 U.S.C. 607

All other employees, including employees undergoing long-term training or developmental assignments, employees in Upward Mobility positions, employees serving on details for periods over 120 days and temporary employees whose appointments are expected to exceed 120 days in a 12-month period, are covered. All such employees must have performance elements and performance standards written for their positions and must receive performance appraisals. In the case of employees on details or temporary assignments over 120 days and employees in long-term training, the performance elements and standards must be written for their details or training assignment.

2. When must performance elements and performance standards be developed for an employee's position?

All employees covered under the system should have standards in place within 60 days of the beginning of the performance appraisal cycle, their entrance on duty, their assignment to a new position, or their assignment to a new or different supervisory position.

3. When is the performance appraisal cycle?

The appraisal cycle runs from October 1 through September 30 of the following year, unless the Department's Human Resources Office approves a different schedule.

For temporary employees whose appointments are over 120 days but less than one year, the appraisal cycle runs from date of appointment to termination of appointment.

For temporary employees whose appointments are greater than one year, the appraisal cycle is the same as permanent employees.

4. When are performance appraisal ratings due?

Appraisal ratings are due within 30 days of the end of the appraisal period, i.e., by October 31 of each year.

Appraisal ratings for temporary employees are due at the termination of the employee's tour of duty. (Not 30 days after.)

5. What are the eligibility requirements for receiving a performance appraisal?

An employee must have been working in the same position and under the supervision of the same rating official or reviewing official for at least 90 consecutive calendar days. In addition, the employee must have been working under a set of approved performance standards for at least 90 consecutive days.

6. How are ratings handled when an employee has been under the supervision of more than one rating official during the appraisal period?

The rating official for appraisal purposes is the individual supervising the employee at the end of the performance appraisal period. The rating or reviewing official will assign the rating of record, providing he or she has supervised the employee for at least 90 consecutive calendar days and providing 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 the employee has received a performance evaluation from another rating official during the current rating period, the rating official shall consider that rating when assigning the summary rating of record.

If, at the end of the performance appraisal period, the rating official has not supervised the employee for at least 90 consecutive calendar days, the reviewing official may serve as the rating official as determined by the Bureau/Office.

The appraisal period may be extended up to 90 days past the normal end date for an employee if, on the normal end date of the appraisal period, the employee has not been under standards for at least 90 days.

7. **What is the role of the Reviewing Official?**

The Reviewing Official is responsible for reviewing and approving ratings of “Exceptional,” “Minimally Successful,” and “Unsatisfactory;” and carrying out any other responsibilities as outlined by the Bureau/Office Head.

8. **How many performance elements can be written for a position?**

Each employee covered should have at least one and not more than five critical elements as part of their EPAP.

9. **What is a critical element?**

A critical element is a component of the position that is so important that failure to perform requires remedial action, and may serve as the basis for adverse action against the employee if performance does not improve.

10. **How closely do performance elements have to match the employee’s position description?**

There must be a reasonable relationship between the position description (P.D.) and the elements used for appraisal. For example, if a P.D. states the individual is responsible for supervising employees, a performance element addressing performance appraisal would be appropriate, since appraisal is one aspect of a supervisor’s duties.

11. **Are performance standards negotiable?**

No. The development of performance standards is a retained management right that cannot be negotiated or bargained. However, it is strongly encouraged that employees have input on developing their elements and standards, but the final decision regarding critical elements and standards always rests with the management official.

12. **Are performance appraisals or other aspects of the performance appraisal process grievable or appealable?**

Performance appraisal rating and concerns are not grievable under the Agency grievance system. If the employee is covered under a negotiated agreement that covers performance appraisal, the negotiated process must be followed. If the employee is not covered under a negotiated agreement which covers performance appraisal, the employee is entitled to file a request for reconsideration 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.

13. **Are performance reviews required during the appraisal cycle?**

Supervisors are expected to establish effective and ongoing communication with employees regarding performance and ways of improving it. An annual counseling session is required where accomplishments against elements and standards are discussed and rating official and employee formally sign the appraisal. One Progress Review at approximately mid-year is required, and the results of that review are documented on the employee performance appraisal form. Additionally, periodic counseling sessions throughout the year are recommended as a good personnel

management tool to assure that employees are kept up-to-date on management's assessment of their performance. For paperwork reduction purposes, however, no specific timetables are set for these counseling sessions and no form or other documentation is required to be filled out on such counseling sessions unless possible adverse action is anticipated in the future.

14. What are the requirements for granting or denying within-grade increases?

A within-grade increase is earned on the basis of performance during the waiting period. Regulations require the granting or denying of a within-grade increase to be based on the employee's most recent performance appraisal rating of record. To grant a within-grade increase, the employee must have a rating of record of at least fully successful (Level 3). To deny a within-grade increase, the employee must have a rating of record of less than fully successful.