

Department of the Interior Departmental Manual

Effective Date: 10/01/18
Series: Personnel Management
Part 370: Departmental Personnel Program
Chapter 430: Performance Management System

Originating Office: Office of Human Capital

370 DM 430

1.1 **Purpose.** This chapter establishes the policy, procedures, authority, and responsibilities for performance management within the Department of the Interior (Department or DOI) and implements a four-level Performance Management System, consisting of the following levels of performance: Outstanding (Level 5), Exceeds Expectations (Level 4), Fully Successful (Level 3), and Unacceptable (Level 1). This chapter supersedes the following Personnel Bulletins:

- A. Personnel Bulletin 04-5, “Cascading GPRA Goals to Individual Employee Performance Results,” dated April 2, 2004.
- B. Personnel Bulletin 07-12, “Exceptions to Performance Appraisal Review Procedures,” dated December 20, 2007.
- C. Personnel Bulletin 09-15, “Departmental Policy on Performance Management and Revised Employee Performance Appraisal Plan Issuances for the 2010 Performance Cycle,” dated October 5, 2009.
- D. Personnel Bulletin 16-09, “Change to Departmental Policy on Performance Appraisal Plans for Supervisory Employees,” dated October 19, 2016.
- E. Personnel Bulletin 18-06, “Addressing Unsatisfactory Performance for Employees Covered by Departmental Manual Chapter 370 DM 430,” dated July 9, 2018.

1.2 **Authorities.** Chapters 43 and 75 of Title 5, United States Code (U.S.C.); and Parts 293, 351, 430, 432, 531, and 752 of Title 5, Code of Federal Regulations (CFR).

1.3 **Coverage.**

- A. This system applies to all Bureaus/Offices of the Department. The Bureaus/Offices will not issue supplemental performance management policy, except where otherwise prescribed in this policy. The Bureaus may issue supplemental implementing procedures at their discretion.

The Bureau/Office supplemental procedures must be forwarded to the Director of the Department's Office of Human Capital prior to implementation for notification purposes.

B. The provisions of this system apply to all employees except:

(1) Presidential appointees, Senior Executive Service (SES) members, Senior Level, and Scientific or Professional (SL/ST) employees.

(2) Temporary and/or excepted service employees whose employment is not expected to exceed 120 days in a consecutive 12-month period.

(3) Employees outside of the United States who are paid in accordance with local prevailing wage rates, administrative law judges appointed under 5 U.S.C. §3105, and employees occupying positions excluded by the U.S. Office of Personnel Management (OPM) regulations.

1.4 Definitions.

A. Appraisal. The process of reviewing and evaluating performance, and the resulting assessment of how well objectives were achieved.

B. Appraisal Period. Also called the appraisal or rating cycle, this is the established 12-month period of time during which performance is reviewed and a rating of record prepared. The DOI appraisal period will coincide with the fiscal year unless approval for variation is granted by the Director of the Department's Office of Human Capital.

C. Benchmark Standards. Generically defined performance standards at each of the four levels, which may be further defined with specific performance standards developed for individual positions. The benchmark standards are applied to each critical element and must be further defined with specific performance standards at the Fully Successful level for each critical element.

D. Critical Element. A work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is unacceptable.

E. Day. Unless otherwise specified, day means calendar day.

F. Employee Performance Appraisal Plan (EPAP) Form. The only authorized form (DI-3100 for non-supervisory employees; DI-3100S for supervisory employees) for documenting an employee's performance plan and rating.

G. Interim Appraisal. A written appraisal that includes 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. For additional information on the circumstances in which they are issued, see paragraph 1.6G(5).

H. Minimum Appraisal Period. The length of time, 90 days, that the employee must be performing in a position supervised by the rating official and under a performance plan in order to be eligible for an interim or annual appraisal.

I. Notice of Opportunity to Demonstrate Acceptable Performance. A written notice that identifies the critical element(s) in which an employee's performance is unacceptable, informs the employee of the performance requirement(s) or standard(s) that must be reached to demonstrate acceptable performance (at least Fully Successful), and identifies 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.

J. Opportunity Period. The period of time afforded to an employee, whose performance has been determined to be unacceptable in one or more critical elements, to demonstrate acceptable (at least Fully Successful) performance in the critical element(s) at issue. This period is generally 30 days, except when the supervisor determines that a longer period is necessary to provide sufficient time to evaluate the employee's performance. If the employee's performance remains at the Unacceptable level during the opportunity period, further action is warranted. 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.

K. Performance. The manner in which the employee accomplishes work assignments or responsibilities.

L. Performance Award. A Quality Step Increase, cash award, or time-off award based on an employee's performance as documented in his/her most recent rating of record.

M. Performance Plan. A written plan consisting of identified critical elements and the performance standards that identify expected levels of performance for each critical element. The performance plan is documented using the EPAP form (DI-3100 for non-supervisory employees; DI-3100S for supervisory employees). "Non-critical" or "additional" elements are not permitted in performance plans.

N. Performance Rating. The written appraisal of performance based on the performance standard(s) for each critical element that an employee has had an opportunity to perform during the minimum appraisal period. It includes a rating for each critical element, as well as a summary rating.

O. Performance Standard. The management-approved expression of the performance threshold(s), requirement(s), or expectation(s) that must be met to be appraised on a critical element at a particular level of performance.

P. Progress Review. Discussion between the rating official and the employee that occurs at least once during the appraisal period to review the employee's progress and communicate performance on the identified critical elements as compared to the performance standards established; to make any recommended revisions to the critical elements or

performance standards; and to consider or identify any developmental needs or performance improvements required. The rating official must document that the progress review occurred on the EPAP form. A progress review does not result in a summary rating or assignment of performance ratings on the critical elements.

Q. Rating Official. The supervising official, ordinarily the employee's immediate supervisor, who establishes critical elements and performance standards, evaluates the employee's performance, and assigns the rating of record.

R. Rating of Record. The performance rating prepared (1) at the end of an appraisal period for overall performance over the entire period or (2) 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 performance. The rating of record, also called an annual summary rating, is one of the four available ratings (i.e., Outstanding, Exceeds Expectations, Fully Successful, or Unacceptable).

S. Reviewing Official. The individual, generally the second-level supervisor, with authority to review and approve ratings at the Outstanding and Unacceptable levels.

1.5 Responsibilities.

A. Heads of Bureaus/Offices are responsible for:

(1) Implementing, supporting, and communicating information to employees about the DOI performance management program.

(2) Establishing and communicating organizational performance and/or strategic goals.

(3) Holding subordinate managers and supervisors accountable for appraising employees accurately and consistently based on their accomplishments and contributions and ensuring that all covered employees receive timely performance plans and appraisals in accordance with the requirements of this chapter.

(4) Establishing a method for an employee not covered by a collective bargaining agreement (or whose collective bargaining agreement does not contain reconsideration procedures) to request reconsideration of a performance rating.

(5) Establishing any additional roles and responsibilities for reviewing officials within the Bureau/Office other than those outlined in this policy.

B. Director, Office of Human Capital is responsible for:

(1) Developing Departmental performance management policy and issuing supplemental guidance in the DOI Performance Management Handbook.

(2) Monitoring, evaluating and revising the Departmental performance management program as necessary.

(3) Providing advice and assistance to Bureaus/Offices in administering the program.

C. Servicing Human Resources Offices (HRO) are responsible for:

(1) Providing assistance to supervisors and employees in identifying critical elements and developing performance standards.

(2) Providing guidance to supervisors so they can effectively carry out their responsibilities for managing performance.

(3) Providing information to employees to ensure they understand the provisions of the performance management system.

(4) Providing assistance to supervisors/managers in dealing with the reconsideration process.

(5) Providing assistance to supervisors in dealing with employee performance problems.

(6) Maintaining employee performance records according to Department and OPM records management requirements.

D. Reviewing Officials are responsible for:

(1) Reviewing and approving ratings of Outstanding and Unacceptable.

(2) Preparing a performance rating in the absence of a rating official, when appropriate.

(3) Holding subordinate managers and supervisors accountable for appraising employees accurately and consistently based on their accomplishments and contributions and ensuring that all covered employees receive timely performance plans and appraisals in accordance with the requirements of this chapter.

(4) Carrying out any other responsibilities as outlined by the Bureau/Office Head.

E. Rating Officials are responsible for:

(1) Engaging the employee in the process of determining critical elements and performance standards; and documenting elements and performance standards in a performance plan within 45 days of the beginning of the appraisal period, an employee's entrance on duty, assignment of an employee to a detail or temporary promotion scheduled to exceed 120 days,

assignment of an employee to a new position, or the rating official's assignment to a new or different supervisory position.

(2) Ensuring that each employee's performance plan has at least one critical element that is linked to the strategic goal(s) of the organization. Rating officials should determine which appropriate mission area(s), strategic goal(s), and/or key performance indicator(s) to utilize for developing the critical element(s) and standards in each employee's performance plan.

(3) Monitoring employee performance during the appraisal period, holding employees accountable for achieving results and outcomes, and communicating with employees on an ongoing basis about the status of their performance as compared to the performance plan.

(4) Conducting at least one progress review for each employee at approximately the midpoint of the appraisal period to assess progress and communicate performance.

(5) As appropriate, obtaining and utilizing feedback from internal and external customers, team members, coworkers, suppliers, stakeholders, or other appropriate individuals, concerning the employee's performance.

(6) Assisting the employee in continuing to develop his/her job-related skills and in improving performance, when necessary.

(7) Ensuring that employees are appraised accurately and consistently based on their accomplishments and contributions.

(8) Preparing the performance rating (including any interim ratings, as necessary) in a timely manner and meeting with the employee to discuss the rating and the employee's developmental needs.

(9) Recognizing employees who demonstrate noteworthy performance and ensuring equity and consistency in consideration for awards within their organization.

(10) Advising the reviewing official and seeking advice from the servicing HRO when an employee's performance is unacceptable (e.g., preparing denial of WGI notice, initiating and managing an opportunity period to demonstrate acceptable performance).

(11) Taking appropriate action to address unacceptable performance.

F. Employees are responsible for:

(1) Participating with their rating official in determining critical elements.

(2) Ensuring that they have a clear understanding of their rating official's expectations, how the critical elements relate to the mission of the organization, and requesting clarification if necessary.

- (3) Signing for receipt of the performance plan and completed performance appraisal (signature indicates receipt only, not necessarily agreement).
- (4) Managing their performance to achieve at least the Fully Successful level of performance on all critical elements, and bringing to their rating official's attention circumstances that may affect their ability to achieve acceptable performance.
- (5) Seeking performance feedback from their rating official, internal and external customers, and stakeholders, as appropriate.
- (6) Participating in discussions of their performance.
- (7) Taking action to improve aspects of performance identified as needing improvement.

1.6 **Policy.**

A. General. The objective of performance management is to articulate the expectations of individual and organizational performance, to provide a meaningful process by which employees can be rewarded for noteworthy contributions to the organization and its mission, and to provide a mechanism to improve individual/organizational performance as necessary. In accomplishing these objectives, individual and organizational goals will be communicated to employees, such that the individual understands how his/her job responsibilities and requirements support the overall strategic mission and goals of DOI, the Bureau/Office, and/or work unit. The individual's responsibility for accomplishing organizational goals will be identified; performance will be monitored and evaluated; and the rating of record will be used as a basis for appropriate personnel actions, including rewarding noteworthy performance and taking action to address unacceptable performance.

B. Development of Performance Plans.

(1) Employee Participation.

(a) Rating officials must encourage employees to participate in establishing the performance plan for their position in order to give them a clear understanding of their performance expectations, as well as the role their position plays in achieving the mission, goals, and objectives of their organization.

(b) The final decision regarding critical elements and standards always rests with management. A performance plan is established when it has been signed by the rating official and issued to the employee. 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.

(2) Timing. Employee performance plans must be established and put into place within 45 days of the beginning of the appraisal period, 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 an employee to a new position, or the assignment of an employee to a new or different rating official.

(3) Number of Critical Elements. At least one and not more than five critical elements will be identified in the performance plan.

(4) Mandatory Components of the Performance Plan.

(a) Approved EPAP Form. The DOI form approved for documenting the employee performance plan is DI-3100 for non-supervisory employees and DI-3100S for supervisory employees. These forms cannot be modified, nor are any other EPAP forms authorized for use within DOI. Automated versions of these forms are acceptable.

(b) Supervisors/Managers. Performance plans for all supervisors and managers must include a mandatory critical element (one of the maximum of five elements) that addresses the level of performance expected for carrying out various supervisory/managerial duties. Rating officials must use the mandatory critical element as defined on the most recent version of the DI-3100S form. Bureaus/Offices must not modify the mandatory critical element.

(c) Strategic Mission Goals. Performance plans must have at least one critical element that is linked to the strategic goal(s) of the organization. Critical element(s) and performance standard(s) will be developed based on the appropriate mission areas, strategic goal(s), priority performance goal(s), strategies, or strategic plan performance measure(s) as they relate to the job responsibilities of the individual employee.

(d) Other Position Requirements. 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.

(e) Standards. Performance standards must be focused on results and must include credible measures such as quality, quantity, timeliness, cost effectiveness, etc. Benchmark standards for each of the four possible levels of performance are described in detail in the DOI Performance Management Handbook and are part of the EPAP forms. These benchmark standards can be applied to every position, but should be further defined with specific standards that describe the results expected at the various levels of performance for each critical element. **Federal regulations require, at a minimum, that a specific performance standard be established for each critical element at the Fully Successful level. In addition, supervisors are strongly encouraged to develop standards at additional levels as well so that employees clearly understand their performance expectations.**

(f) Review and Approval. Critical elements and performance standards are established and approved by the employee's rating official, and no higher level review is required. Bureaus/Offices may establish second-level review/approval procedures at their discretion.

C. Appraisal Period. The appraisal period is 12 months in length and based on the fiscal year – October 1 to September 30. Bureaus/Offices must request approval from the Director of the Department's Office of Human Capital to establish a different appraisal period. 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 a performance plan for at least 90 days, or has been afforded an opportunity period that started prior to the end of the appraisal period and will end within 90 days of the end of the normal period.

D. Progress Reviews. While it is expected that rating officials will provide employees with continuous informal feedback on their performance as compared to the expectations set forth in the performance plan, at least one formal mid-year performance review discussion is required as defined in paragraph 1.4P. This review should be completed at approximately the midpoint of the appraisal year and must be documented on the EPAP form. More frequent progress reviews may be required by specific policy.

E. Basis for Appraisal. A performance appraisal will be based on individual employee performance during the 12-month period of the rating cycle, including any details over 120 days. The rating official may seek input on the employee's performance from all appropriate sources to assist in determining the appropriate rating to assign. 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 official must make a reasonable effort to obtain performance information from the external Agency/organization. The rating official must also consider any interim rating(s) assigned during the rating cycle and weigh these in accordance with paragraph 1.6G(5)(c). 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.

F. Minimum Appraisal Period. The minimum length of time that an employee must be performing in a position supervised by the rating official and under a performance plan in order to receive a performance rating is 90 days.

G. Ratings.

(1) Numerical Levels for Critical Elements. A numerical rating level is required for each critical element. Only one numerical rating level is assigned for each critical element, regardless of the number of sub-elements described. The rating assigned reflects the level of the employee's performance as compared to the standards established, and must align with the benchmark standards. The ratings assigned for each level are as follows:

<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
Unacceptable	Quality and/or quantity of work are not adequate for the position. Work products do not meet the requirements expected.	0 points

(2) Annual Summary Ratings.

(a) 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. The summary rating will then be assigned based on the following:

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

(b) Each eligible employee employed by DOI as of the end of the rating cycle each year will receive an annual summary rating that will become the official rating of record.

(c) If an employee has not had an opportunity to demonstrate performance of a critical element, no rating will be assigned and the words “Not Rated” should be written on the EPAP form. A critical element marked as “Not Rated” is not considered in the calculation of the summary rating.

(d) If an employee is on detail or temporary assignment of less than 90 days at the time the annual rating is due, the rating official must be the employee’s permanent supervisor of record. In the absence of that official, the reviewing official will prepare the summary rating.

(e) Within 30 days following completion of the appraisal period (including 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 summary rating.

(f) Rating officials must not assign employee ratings under any pre-determined 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.

(g) If the rating official does not place an employee on a performance plan for at least 90 days during an appraisal period, the employee will not be eligible for a rating. A presumptive rating may not be assigned. (5 CFR § 430.208(a)(2)).

(h) 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.

(i) If an employee has not been supervised by the rating official for 90 days, the reviewing official may prepare the summary rating.

(3) Due Date of Annual Summary Ratings. Annual summary ratings are to be completed and presented to the employee no later than 30 days after the completion of the annual appraisal period, or upon completion of an extension period, if applicable. The final EPAP form will be submitted to the servicing HRO within 60 days following the end of the appraisal period.

(4) Eligibility for Ratings.

(a) All permanent full-time and permanent part-time employees who have been covered by a performance plan for at least 90 days are eligible to be rated. All temporary employees who have worked more than 120 days during the annual appraisal period and for at least the last 90 days of the appraisal period have been supervised by the same rating official and

covered by a performance plan, are also eligible for ratings. 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.

(b) 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.

(5) Interim Appraisals.

(a) Interim appraisals are assigned when an employee completes a detail or temporary promotion over 120 days or when an employee has served 90 days under a performance plan and changes positions (i.e., via reassignment, promotion, change to lower grade) during the annual appraisal period. Interim appraisals are also completed when the employee has been under the performance plan for at least 90 days and the rating official leaves his/her position during the annual appraisal period.

(b) Interim appraisals are also used to document a level of competence determination for 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.

(c) 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.

(6) Narrative Summaries. A narrative summary must be written for each critical element assigned a rating of Outstanding or Unacceptable, and is encouraged for ratings at all levels. This summary should contain examples of the employee's performance that substantiate and explain how the employee's performance falls within the levels assigned. The narrative summaries are recorded on the EPAP form.

(7) Review and Approval of Summary Ratings. All summary ratings (including interim ratings) of Outstanding or Unacceptable must be reviewed and approved by the reviewing official prior to the rating official's discussion with the employee. This requirement does not apply in those cases where the rating official is the Secretary, Deputy Secretary, Solicitor, Assistant Secretary, Bureau/Office Head, Chief of Staff in the Immediate Office of the Secretary, Associate Deputy Secretary, Assistant Deputy Secretary, Deputy Assistant Secretary, Inspector General, Deputy Inspector General, or Office of Inspector General Chief of Staff. A review of a summary rating is not required for ratings of Exceeds Expectations or Fully Successful, unless established by Bureau/Office procedures.

(8) Discussion with Employees.

(a) After the rating is completed and approved/signed by the reviewing official (in cases of Outstanding and Unacceptable ratings), the rating official must discuss the summary rating and narratives with the employee. Once the discussion is complete, the rating official must sign the EPAP form. The rating official's signature on the EPAP form documents that the rating of record has been issued to and discussed with the employee. A copy of the completed and signed EPAP form will be provided to the employee and a copy must be forwarded to the servicing HRO to be filed in the employee's electronic Official Personnel Folder (eOPF). The rating official should also retain a copy of the EPAP form for his/her records.

(b) If the employee refuses to sign the EPAP form, the rating official must document the refusal on the EPAP form and forward it to the servicing HRO for filing in the eOPF.

(9) Reconsideration of Summary Rating. When employees have a concern about the rating given on a particular critical element that, if changed, will affect the rating of record, they are entitled to request 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. Additional information regarding the reconsideration process is contained in the DOI Performance Management Handbook.

(10) Disposition of Records. The EPAP forms that document ratings of record will be maintained in the eOPF, in accordance with 5 CFR Part 293. The performance appraisals will be retained for four years. When an employee transfers to another Agency, the employee's performance appraisals for the last four years will be transferred to the gaining Agency.

1.7 **Related Personnel Actions.**

A. Awards. An employee must be rated at the Fully Successful, Exceeds Expectations, or Outstanding level to be eligible 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.

B. Career-Ladder Promotions. An employee must be rated at the Fully Successful level or higher to be eligible for a noncompetitive promotion to the next level in the career ladder.

C. Within-Grade Increases (WGI). Consistent with the requirements in 5 CFR Part 531, Subpart D, an employee's rating of record must be no lower than the Fully Successful level for an employee to receive a WGI. This may require a rating official 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. 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. Assistance must be requested from the servicing HRO.

D. 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 career 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. However, an employee may be removed at any time during the probationary/trial period if his/her performance is lower than Fully Successful on any critical element.

E. Addressing Performance Concerns. Supervisors should document employee performance throughout the appraisal period. 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 HRO 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.

F. Unacceptable Performance.

(1) A supervisor has the responsibility and authority to take action against an employee based on unacceptable performance in accordance with 5 CFR Part 432, Performance Based Reduction in Grade and Removal Actions, or 5 CFR Part 752, Adverse Actions.

(2) In order to initiate a demotion or removal action for unacceptable performance under 5 CFR Part 432, the employee must first be provided notice of the critical elements for which performance is Unacceptable (i.e., Notice of Opportunity to Demonstrate Acceptable Performance) and be afforded a reasonable opportunity to demonstrate at least Fully Successful performance. This opportunity period will generally 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. If the employee's performance remains unacceptable, appropriate action must be initiated. In accordance with 5 U.S.C. § 4302(c)(6), appropriate actions for

employees who do not demonstrate at least Fully Successful performance during the opportunity period include reduction in grade, removal or reassignment.

(3) When appropriate (e.g., depending on the particular facts and the type of evidence), supervisors should address instances of unacceptable performance using the adverse action procedures in 5 CFR Part 752 and 370 DM 752.

(4) In all cases of unacceptable performance, supervisors must immediately contact the servicing HRO. The servicing HRO will provide guidance and assistance on addressing unacceptable performance.

(5) Paragraph 1.7F does not apply to contract educators employed by the Bureau of Indian Education (individuals hired under PL 95-561). The procedures for addressing Unacceptable performance of these employees is described in the Bureau of Indian Affairs Manual, 62 BIAM 11, Education Contract Personnel.

G. 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 an employee's service date for RIF purposes. Employees will receive service credit in accordance with 5 CFR Part 351.