

## 5 CFR AND DODI 1400.25 V431 EXCERPTS

### (Lesson 6 – Evaluating Performance)

#### 5 CFR § 430.208. Rating Performance

(a) As soon as practicable after the end of the appraisal period, a written, or otherwise recorded, rating of record shall be given to each employee.

(1) A rating of record shall be based only on the evaluation of actual job performance for the designated appraisal period.

(2) An agency shall not issue a rating of record that assumes a level of performance by an employee without an actual evaluation of that employee's performance.

(3) Except as provided in § 430.208

(i), a rating of record is final when it is issued to an employee with all appropriate reviews and signatures.

(b) Rating of record procedures for each appraisal program shall include a method for deriving and assigning a summary level as specified in paragraph

(d) of this section based on appraisal of performance on critical elements and, as applicable, non-critical elements.

(1) A Level 1 summary ("Unacceptable") shall be assigned if and only if performance on one or more critical elements is appraised as "Unacceptable."

(2) Consideration of non-critical elements shall not result in assigning a Level 1 summary ("Unacceptable").

(c) The method for deriving and assigning a summary level may not limit or require the use of particular summary levels (i.e., establish a forced distribution of summary levels). However, methods used to make distinctions among employees or groups of employees such as comparing, categorizing, and ranking employees or groups on the basis of their performance may be used for purposes other than assigning a summary level including, but not limited to, award determinations and promotion decisions.

(d) *Summary levels.* (1) An appraisal program shall use one of the following patterns of summary levels (See chart listed in CFR 430.208). (2) Within any of the patterns shown in paragraph (d)(1) of this section, summary levels shall comply with the following requirements:

(i) Level 1 through Level 5 are ordered categories, with Level 1 as the lowest and Level 5 as the highest;

(ii) Level 1 is “Unacceptable”;

(iii) Level 3 is “Fully Successful” or equivalent; and

(iv) Level 5 is “Outstanding” or equivalent.

(3) The term “Outstanding” shall be used only to describe a Level 5 summary.

(4) The designation of a summary level and its pattern shall be used to provide consistency in describing ratings of record and as a reference point for applying other related regulations, including, but not limited to, assigning additional retention service credit under § 351.504 of this chapter.

(5) Under the provisions of § 351.504(e) of this chapter, the number of years of additional retention service credit established for a summary level of a rating of record shall be applied in a uniform and consistent manner within a competitive area in any given reduction in force, but the number of years may vary:

(i) In different reductions in force;

(ii) In different competitive areas; and

(iii) In different summary level patterns within the same competitive area.

(e) A rating of record of “Unacceptable” (Level 1) shall be reviewed and approved by a higher level management official.

(f) The rating of record or performance rating for a disabled veteran shall not be lowered because the veteran has been absent from work to seek medical treatment as provided in Executive Order 5396.

(g) When a rating of record cannot be prepared at the time specified, the appraisal period shall be extended. Once the conditions necessary to complete a rating of record have been met, a rating of record shall be prepared as soon as practicable.

(h) Each rating of record shall cover a specified appraisal period. Agencies shall not carry over a rating of record prepared for a previous appraisal period as the rating of record for subsequent appraisal period(s) without an actual evaluation of the employee’s performance during the subsequent appraisal period.

(i) When either a regular appraisal period or an extended appraisal period ends and any agency established deadline for providing ratings of record passes or a subsequent rating of record is issued, an agency shall not produce or change retroactively a rating of record that covers that earlier appraisal period except that a rating of record may be changed

(1) Within 60 days of issuance based upon an informal request by the employee;

(2) As a result of a grievance, complaint, or other formal proceeding permitted by law or regulation that results in a final determination by appropriate authority that the rating of record must be changed or as part of a *bona fide* settlement of a formal proceeding; or

(3) Where the agency determines that a rating of record was incorrectly recorded or calculated.

(j) A performance rating may be prepared at such other times as an appraisal program may specify for special circumstances including, but not limited to, transfers and performance on details.

#### **DODI 1400.25 V431 EXCERPT – Evaluating Performance**

**3.5. Evaluating Performance.** The supervisor will evaluate employee performance by assessing performance against the elements and standards in the employee’s approved performance plan and assigning a rating of record based on work performed during the appraisal cycle. A written rating of record must be provided at the end of the appraisal cycle for each employee who has been under an approved performance plan for 90 calendar days during the cycle.

##### **a. Preparation and Submission of Performance Appraisals.**

Performance appraisals will be prepared consistent with this volume and documented in the MyPerformance appraisal tool.

##### **(1) Employee Input.**

Employees can provide written input about their performance accomplishments for supervisors to consider in evaluating each of the performance elements and overall performance accomplishments.

(a) Employee input, while not mandatory, is highly encouraged and valuable for performance discussions during and at the end of the appraisal cycle where the employee input becomes a part of the employee performance file.

(b) The absence of employee input does not relieve the supervisor of the responsibility for writing a narrative statement assessing the employee’s performance standards and contributions.

##### **(2) Performance Narrative.**

Supervisors will write a performance narrative that succinctly addresses the employee’s performance measured against the performance standards for the appraisal cycle.

(a) The performance narrative justifies how an employee’s ratings are determined and provides support for recognition and rewards (or any administrative or adverse action, if necessary).

(b) Performance narratives are required for each element rated “Outstanding” and “Unacceptable.” Additionally, performance narratives are highly encouraged for each element rated “Fully

Successful” as a means of recognizing all levels of accomplishments and contributions to mission success.

**b. Descriptions of Performance Rating Levels.**

The performance rating assigned should reflect the level of the employee’s performance as compared to the standards established. Some samples that may be useful in developing standards for an employee are provided in the following subparagraphs. These samples are intended to be illustrative only, do not apply to all work situations, and must be tailored to each particular situation.

**(1) Level 5 – Outstanding**

- (a) Produces exceptional results or exceeds expectations well beyond specified outcomes.
- (b) Sets targeted metrics high and far exceeds them (e.g., quality, budget, quantity).
- (c) Handles roadblocks or issues exceptionally well and makes a long-term difference in doing so.
- (d) Is widely seen as an expert, valued role model, or mentor for this work.
- (e) Exhibits the highest standards of professionalism.

**(2) Level 3 – Fully Successful**

- (a) Effectively produces the specified outcomes, and sometimes exceeds them.
- (b) Consistently achieves targeted metrics.
- (c) Proactively informs supervisor of potential issues or roadblocks and offers suggestions to address or prevent them.
- (d) Achieves goals with appropriate level of supervision.

**(3) Level 1 – Unacceptable**

- (a) Does not meet expectations for quality of work; fails to meet many of the required results for the goal.
- (b) Is unreliable; makes poor decisions; misses targeted metrics (e.g., commitments, deadlines, quality).
- (c) Lacks or fails to use skills required for the job.
- (d) Requires much more supervision than expected for an employee at this level.

**c. Rating Employee Performance**

The supervisor will assign an individual performance element rating of either 5, 3, or 1 to each critical element. All performance element ratings are averaged to calculate the rating of record, which reflects the employee’s overall job performance during the appraisal cycle based on the rating criteria outlined in Table 2.

**Rating Criteria**

**Level 5 – Outstanding.** The average score of all critical element performance ratings is 4.3 or greater, with no critical elements being rated a ‘1’(Unacceptable), resulting in a rating of record that is a ‘5’

**Level 3 – Fully Successful.** The average score of all critical element performance ratings is less than 4.3, with no critical element being rated a '1'(Unacceptable), resulting in a rating of record that is a '3'

**Level 1 – Unacceptable.** Any critical element rated as '1'

(2) In accordance with section 430.208(c) of title 5, CFR, the DoD Performance Management and Appraisal Program does not establish a forced distribution of performance rating levels.

(3) A rating of record of "Unacceptable" (Level 1) must be reviewed and approved by a HLR.

(4) If an employee does not have an opportunity to perform work associated with a performance element for 90 calendar days during the appraisal cycle, no performance element rating will be assigned for that performance element. An unratable performance element cannot be used as a factor in deriving a rating of record.

(5) The rating of record or individual performance element rating assigned to a critical element for a disabled veteran will not be lowered because the veteran has been absent from work to seek medical treatment, as provided in section 430.208(f) of title 5, CFR.

**d. Reconsideration of a Performance Appraisal.**

Employees may seek reconsideration of issues related to the performance appraisal process (e.g., individual performance element ratings and ratings of record) through the administrative grievance system or, where applicable, negotiated grievance procedures. Employees may **not** challenge contents (e.g., performance elements or standards) of an employee performance plan and decisions to grant or not grant a performance award or quality step increase (QSI) through the administrative grievance system or, where applicable, negotiated grievance procedures.

**3.3. Planning Performance.** Employee and supervisor engagement that provides opportunity for employee input is the first step in establishing ongoing communication and understanding of performance expectations and organizational goals throughout the appraisal cycle. This results in effective performance planning. Specific performance measures will be used to determine whether expectations and goals are being met. Each employee must have a written performance plan established and approved normally within 30 calendar days of the beginning of the appraisal cycle or the employee's assignment to a new position or set of duties. The supervisor will communicate the performance plan to the employee after it has been approved in accordance with DoD Component procedures.

**a. Employee Performance Plan.** The performance plan will clearly document for each employee how the expected outcomes and results are linked to the organization's goals and objectives and how his or her performance will be measured throughout the appraisal cycle. The performance plan includes the employee's performance elements and performance standards for the appraisal cycle. Changes to mission, organizational goals, work unit priorities, or assigned duties that occur during the appraisal cycle may necessitate revisions to the performance plan.

**b. Performance Elements.** Performance elements describe the expectations related to the work being performed. All performance elements must clearly align with organizational goals. For ratings of record, each ratable element will be assigned a performance element rating. For assistance with alignment of performance elements to organizational goals, supervisors should review organizational plans and may consult with their performance improvement officer, or equivalent, as necessary. The USD(P&R) must approve DoD-wide performance elements for groups of employees, as needed. The two types of performance elements are:

(1) **Critical Elements.** Performance plans must have a minimum of one critical performance element, and each element must have associated performance standards that define expectations. A critical element is 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 rated as "Unacceptable." Critical elements are only used to measure individual performance; supervisors must not establish critical elements for team performance.

(2) **Supervisory Element.** All performance elements related to supervisory duties are critical elements. The number of supervisory performance elements on performance plans for supervisors will equal or exceed the number of non-supervisory (technical) performance elements. The requirement for the number of supervisory performance elements to exceed the number of non-supervisory elements does not apply to employees coded as 'Supervisor (CSRA)' (Civil Service Reform Act code '4' in DCPDS).

**c. Performance Standards.** Performance standards describe how the requirements and expectations provided in the performance elements are to be evaluated. Performance standards must be provided for each performance element in the performance plan and must be written at the "Fully Successful" level. The standards should include specific, measureable, achievable, relevant, and timely (SMART) criteria, which provide the framework for developing effective results and expectations. SMART standards objectively express how well an employee must perform his or her job to achieve performance at the "Fully Successful" level by providing standards that are:

(1) **Specific.** Goals are sufficiently detailed in describing what needs to be accomplished.

(2) **Measurable.** The accomplishment of the performance element is clear and can be quantified or substantiated using objective criteria.

(3) **Achievable.** Goals are realistic, yet challenging and can be accomplished with the resources, personnel, and time available.

(4) **Relevant.** The critical element aligns with or links to organizational mission and success.

(5) **Timely.** Goals will be completed within a realistic timeframe.

**d. Developing and Communicating Performance Expectations.** Written performance plans must be developed and approved by supervisors, clearly communicated to employees, and acknowledged by employees.

(1) Normally within 30 days of the beginning of each appraisal cycle, supervisors and employees should discuss performance goals for the upcoming cycle. Supervisors must allow employees the opportunity to provide input into their performance elements and standards. While employees have the opportunity to provide input into their performance plans, supervisors must develop and approve the performance elements and standards.

(2) Supervisors must communicate each approved performance plan and how the performance expectations link to any organizational goals with their employees. This also provides an opportunity for the supervisor and employee to achieve a common understanding of the performance required for mission success.

(3) The date of the meeting or communication will be documented in the MyPerformance appraisal tool or on the DD Form 2906 and acknowledged by the employee.

**d. Modifying the Plan During the Appraisal Cycle.** A performance plan is a flexible, living document and should be reviewed and discussed throughout each appraisal cycle. Plans may be modified as organizational goals and priorities or employee responsibilities change. All approved modifications to performance elements or standards must be discussed with and communicated to the employee, and the employee should acknowledge the revisions in the MyPerformance appraisal tool or on the DD Form 2906. If considering a change to an element or standard within 90 calendar days of the end of the appraisal cycle when work requirements change or new duties are assigned, the supervisor may:

(1) Revise the element or standard at the beginning of the next appraisal cycle;

(2) Update the plan and, if the employee does not have an opportunity to perform the new element(s) for the minimum 90-calendar-day period, do not rate the revised element(s); or

(3) Extend the appraisal cycle by the amount of time necessary to allow 90 calendar days of observed performance under the revised element or standard. Extending the appraisal cycle will affect the start date of the employee's subsequent appraisal cycle; however, the subsequent appraisal cycle should still end March 31 of the following calendar year.