

# **3 FAM 2830 PERFORMANCE APPRAISAL PLAN FOR THE SENIOR EXECUTIVE SERVICE**

## **3 FAM 2831 GENERAL INFORMATION**

### **3 FAM 2831.1 Authority**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- 5 U.S.C. 4312 - 4314, 4507 5384, and 5 CFR, Part 40, Subpart C.

### **3 FAM 2831.2 Coverage**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

All members of the Senior Executive Service (SES) at the Department.

### **3 FAM 2831.3 Equal Employment Opportunity**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The principles of equal treatment and opportunity apply to all persons and the furtherance of these objectives is the responsibility of all employees. Rating officials should comment, as appropriate, on the rated executive's furtherance of equal employment opportunity, such as fairness to minority groups, women and all employees in making selections, in encouraging and recognizing achievements, and in sensitivity to developmental needs.

### **3 FAM 2831.4 Records**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Performance ratings of record and other performance related documents will be kept in the Employee Performance Folder (EPF). All performance related documents will be retained for a period of five years. The EPF will be located in and maintained by the Office of Civil Service Personnel Management (PER/CSP).

## **3 FAM 2832 RESPONSIBILITIES**

### **3 FAM 2832.1 The Director General**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The Director General of the Foreign Service and Director of Personnel is the delegated appointing authority for the Senior Executive Service in the Department. As appointing authority, he/she approves all final ratings of SES members, approves performance awards and salary level increases based on recommendations made by the PRBs, and is permanent chairperson of the Executive Resources Board.

### **3 FAM 2832.2 The Executive Resources Board**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Establishes Performance Review Boards (PRBs) made up of qualified individuals from within and outside the Department to carry out the responsibilities specified in section 2832.3;
- b. Establishes the precepts and procedures for the PRBs;
- c. Establishes a Rank Awards Committee (see delegation of personnel authorities relating to the Senior Executive Service) to carry out the responsibilities specified in section 2837;
- d. Determines which SES members, approved as nominees for Presidential Rank by the Director of Personnel, will be nominated to the Office of Personnel Management (OPM) for the rank of Distinguished Executive and which for Meritorious Executive;
- e. Approves performance appraisal forms and instructions for SES members; and

- f. Modifies the Performance Appraisal Plan for the SES and these regulations as required to implement the Department's policy and procedure for SES performance appraisal.

### **3 FAM 2832.3 The Performance Review Boards**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Two PRBs, one for the SES members in the Office of the Inspector General (OIG) and one for the remaining SES members are established.
- b. The PRBs are responsible for:
  - (1) Informing SES members, and their supervisors, about the requirements of the SES performance appraisal process.
  - (2) Ensuring that the performance plans are consistent with the duties and responsibilities contained in the executive's position description.
  - (3) Ensuring that elements and standards clearly describe the executive's work for the rating period, how it is to be done, and that they are of sufficient difficulty and strictness of application to ensure that only those employees whose performance exceeds normal expectations are rated at the levels above Fully Successful.
  - (4) Reviewing the initial appraisal reports at the end of the annual rating cycle, and conducting such further review as necessary.
  - (5) Making written recommendations to the appointing authority (Director of Personnel) on the overall summary rating, the base salary level, the amount of performance pay, and awards of Presidential Rank for SES members of the OIG.

### **3 FAM 2832.4 Rank Awards Committee**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Reviews the nominations of the SES members (excluding the SES members of the OIG) for the Presidential Ranks of Distinguished Executive and Meritorious Executive.

- b. Makes recommendations in rank order of the nominations to the ERB.

## **3 FAM 2833 OPERATION OF PERFORMANCE APPRAISAL SYSTEM**

### **3 FAM 2833.1 Establishing Job Elements**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Performance appraisals of executives must take into account individual performance and organizational accomplishments. Rating officials will develop specific job elements and standards in cooperation with the supervised executive, and determine which of those elements are critical.
- b. Job elements must be identified through a job analysis and be consistent with the duties and responsibilities contained in the executive's position description.
- c. Executive positions must contain critical elements on EEO and internal controls if these elements are consistent with the duties and responsibilities of the executive's position. These critical elements include the responsibility to:
  - (1) Plan, support, and effectively monitor subordinates' work performance and development and actively promote EEO goals, as appropriate, in the delegation of work assignments, recommendation for training and recognition of achievements; and
  - (2) Establish and maintain appropriate management/internal control systems to ensure that physical resources entrusted to the incumbent are safeguarded against waste, loss, unauthorized use or misappropriation; obligations and costs incurred comply with applicable laws and regulations; and revenues and expenditures pertaining to the incumbent's operation are promptly recorded and accounted for in accordance with applicable Department procedures.

### **3 FAM 2833.2 Performance Standards**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Performance standards must be written at the fully successful level for each job element and should be written so that they can be used in measuring the executive's level of achievement.

### **3 FAM 2833.3 Official Performance Ratings**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Performance must be rated on each individual job element on which the executive has had an opportunity to perform. Individual element ratings are combined for an overall summary rating.
- b. An executive's summary rating may not be reduced more than one level below the rating derived from critical elements because of performance on noncritical elements.

### **3 FAM 2833.4 Development of Performance Plans**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

The supervising official must prepare the performance plan in consultation with the executive and ensure that the executive clearly understands the job elements and performance standards that define fully successful performance.

### **3 FAM 2833.5 Progress Review**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Supervising officials must review performance with executives at least twice during each regular rating period, including discussion of the rated executive's strengths and weaknesses, and ways to improve performance.
- b. If program priorities change during the rating period so as to affect performance plan elements and/or standards, the performance plan must be revised, with the changes noted on the form and communicated to the rated executive. Any revisions are subject to review by the PRB.

- c. A new minimum appraisal period begins for those changed parts of the performance plan. The new minimum appraisal period for such changes may not extend beyond the end of the normal appraisal period. If the executive has not performed under a revised element or standard for at least 120 days, the element will not be rated at the end of the appraisal period.

### **3 FAM 2833.6 Details**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Performance appraisals for employees on detail will be in accordance with 5 CFR 430.305(d).
- b. Employees who have worked 120 days or more either in the Department, or 120 days or more on detail to another agency, must be rated by the rating and reviewing officer in their home office at the end of the rating period, taking into consideration appraisal information obtained from the detail.

## **3 FAM 2834 PERFORMANCE RATING PROCESS**

### **3 FAM 2834.1 Summary Ratings**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The normal SES performance appraisal period for the Department of State is one year, from August 1 of a given year to July 31 of the following year. However, the appraisal period may be terminated early provided there exists an adequate basis on which to appraise and rate the executive's performance.
- b. Appraisal reports must be submitted on DS-1811 and may not be prepared for less than 120 days. A summary rating must be prepared within 30 days after an executive or rating official leaves a position, if the executive has been working under written elements and standards for 120 days or more. It must be considered when arriving at the executive's initial rating.

### **3 FAM 2834.2 Initial Rating and Optional Review**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Rated executives must be notified of the option to have the supervisor's appraisal reviewed by an official at a higher level than the supervising official, if there is such an official, before the rating becomes final. If so requested, the higher level official will review the appraisal and comment on the fairness, completeness, and validity of the appraisal and on the relations between the executive supervisor and the rated executive. This review should be completed and discussed with the rated executive within five days.

### **3 FAM 2834.3 Delinquent Appraisal Reports**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Executive Directors will take appropriate action to expedite the submission of delinquent performance evaluation reports. Each executive office will provide PER/CSP with a list of delinquent reports with the name, grade, and bureau of the responsible employees within four weeks after the date due in PER/CSP.
- b. PER/CSP will forward a letter to each individual who is designated a delinquent rater. The rating official will be allowed 15 days from receipt of the letter to appeal.
- c. For Civil Service delinquent raters, letters will be placed in their EPF and they will not be eligible to receive a performance award in the next performance cycle. For Foreign Service delinquent raters, letters are forwarded to PER/PE for placement in the OPF and the employee is disciplined in accordance with Foreign Service regulations (3 FAM 3513.) For delinquent raters who are not eligible to receive performance awards, a letter will be placed in their file.

### **3 FAM 2834.4 Recognition Program**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

A Recognition Program has been implemented to identify and commend those rating officials of Civil Service employees who merit recognition for the

high quality and candor of reports they prepare on subordinates. Bureau executive offices will administer the Recognition Program in the annual appraisal process through guidelines provided by PER/CSP.

### **3 FAM 2834.5 Inadmissible Comments**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Inadmissible comments may not be included in any section of the DS-1811 by either the executive supervisor or by the SES member. The executive supervisor should exercise care to avoid the submission of appraisal reports containing such comments.
- b. Examples of inadmissible comments include, but are not limited to, references to race, color, religion, physical characteristics, leave records, identification of handicaps, etc.
- c. Although the details or specific identification of a medical problem are inadmissible on the DS-1811 form, general reference may be made to confirmed knowledge of a medical problem to the extent it affects job performance.
- d. SES members may discuss their own health problems in specific terms, if executive supervisors have made general reference to such problems.

### **3 FAM 2835 ACTION BASED ON LESS-THAN FULLY SUCCESSFUL PERFORMANCE**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Senior executives who are performing at less than the fully successful level in one or more critical elements at any time during the performance appraisal period must be informed of the deficiencies in their performance, be afforded an opportunity to demonstrate performance at the fully successful level, and be provided assistance in improving performance. Such assistance may include but is not limited to:

- formal training,
- on the job training,

- counseling, and closer supervision.

## **3 FAM 2836 PERFORMANCE REVIEW BOARDS**

### **3 FAM 2836.1 Establishment**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The Executive Resources Board will appoint five members to the PRB from a register of potential appointees, for a two year term. Four of the members of the PRB must be SES career appointees. The remaining member may be another type of Federal employee, including a military officer, serving within or outside the Department, or a person not employed by the Federal Government, but in a position equivalent to the SES.
- b. The Inspector General, as delegated by the Secretary, will establish a PRB for SES members of the OIG. Three career SES members, two from outside the Department and one from the Department, will be appointed for staggered terms.

### **3 FAM 2836.2 PRB Review**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. SES members who have been under a performance plan for at least 120 or more days and are in SES status on the last day of the appraisal period are eligible for PRB review. In the case of recently transferred SES members, the transferred summary rating, if applicable, will be considered.
- b. The PRB will have access to the employee performance folders of SES members. In making recommendations on the initial ratings, base salary, and performance pay, the PRB will evaluate only material on performance during the most recent rating cycle.
- c. The PRB may not solicit, receive, or consider any other information regarding an SES member under review, except in the case where the PRB has not upheld an executive supervisor's initial rating and is conducting a review. When a PRB member has relevant and admissible

information concerning the performance of an SES member under consideration, that information may be disclosed to other PRB members, but only if the information is incorporated into a written memorandum, a copy of which is transmitted to the SES member concerned, and the SES member is given an opportunity to comment.

### **3 FAM 2836.3 Recommendations on Initial Ratings**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The PRB will determine by majority vote whether to uphold the initial ratings recommended by the executive supervisors for the SES members they supervise. If a majority of the PRB does not support the same initial rating as recommended by the executive supervisor, the PRB will conduct a further review of the performance of the SES member in question.
- b. This review may encompass any written or oral clarification of the record of the SES member's performance for the most recent rating period. Any evidence introduced to clarify the record must be admissible under the Department's performance appraisal regulations. During this further review, the PRB will offer the SES member, the executive supervisor and, if applicable, the reviewing official the opportunity to give oral testimony in clarification of the record.
- c. After concluding its review, the PRB will determine by majority vote the overall summary rating it wishes to recommend. Any votes that are tied will be decided by the chairperson of the PRB.

### **3 FAM 2836.4 Recommendation on Base Salary Rates**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The PRB will determine by majority vote whether to uphold a recommendation by the executive supervisor for an increase or decrease in the base salary rate. When an executive supervisor has recommended a change in the base salary rate, the panel may approve a change different from, but not greater than, that recommended.
- b. The PRB may recommend a decrease in SES salary base rate of only one level below the present rate. However, the PRB may make

recommendations for increases of more than one level.

c. The criteria are:

- (1) The relative degree of difficulty of the work of the SES member compared with other members of the SES;
- (2) The relative value of the work of the SES member to the Department compared with other members of the SES; and
- (3) The degree to which performance meets or surpasses performance standards for the most recent rating period.

### **3 FAM 2836.5 Performance Pay**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The SES Performance Award budget shall be established in accordance with 5 CFR 534.403. Each year the ERB will determine in advance for the PRBs the limit on the total amount of performance pay that the PRBs may recommend for the career SES members they review. The ERB may reserve a portion of the amount budgeted for performance pay for distribution based on organizational accomplishment. Distribution of such funds will be made according to the decision of the ERB.
- b. To be eligible for performance pay, an SES member must:
  - (1) Have been in a career appointment for 120 or more days at the end of the annual rating cycle and be in career SES status in the Department on the last day of the rating period ;
  - (2) Have job elements and performance standards reviewed by the PRB which cover a period beginning at least 120 days before the end of the annual rating cycle;
  - (3) Have been rated at least Fully Successful; and
  - (4) Not have been granted a Rank award during the same calendar year.
- c. The PRB will review the performance record for the most recent rating period of the eligible SES members and judge how the performance described should be rated in accordance with agency guidelines.

## **3 FAM 2837 PRESIDENTIAL RANK AWARDS**

### **3 FAM 2837.1 Eligibility**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

All career members of the Department's SES who are serving under career appointments on the date specified by OPM, and who have at least three years' career SES service or equivalent Federal civilian career service are eligible for Presidential Rank nomination. Career SES members who are serving on Presidential appointments and who have elected to retain their right to be considered for Rank awards are also eligible.

### **3 FAM 2837.2 Responsibilities**

#### **3 FAM 2837.2-1 The ERB**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. Determines the maximum number of SES members that may be nominated for Presidential Ranks within the number that the Office of Personnel Management (OPM) indicates is appropriate for the Department;
- b. Appoints the Rank Awards Committee (RAC) to make recommendations covering Presidential Ranks; and
- c. Determines which SES members will be nominated to OPM for the rank of Distinguished Executive and which for Meritorious Executive.

#### **3 FAM 2837.2-2 The PRB For The OIG, And The RAC For The Remainder Of The SES**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Make recommendations to the Director General relative to the award of Presidential Rank.

### **3 FAM 2837.2-3 The Director General**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

Approves PRB and RAC recommendations for Rank Awards and assures that nominations of the ERB are transmitted to OPM.

### **3 FAM 2837.3 Selection Procedures**

*(TL:PER-245; 4-3-95)*

*(State Only)*

*(Applies to Civil Service Employees Only)*

- a. The ERB will inform the PRB and the RAC of the maximum number of SES members it may nominate for the Presidential Ranks of Meritorious or Distinguished Executive.
- b. The Employee Performance Folders (EPF) of all nominees for the Presidential Rank Awards will be reviewed. Assessments of achievement will be based on the appraisal material contained in those folders. Emphasis will be on more recent material while in the career SES or equivalent Federal career service and on the justification statement in support of the nomination.
- c. A nominee of the Department not selected for a Presidential Rank award will be considered for a performance pay bonus in the same fiscal year, if eligible, and may receive consideration for other authorized awards.

### **3 FAM 2838 THROUGH 2839 UNASSIGNED**