

# **3 FAM 2820 PERFORMANCE APPRAISAL SYSTEM FOR GENERAL SCHEDULE SENIOR LEVEL, AND PREVAILING RATE EMPLOYEES**

*(TL:PER-419; 09-24-2001)*

## **3 FAM 2821 GENERAL**

### **3 FAM 2821.1 Authorities**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

The authorities cited for this subchapter are:

- (1) 5 U.S.C. Chapters 43, 45 and 53;
- (2) 5 CFR 430, Subpart B, 432, 451 and 531; and
- (3) 22 U.S.C. 2651a.

### **3 FAM 2821.2 Purpose**

#### **3 FAM 2821.2-1 Performance Appraisal System**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

The Department's Performance Appraisal System establishes the framework of policies and the parameters the Department must follow for the administration and operation of performance appraisal programs for covered employees.

#### **3 FAM 2821.2-2 Separate Appraisal Programs**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Within these parameters the Department will permit separate performance appraisal programs to be established, in accordance with requirements set forth under the Department's Appraisal System.

### **3 FAM 2821.2-3 Department-Wide Appraisal Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The Department-wide Performance Appraisal Program establishes specific requirements and procedures that will govern performance appraisal for all covered employees, until they become covered by another approved program under the Department's Performance Appraisal System.

### **3 FAM 2821.2-4 Coverage**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

All non-SES employees of the Department are covered by these regulations, except for those specifically excluded below and by law or regulation:

- (1) Any excepted service employee for whom employment is not reasonably expected to exceed the minimum period of the appraisal program in effect for the employee's unit (120 days under the Department-wide Program); and
- (2) Experts and consultants whose positions were excluded from coverage under the provisions of Chapter 43 of title 5, United States Code, by the Office of Personnel Management on September 26, 1996.

### **3 FAM 2821.2-5 Equal Employment Opportunity**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

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

### **3 FAM 2821.3 Effective Dates for Appraisal Programs**

#### **3 FAM 2821.3-1 Department-Wide Performance Appraisal Program**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

The effective date of the Department-wide Performance Appraisal Program is January 1, 1997

#### **3 FAM 2821.3-2 Other Approved Programs**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. Other appraisal programs will be effected no sooner than 30 days after the approval by the Director General of the Foreign Service and Director of Human Resources, or delegated approving official. Per 5 CFR 430.206(a)(2), a program's appraisal period may be longer than one year when work assignment and responsibilities so warrant or performance management objectives can be achieved more effectively.
- b. In determining effective dates of programs, ample consideration must be given to the prescribed program appraisal period the minimum period required for performance before a rating can be given and to training requirements for employees and supervisors.

### **3 FAM 2821.4 System and Program Evaluation**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. Periodically, HR/CSP will evaluate the effectiveness of the Department's Performance Appraisal System, the Department-wide Program and the other performance appraisal programs in operation at the Department and recommend improvements, as necessary.
- b. Bureau and/or office appraisal programs are initially established, on a pilot basis, generally for up to a two-year period. Within that time frame, they must be evaluated to determine their continued compliance with the laws, rules, regulations, and procedures that govern performance appraisals. If it should be determined through the evaluation process that a bureau pilot program is no longer in compliance with the Department's system and program requirements, employees would resume coverage under the Department-wide Performance Appraisal Program.

### **3 FAM 2821.5 Administrative Responsibilities**

#### **3 FAM 2821.5-1 Director General**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

The Department's Director General of the Foreign Service and Director of Human Resources:

- (1) Exercises final management authority over all aspects of the Department's Performance Appraisal System and its associated appraisal programs; and
- (2) May waive application of a performance appraisal program requirement other than that which is required by statute, OPM regulations or the Department's approved Performance Appraisal System upon good cause shown.

#### **3 FAM 2821.5-2 Bureaus**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. Assistant Secretaries or equivalent will exercise managerial authority over those aspects of the performance appraisal within their organization.
- b. The executive director will administer the provisions of the Department-wide Program and/or the specific bureau appraisal program and is responsible for compliance with the law, rules, regulations, and procedures governing performance appraisals.
- c. The executive director is responsible for appropriate training and guidance being provided to all covered employees and rating and reviewing officials.

### **3 FAM 2821.5-3 HR/CSP**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

HR/CSP will administer the Department's Performance Appraisal System and the Department-wide Performance Appraisal Program and provide oversight, training and guidance to employees and bureaus in accordance with established guidelines.

### **3 FAM 2821.5-4 HR/ER**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

HR/ER will advise executive directors and rating and reviewing officials, as appropriate, on establishing performance improvement plans for unacceptable performance and the withholding of within-grade increases as well as other performance-based actions.

### **3 FAM 2821.5-5 HR/G**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*

*(State Only)*  
*(Applies to Civil Service Employees)*

HR/G will advise employees on the procedures available to resolve grievances or disputes relating to the contents of a rating of record.

## **3 FAM 2822 PERFORMANCE APPRAISAL PROGRAMS**

### **3 FAM 2822.1 General**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. The Department's Performance Appraisal System has specific requirements but also permits certain options or flexibilities in the design of performance appraisal programs. Where those options or flexibilities are allowed, the requirements for the Department-wide Performance Appraisal Program are differentiated under a separate heading titled, Department-Wide Program.
- b. All appraisal programs established must comply with the system requirements that follow.

### **3 FAM 2822.2 Approval of Programs**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. Each program must:
  - (1) Specify the employees covered by the program;
  - (2) Specify the effective date of the program;
  - (3) Specify the procedures and requirements for planning, monitoring, and rating performance, including how elements and standards will be established and appraised; the pattern and method for assigning summary levels; the length of the appraisal period, and any exceptions;

- (4) Establish criteria and procedures to address employee performance for employees who are on detail, who are transferred, and, as needed, for other special circumstances; and
  - (5) Involve employees, as appropriate, in developing and implementing the appraisal program.
- b. Procedures for approval of separate performance appraisal programs are developed by *HR/CSP* in accordance with system requirements and are published in 3 FAH-1 H-2820 .
  - c. Requests to establish a separate appraisal program must be reviewed by *HR/CSP* in consultation with *HR/ER*, *HR/G*, *S/EEOCR* and *DGP/PC*.
  - d. Programs are approved, on a pilot basis, by the Director General of the Foreign Service and Director of *Human Resources*, or his or her designee for generally up to two-years.

## **3 FAM 2823 SYSTEM REQUIREMENTS FOR ESTABLISHING PERFORMANCE APPRAISAL PROGRAMS**

### **3 FAM 2823.1 Appraisal Period**

#### **3 FAM 2823.1-1 Other Approved Programs**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. All programs will have an appraisal period of one year in length, unless an exception is approved.
- b. Programs must thoroughly justify an appraisal period that varies from the one-year cycle when the program is forwarded for internal review and approval.
- c. When an exception has been approved, the appraisal period for programs can be up to two years in length.

#### **3 FAM 2823.1-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Employees are appraised annually in accordance with 3 FAH-1 H-2820 procedures.

### **3 FAM 2823.2 Designation of Rating and Reviewing Officials**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. The rating and reviewing officials must be designated at the beginning of the appraisal period and the employees informed.
- b. The rating official will be the rated employee's supervisor and the reviewing official will be the rating official's supervisor.
- c. If unusual circumstances or questions arise as to who shall perform the above functions, the executive director shall decide. The circumstances shall be explained on the appraisal report form and the relationships clearly described.

### **3 FAM 2823.3 Establishment of Performance Plans**

#### **3 FAM 2823.3-1 When a Plan Is Required**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

All programs will require the establishment (reestablishment) of performance plans generally within 30 days after:

- (1) The beginning of an appraisal period;
- (2) The employee is initially assigned to the job;
- (3) A change in supervisor; and

- (4) The beginning of a temporary assignment (e.g., detail, temporary promotion, or long-term training) that is expected to last for the minimum period or longer that must be completed before an employee can be appraised (120 days under the Department-wide Program).

### **3 FAM 2823.3-2 Contents of Plan**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. A performance plan must contain all of the written, or otherwise recorded, i.e., electronically, performance elements that set forth expected performance and can include objectives, goals and program plans. The plan shall identify individual, and, where applicable, team accountability for accomplishing organizational goals.
- b. The plan must include the employee's critical and, when used, noncritical job elements and the performance standards.
- c. The plan may include one, but no more than two "additional" job elements (see 3 FAM 2823.4-5 ).

### **3 FAM 2823.3-3 Role of Rating and Reviewing Official**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. The rating official will establish the plan in consultation with the employee and with the concurrence of the reviewing official.
- b. The rating official must ensure that the job elements and performance standards that define Fully Successful performance are clearly communicated to the employee.
- c. If the rating official and the rated employee cannot agree on the performance plan, the rating official will establish the elements and standards subject to the approval of the reviewing official and communicate the decision to the employee along with a copy of the performance plan.

## **3 FAM 2823.4 Establishment of Job Elements**

### **3 FAM 2823.4-1 Job Elements**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Job elements are major work assignments and responsibilities assigned to the employee that are directed toward a specific goal or objective. They should be clear, concise and consistent with the employee's assignments and responsibilities, the objectives of the organization, and the requirements established for other employees with similar responsibilities. Once the job elements are established, they must be designated as critical, noncritical or "additional" elements.

### **3 FAM 2823.4-2 Maximum Number of Job Elements**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- A. Other Approved Programs: Programs may establish no more than *seven* job elements. These elements may be all critical or any combination of critical, noncritical and "additional." This total must include the "Supervision and Office Management" and "Internal Controls" mandatory elements, if applicable. This total includes up to two "additional" job elements as discussed under 3 FAM 2823.4-5.
- B. Department-Wide Program: No more than *five* (critical and noncritical) job elements may be established. These *five* elements may be all critical or a combination of critical and noncritical. This total must include, *the mandatory job elements for "Security Awareness," and, if applicable, "Internal Controls" and "Supervision and Office Management."* This total does not include the "additional" job elements discussed under 3 FAM 2823.4-5 .

### **3 FAM 2823.4-3 Critical Elements**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

A critical element measures individual performance and is used to assign a summary level. At least one of the job elements must be designated as critical. A critical job element is a work assignment or responsibility so vital that Unacceptable performance on the element will result in a determination that an employee's overall performance is Unacceptable.

### **3 FAM 2823.4-4 Noncritical Elements**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

A noncritical element measures individual, group and/or team or organizational performance. A noncritical element is used to assign a summary level. A noncritical element, while essential, cannot be used to take a performance-based action or to lower the summary level to Unacceptable. (A program that uses only two summary levels (e.g., pass/fail) cannot use noncritical elements.)

### **3 FAM 2823.4-5 "Additional" Elements**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. "Additional" elements are an aspect of individual, team, or organizational performance and they cannot be used in assigning a summary level. "Additional" elements can be used for various purposes such as communicating work objectives, performance expectations for teams, groups or organizations, and providing feedback on individual performance such as developmental assignments or details for less than the minimum appraisal period (120 days under Department-wide Program).
- b. No more than two "additional" elements may be used during the appraisal period in any appraisal program (see 3 FAM 2823.4-2 ).
- c. "Additional" elements need not include a written performance standard, be appraised at any particular level, or be included in the performance plan. When "additional" job elements are appraised, the element appraisal level cannot be Unacceptable or an equivalent level.

### **3 FAM 2823.4-6 Mandatory Element for Supervisors**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

All individuals with supervisory responsibilities must have included the following as a critical job element:

**“Supervision and Office Management**–Selects, places, develops, and evaluates employees consistent with Human Resource Management goals and objectives. Delegates work and monitors work progress effectively. Promotes cost-effective operations. Acts as an effective liaison between staff and higher level management. Promotes the principles of equal employment opportunity in staffing, performance evaluation, employee development and recognition of employees. Encourages employee development through informal and formal training, i.e., developmental assignments, special projects, classes and mentoring for employees.”

### **3 FAM 2823.4-7 Mandatory Elements Concerning Assets of Monetary Value and/or Classified National Security Information**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. All employees who manage assets having monetary value, such as cash, property, plant and equipment must have included the following as a critical job element: **“Internal Controls**–*Maintains appropriate management and internal control systems to ensure that all physical, material and human resources are safeguarded against waste, fraud, unauthorized use, or misappropriation; obligations incurred comply with applicable laws and regulations; and revenues and expenditures pertaining to the incumbent’s operations are promptly recorded and accounted for in accordance with Departmental procedures. Proactively identifies program areas where potential for waste, fraud, unauthorized use or misappropriation exists and pursues systematic resolution. Assumes full responsibility for safeguarding the security of all classified and sensitive (but unclassified) materials and equipment.*”
- b. In accordance with all State Department security standards, “Classified National Security Information,” the following critical element covering the

management of classified information must be included in the performance plans of employees whose duties significantly involve the creation or handling of classified information, such as approving officials, security managers and specialists, information management specialists or other appropriate personnel: **"Security Management and Awareness**—Applies internal control measures to protect organizational integrity and prevent unauthorized use or misappropriation of sensitive and classified material; reports instances of security violations/problems to the appropriate supervisory/management official; assumes full responsibility for safeguarding all classified and sensitive (but unclassified) material and equipment in assignment area(s)."

- c. The following mandatory noncritical element applies to ALL other Civil Service employees not described in a or b above: **"Security Awareness**—Complies with all appropriate controls and procedures to protect organizational integrity and prevent unauthorized use or misappropriation of all classified and sensitive (but unclassified) material and equipment in assignment area(s); reports instances of security violations/problems to the appropriate supervisory/management official; assumes personal responsibility for safeguarding classified and sensitive (but unclassified) material and equipment in assignment area(s).

## **3 FAM 2823.5 Establishment of Performance Standards**

### **3 FAM 2823.5-1 Generic Performance Standards**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The Generic Performance Standards (Form *DS-1966A, Appendix A, Generic Performance Standards*) are the primary basis for assigning element ratings at the Department, unless specific performance standards or other criteria have been approved.

### **3 FAM 2823.5-2 Specific Performance Standards**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. Specific performance standards or other criteria to measure the performance of individuals, specific occupational groups, and/or team performance may be developed for programs in lieu of the *Generic Performance Standards*.
- b. Standards or criteria must be developed at least at the Fully Successful level for critical and noncritical elements.
- c. The absence of an established performance standard at a level specified in the program will not preclude a determination that performance is at that level.
- d. All performance standards or criteria must be approved in accordance with 3 FAH-1 H-2820 procedures.

### **3 FAM 2823.5-3 Department-Wide Program**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. The Department-wide Appraisal Program uses the Department's Generic Performance Standards (Form DS-1966-A) as the means of assigning element appraisal levels.
- b. The Generic Performance Standards or specifically-approved standard or criteria will be applied to each critical and noncritical element in the performance plan. Application of standards or criteria to "additional" elements is optional.

### **3 FAM 2823.6 Certification of Performance Plan**

#### **3 FAM 2823.6-1 General Requirement**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The rating official, employee and reviewing official must certify, in writing, or otherwise record, i.e., electronically, that the plan has been established, discussed with the employee and that the employee has received a copy of the plan.

### **3 FAM 2823.6-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The certification of the performance plan is documented on Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report.

## **3 FAM 2824 MONITORING PERFORMANCE**

### **3 FAM 2824.1 General**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Employees are retained on the basis of the adequacy of their performance. Inadequate performance is to be corrected and employees should be separated who cannot or will not improve their performance to meet required standards, Title 5, Chapter 2301(b)(6), Code of Federal Regulations (CFR). At any time during the appraisal period, when an employee's performance is found to be less than Fully Successful, the rating official must take the necessary steps to remedy the problem. Appropriate action could include special counseling, formal, or informal training.

### **3 FAM 2824.2 Performance Review**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. At least one progress review must take place during the appraisal period, preferably six months before the end of the appraisal period, and the date of the performance discussion must be documented according to the specific requirements of the appraisal program.
- b. Rating officials may use the optional Progress Review Form, DS-1967, to facilitate the performance discussion. This form does not become a part of the Employee's Performance File (EPF) or the appraisal report. The rating official should retain the original of the Progress Review form and

provide a copy to the employee.

### **3 FAM 2824.2-1 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The date of the progress review must be documented on DS-1966, Employee Performance Plan, Progress Review and Appraisal Report.

### **3 FAM 2824.2-2 Performance Discussion**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The performance discussion should, as appropriate, cover:

- (1) Employee's job elements and performance standards;
- (2) Employee's progress toward accomplishing the element;
- (3) Need for changes to the performance plan;
- (4) Employee's strengths and weaknesses;
- (5) Performance deficiencies and recommendations on how to improve them;
- (6) Developmental training and assignments; and
- (7) Supervisory and employee's expectations for the remainder of the appraisal period.

### **3 FAM 2824.3 Changes to the Plan During Appraisal Period**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. When assignments change during the appraisal period so as to impact on

the job elements and/or standards, the performance plan must be revised. A new minimum period of appraisal will begin for the changed parts of the performance plan.

- b. When a critical or noncritical element is added to the plan and the employee does not have an opportunity to perform the element for the minimum period, the employee will not be rated on the element. This does not apply to "additional" performance elements.

### **3 FAM 2824.4 Probationary Evaluation**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. Employees appointed on a career-conditional basis, generally, serve a one-year probationary period. These employees are subject to the same evaluation schedule and procedures as non-probationary employees. In addition, rating officials must certify for or against retention of probationary employees by completing Form DS-1764, Evaluation of Probationary Employee.
- b. During the probationary period, the rating official shall work closely with the probationary employee, discussing work, identifying problems, and offering guidance.
- c. Separation may be recommended at any time during the probationary period, after the employee has been employed for at least 30 days. Retention may be recommended not earlier than the ninth month and not later than the end of the tenth month of the probationary period.

### **3 FAM 2824.5 Unacceptable Performance**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. An employee performing at the Unacceptable level in one or more critical element(s) at any time during the performance appraisal period must be notified of the critical element(s) for which performance is Unacceptable and be afforded an opportunity period to improve. He or she is placed on a Performance Improvement Plan, DS-1765, which consists of 45 calendar days or longer. Notification of Unacceptable performance can

occur at any time during the appraisal cycle, including the end of the performance appraisal period.

- b. At the conclusion of the opportunity period, if the employee's performance continues to be Unacceptable, action may be initiated to reduce in grade or remove the employee in accordance with 3 FAM 4550 and 5 U.S.C. 4303.

## **3 FAM 2825 APPRAISING PERFORMANCE**

### **3 FAM 2825.1 Minimum Period**

#### **3 FAM 2825.1-1 Establishing a Minimum Period**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Programs must establish a minimum period of performance to be completed before a rating of record or interim performance rating can be given. The minimum number of days permitted is 90 days and the maximum number of days is 120.

#### **3 FAM 2825.1-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Employees must work under their performance plan for a minimum period of 120 days before a rating of record or interim performance rating can be given.

### **3 FAM 2825.2 Element Appraisal Levels**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Appraisal programs shall include *levels* for appraising each critical and

noncritical element during the appraisal period. Employees are evaluated using the element appraisal levels approved for their programs.

### **3 FAM 2825.2-1 Minimum and Maximum Number of Appraisal Levels**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

A minimum of two and a maximum of four element appraisal levels at which critical and noncritical elements may be appraised *are* permitted. For transition *and/or* carryover only as indicated in 3 FAM 2825.4-2, Pattern H (five levels) will continue to be used, after which it will not be permitted. While levels may vary in number and have different naming conventions (except for Unacceptable), levels established by programs must be equivalent to: (1) Unacceptable, (2) Fully Successful, and (3) Excellent and Outstanding. If a naming convention other than Unacceptable is used for this level, an equivalency statement is required.

### **3 FAM 2825.2-2 Department-Wide Program**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Four element appraisal levels are used along with the Generic Performance Standards or *specifically approved standards to assess the employee's* performance of job elements: (1) Unacceptable, (2) Fully Successful, and (3) Excellent and Outstanding. (The Unacceptable level is not used to appraise "additional" elements; see 3 FAM 2823.4-5).

## **3 FAM 2825.3 Assessing Employee's Performance**

### **3 FAM 2825.3-1 General**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

All programs must develop a mechanism for assessing the employee's

accomplishment of performance goals and objectives as indicated in the job elements during the appraisal period.

### 3 FAM 2825.3-2 Department-Wide Program

*(TL:PER-324; 10-15-1996)  
 (Effective 9-26-1996)  
 (State Only)  
 (Applies to Civil Service Employees)*

Rating officials must provide a single narrative summary that addresses the employee's overall performance of each job element, regardless of the summary level determination, as part of the employee's appraisal report.

### 3 FAM 2825.4 Summary Levels

#### 3 FAM 2825.4-1 Assigning a Summary Level

*(TL:PER-419; 09-24-2001)  
 (Effective 9-26-1996)  
 (State Only)  
 (Applies to Civil Service Employees)*

A summary level must be assigned when a rating of record or interim performance rating is prepared. *Programs must use only one of the patterns listed in the chart below to assign summary levels.*

<b>PATTERN OPTIONS</b>					
<b>SUMMARY LEVELS</b>					
	<b>Unacceptable</b>	<b>Minimally Successful</b>	<b>Fully Successful</b>	<b>Excellent</b>	<b>Outstanding</b>
<b>A</b>	<b>X</b>		<b>X</b>		
<b>B</b>	<b>X</b>		<b>X</b>		<b>X</b>
<b>C</b>	<b>X</b>		<b>X</b>	<b>X</b>	
<b>E</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>

### **3 FAM 2825.4-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Pattern E in the chart above is the pattern that will be used for the Department-wide Performance Appraisal Program.

### **3 FAM 2825.5 Conversion Technique for Determining a Summary Level**

#### **3 FAM 2825.5-1 General**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

All programs must develop a method or process for deriving the overall summary level determination that is comparable to the Department-wide method described below.

#### **3 FAM 2825.5-2 Department-Wide Program**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The conversion technique used to determine the overall summary level for a rating of record or interim performance rating for the Department-wide Program is as follows:

- (1) Outstanding: The majority of elements (critical and/or noncritical) *has* been rated Outstanding with the remainder being rated no lower than Excellent.
- (2) Excellent:
  - (a) The majority of elements (critical and/or noncritical) *has* been rated Excellent or above, with the remainder being rated no lower than Fully Successful.

(b) Exception rule:

- (1) In the event of a split where one out of two or two out of four critical or noncritical elements are rated at the Outstanding level and the remainder are rated no lower than Fully Successful, the summary level determination is Excellent.; and
- (2) When the majority of elements (critical and/or noncritical) has been rated Outstanding, and the remaining noncritical element has been rated Unacceptable, the summary level determination is Excellent. (This should be a rare occurrence.)
- (3) Fully Successful: All critical elements have been rated at the Fully Successful level. A rating of Unacceptable on a noncritical element would result in a summary level determination of Fully Successful.
- (4) Unacceptable: One or more critical elements has been rated Unacceptable. Noncritical elements may be a mix of ratings.

### **3 FAM 2825.6 Preparation of Appraisal**

#### **3 FAM 2825.6-1 Sharing Rating with Employee**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The rating official must share with the employee a draft of the preliminary appraisal report including the appraisals on-the-job elements, narrative evaluation and summary-level determination prior to final approval of the report.

#### **3 FAM 2825.6-2 Input to Appraisal**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. Employees should provide the rating official with a written summary and/or list of accomplishments, generally 45 days before the end of the appraisal period.

- b. All employees must be given the opportunity to review and discuss their rating of record with the rating official prior to the report being approved.
  - (1) Employees may provide oral and/or formal or informal written comments to the rating official concerning their performance and achievement on-the-job elements prior to the report being approved;
  - (2) Any written comments that the employee wants considered by the rating official (and by the reviewing official, if a higher level review is requested) are forwarded by the employee in a separate memorandum; and
  - (3) Written comments that the employee wants made part of the final rating-of-record or interim performance rating must be documented by the employee on the official appraisal form.

### **3 FAM 2825.6-3 Department-Wide Program**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Employee comments that are to be made a part of the official Employee Performance File (EPF) are documented on Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report in Section IV, Part 2, "Employee Comments."

### **3 FAM 2825.6-4 Higher Level Review Optional**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. A higher level review of the appraisal report, by the reviewing official, is required when one of the following conditions are met:
  - (1) The summary level determination is Unacceptable;
  - (2) The employee requests a higher level review; or
  - (3) A review is required by the appraisal program.
- b. When a higher level review, by the reviewing official, is requested or

required, the rating official forwards the appraisal report to the reviewing official. The reviewing official must review the rating to determine whether the employee's work has been measured in an objective manner, that the basis for the rating is supported and is clearly documented on the appraisal report, and that the report is in compliance with applicable rules, regulations and procedures.

- c. The reviewing official has the authority to approve or disapprove and /or change a rating. When a rating is disapproved the reviewing official should discuss the rating with the rating official before finalizing the rating.
- d. When disapproved, the changes required to the appraisal report must be made and documented in writing by the reviewing official on the form required by the program. Comments are optional when a reviewing official approves a rating.

### **3 FAM 2825.6-5 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

No higher level review of the appraisal report by the reviewing official is required unless the overall summary level determination is Unacceptable or the employee requests a higher level review. Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report, must be used to document an employee's request for a higher level review by the reviewing official and the reviewing official's decision, i.e., approval or disapproval/changes, and comments, when applicable.

### **3 FAM 2825.7 Ratings of Record and Interim Performance Ratings**

#### **3 FAM 2825.7-1 Interim Performance Ratings**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

An interim performance rating must be prepared prior to or within 30 days after an employee or a rating official leaves a position. The employee must

have worked under written or otherwise recorded elements and performance standards for the minimum appraisal period required by the appraisal program to be rated (120 days for the Department-wide Program).

### **3 FAM 2825.7-2 Ratings of Record**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. A rating of record must be prepared by the rating official or, when appropriate, by the reviewing official at the end of the appraisal period.
- b. The rating of record must take into consideration the employee's performance for the entire appraisal period.
- c. The employee must have worked under written elements and standards for the minimum appraisal period required by the appraisal program in order to receive a rating of record (120 days for the Department-wide Program).
- d. The official preparing the rating of record at the end of the appraisal cycle must take into consideration any interim performance ratings.
- e. The interim performance rating can be converted into a rating of record when the employee has not been under written elements and standards for the minimum appraisal period required by the program (e.g., received a recent promotion, reassignment). The current rating or reviewing official will be responsible for verifying that the employee's performance has not significantly improved or deteriorated during the period **not covered** by the interim performance rating.

### **3 FAM 2825.7-3 Extended Rating Periods**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. When a rating of record cannot be prepared at the end of the appraisal period, the appraisal period shall be extended (e.g., an employee new to the Federal Government or an employee who has not worked under elements and standards for the minimum appraisal period and does not have an interim performance rating that can be converted into a rating of record).

- b. The current rating or reviewing official, when appropriate, shall extend the appraisal period by the appropriate number of days to meet the minimum appraisal period required before an employee can be appraised (120 days for the Department-wide Program).

## **3 FAM 2825.8 Certification of Discussion and Receipt of Appraisal Report**

### **3 FAM 2825.8-1 General**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

- a. Once the rating official, and/or the reviewing official, if applicable, approves the appraisal report, the rating official must obtain the employee's signature on the appraisal report. The employee's signature is an acknowledgment of receipt of the appraisal report and does not indicate agreement or disagreement with the contents of the report.
- b. If the rated employee has not signed the report, the report will be forwarded by the rating or reviewing official, if applicable, to the executive office in accordance with procedures published in 3 FAH-1 H-2820.
- c. Extensions may be granted at the discretion of the rating or reviewing official or executive director.

### **3 FAM 2825.8-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The Certification of Discussion and Receipt of the Appraisal Report or the employee's disinclination to sign the report must be documented on the appraisal report, Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report in Section V, Part 4.

## **3 FAM 2825.9 Employees on Details, Long-Term Training, Transfers and Other Special**

## Circumstances

### **3 FAM 2825.9-1 Performance Plan Review and Changes**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

When it is anticipated that employees will work on a detail or other temporary assignment, for the minimum appraisal period required by the program to be rated, the rating official or, when appropriate, the reviewing officials must ensure the accuracy of the employee's performance plan. Changes to the employee's performance plan must be made and communicated to the employee, by the rating or reviewing official, generally within 30 days after the beginning date of the assignment.

### **3 FAM 2825.9-2 Who Prepares the Rating of Record or the Interim Performance Rating**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Employees on a detail or other temporary assignment are rated by the rating or, when appropriate, the reviewing official, in their home office, with input from the supervising official of the detail or temporary assignment at the end of the employee's assignment or appraisal period.

### **3 FAM 2825.9-3 What Must Be Considered**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The employee's performance on a detail, current or temporary assignment must be taken into consideration when preparing the rating of record. Consideration may be given to appraisal information obtained from the supervising official of the detail or assignment.

### **3 FAM 2825.9-4 Use of Additional Performance Element**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

An "additional" performance element may be used to provide feedback to an employee when a detail or temporary assignment is less than the minimum period required before an appraisal can be given (less than 120 days under the Department-wide Program).

### **3 FAM 2825.10 Transfers, Reassignments, Separations**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Upon transfer, reassignment, resignation or separation, an interim performance rating and, if applicable, a rating of record is prepared by the current rating official and the appraisal report is forwarded to the employee's new rating official, if applicable. The new rating official must take the appraisal report into consideration in deriving the employee's rating of record. When the employee transfers to another agency, the interim rating will be forwarded to the transfer agency for processing in accordance with the receiving agency's regulations. The interim performance rating does not become part of the employee's performance folder unless specifically requested by the employee or the rating becomes the rating of record.

## **3 FAM 2826 RECONSIDERATION REQUESTS**

### **3 FAM 2826.1 Reconsideration Process**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Employees who disagree with a rating of record or interim performance rating must first discuss the problem with the rating official and then with the reviewing official. Employees who fail to obtain satisfaction may then request reconsideration by an official one level higher than the reviewing official within the organization or the executive director, as appropriate. (A

reviewing official is, at least, an organizational level above the rating official.)

### **3 FAM 2826.1-1 Changing the Rating**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. The higher level official may change the rating of record or the interim performance rating.
- b. When the rating is changed as a result of reconsideration, the reason for the decision must be documented in writing.

### **3 FAM 2826.1-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

Reviewing officials should use the Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report to document their decision, unless a separate memorandum is more appropriate. Officials higher than the reviewing official must prepare a separate memorandum to document his or her decision.

### **3 FAM 2826.2 Grievances**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. When the employee is dissatisfied with the informal reconsideration process, the employee can seek redress through the Department's *administrative grievance process (3 FAM 4700)* or a *negotiated grievance process*. (Only a rating of record can be grieved.)
- b. Decisions rendered through the *administrative* grievance process are final.
- c. Employees have no administrative appeal rights outside of the

Department *under 3 FAM 4700.*

## **3 FAM 2827 OFFICIAL RECORDS**

### **3 FAM 2827.1 Appraisal Reports**

#### **3 FAM 2827.1-1 General Requirement**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. All programs under this System are required to develop a form comparable to Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report, to document performance, summary level determinations, ratings of record and interim performance ratings.
- b. The appraisal report is submitted in accordance with established 3 FAH-1 H-2820 procedures, generally, within 45 calendar days of the end of the appraisal period.
- c. After all required reviews and approvals are completed the original of the rating of record is placed in the Employee's Performance File (EPF).
- d. A copy of the report is retained by the executive office of the employee's bureau and/or office and a copy is given to the rated employee by the rating official at the time of the appraisal discussion.
- e. The bureau shall retain for one year, and then destroy, all copies of interim performance appraisal reports on employees who are reassigned, or who transfer to another agency, resign, or retire. The original copy of the interim performance appraisal report must be forwarded to the gaining bureau or agency, as appropriate.

#### **3 FAM 2827.1-2 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

Form DS-1966, Employee Performance Plan, Progress Review and Appraisal Report, will be used to document ratings of record and interim performance

ratings.

### **3 FAM 2827.2 Amending the Employee Performance File (EPF)**

*(TL:PER-419; 09-24-2001)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. The Director General of the Foreign Service and Director of *Human Resources* is authorized to amend, explain, supplement, or remove material in an employee's EPF. This includes the rating of record, when such official determines that the action is justified to correct an error or prevent an injustice. This action must be justified in writing and the employee must be informed by the appropriate office of the action taken.
- b. At any time, an employee may submit unclassified material with a request that it be included in his or her EPF. Such material must be related to performance, may include interim ratings that are not ratings of record, but may not contain inadmissible comments.
- c. Employees may seek removal or amendment of performance appraisal material that is inadmissible, adverse, or has been included through procedural error according to *3 FAM 4700* or a negotiated grievance process. Untimely or incomplete information or factual errors in either the OPF or EPF may be corrected through the Privacy Act procedure defined in 22 CFR 171.30 - 171.35.

### **3 FAM 2827.3 Technical Review**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

The executive director is responsible for a technical review of all ratings. The review considers the objectivity and fairness of the rater and whether sufficient information is provided by the rating to support the information contained in the appraisal report. The executive director is responsible for:

- (1) Compliance with the rules, regulations, and procedures governing performance appraisals;
- (2) The completeness and suitability of comments contained in the appraisal report; and

- (3) The performance plan, progress review and appraisal report having been properly documented on applicable forms. (See 3 FAH-1 H-2820

### **3 FAM 2827.4 Department-Wide Program**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

Certification that the technical review of the appraisal report has been completed is documented by the executive director or his or her designee in Form DS-1966, Section VI.

### **3 FAM 2827.5 Inadmissible Comments**

*(TL:PER-419; 09-24-2001)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The executive office shall take the necessary steps to prevent submission of reports containing inadmissible comments. These include, but are not limited to, references to race, color, religion, physical or personal characteristics, and references that identify other employees by name or a value that can be associated with an employee (e.g., title of position). See 3 FAH-1 H-2820 for a complete list.

### **3 FAM 2827.6 Submission and Disposition of Reports**

*(TL:PER-324; 10-15-1996)*  
*(Effective 9-26-1996)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The executive director shall be responsible for obtaining the rating of record from rating, reviewing officials and/or rated employees, and for timely compliance with performance appraisal schedules.

### **3 FAM 2827.7 Delinquent Appraisal Reports**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

- a. The executive director will take appropriate action to expedite the submission of a delinquent rating of record. A list of delinquent reports with the name, grade, and bureau and/or office of the responsible employees shall be provided in accordance to 3 FAH-1 H-2820 procedures, generally within 75 calendar days of the end of the program's appraisal period.
- b. For Civil Service delinquent raters, letters are prepared by *HR/CSP* and placed in the employee's EPF. Such employees will not be eligible to receive an award within one year of the date the appraisal was due.
- c. For Foreign Service delinquent raters, letters are forwarded to *HR/PE* for placement in the Official Personnel Folder (OPF). For further information on Foreign Service delinquent raters, refer to 3 FAH-1 H-2810 .

## **3 FAM 2828 INCENTIVES AND RECOGNITION**

### **3 FAM 2828.1 Recognition Program**

*(TL:PER-324; 10-15-1996)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

The Recognition Program identifies and commends those rating officials who merit recognition for the high quality and candor of the rating of record they prepare. Executive offices of bureaus and/or offices will administer the Recognition Program in accordance with established procedures.

### **3 FAM 2828.2 Performance Awards**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

Performance awards and other forms of recognition for performance are governed by 3 FAM 4800 and 5 CFR 451.

### **3 FAM 2828.3 Quality Step Increases**

*(TL:PER-419; 09-24-2001)*

*(Effective 9-26-1996)*

*(State Only)*

*(Applies to Civil Service Employees)*

Quality step increases may be granted to employees in accordance with established criteria, 3 FAM 3124.4 and 5 CFR 531 Subpart E.

### **3 FAM 2829 UNASSIGNED**