

ARTICLE 12

PERFORMANCE EVALUATION

SECTION 1

This Article shall be interpreted and applied in a manner consistent with the provisions of the FDIC Performance Management Program Circular 2430.1, as well as with any current existing National Memorandum/Memoranda of Understanding on performance management, law, rule and regulations. During the life of the Agreement, either party may propose changes to the underlying Circular. Such proposed changes will be negotiated to the fullest extent permitted by law. Where the proposed change is inconsistent with, or in conflict with the terms of this Article, such change will only be subject to negotiation if mutually agreed to by the Parties.

SECTION 2

- A. The Rating Official and the employee will meet to discuss all performance criteria set forth in the employee's performance plan, and any expectations regarding the quality, quantity or timeliness of work assignments. Such meetings shall take place at the beginning of the rating period, or whenever there is a change in performance criteria. The employee may seek clarification from the Rating Official concerning the meaning of performance criteria. Such clarification should include relating how the performance plan for the position relates to the specific duties, responsibilities or major projects assigned to the employee on a recurring basis.
- B. A new performance plan must be provided to, and discussed with, an employee within thirty (30) calendar days of reassignment, promotion, or change to a lower grade.

SECTION 3

- A. Regular communication between supervisors and employees is important for effective performance management. To this end, Rating Officials will provide employees with timely and accurate feedback on their performance throughout the evaluation period, with an emphasis on coaching and employee development. Employees are encouraged to solicit feedback on their performance and discuss specific performance challenges they are experiencing with the Rating Official so that the Rating Official and employee can work together to address those challenges. If the Rating Official notices that an employee's performance has declined, the Rating Official should discuss the matter with the employee and, where appropriate, provide coaching or other assistance to help improve performance.

- B. If at any time during the evaluation period, the Rating Official identifies that the employee's performance in any job or behavioral standard is below the Accomplished Practitioner and/or Below Target level, the Rating Official will inform the employee as soon as practicable, normally within fourteen (14) calendar days. Specifically, the Rating Official will discuss with the employee his/her performance deficiencies so that the employee is aware of expectations at the Accomplished Practitioner/At Target levels. The Rating Official shall identify specific actions or steps the employee must take to raise job performance to the Accomplished Practitioner and/or behaviors to the At Target level, and discuss appropriate assistance that might enable the employee to do so. To the extent possible, this shall occur no less than ninety (90) days prior to the end of the rating period.

SECTION 4

- A. When a determination is made that documentation may be relied upon by a Rating Official in evaluating the employee's performance, the documentation should be promptly provided to the employee, normally within five (5) workdays, to the extent not previously provided.
- B. Employees may make written comments concerning performance-related documentation prepared or used by the Rating Official for performance management purposes and attach the comments to the documentation. A reasonable amount of duty time will be given to employees to do so.

SECTION 5

A progress review must be held for each employee at the mid-year of the performance cycle. The process involves the employee providing the Rating Official his/her self assessment and a subsequent dialogue between the Rating Official and the employee about the employee's performance to date in comparison to the performance plan. Employees are encouraged to provide the Rating Official with supporting performance examples. The Rating Official considers employee input when assigning the unofficial mid-year rating. A dialogue between the Rating Official and the employee about the employee's performance to date in comparison to the performance plan will then occur. The mid-year review provides the employee and the Rating Official with the opportunity to discuss progress in relation to major goals or objectives and to modify the performance plan, where necessary (e.g., if duties and responsibilities change). It also provides the Rating Official with an opportunity to notify the employee if his/her job performance does not meet expectations at the Accomplished Practitioner level or is Below Target on the behavioral standards. Changes in projects, assignments, etc., may be discussed so there is an understanding about what is expected in the second half of the rating period.

SECTION 6

- A. Normally, a performance evaluation will be completed once per year for each employee.
- B. An employee will receive documentation of performance prior to the year-end evaluation in the following circumstances:
 - 1. When an employee is promoted, reassigned (to a different position) or changed to a lower grade, a new performance plan is required within thirty (30) calendar days of the new assignment. In addition, documentation of performance through the date of the position change (closeout evaluation) is also required if the employee served under his/her performance plan for at least ninety (90) calendar days.
 - 2. When an employee is detailed or temporarily promoted to a position that is expected to last one hundred twenty (120) days or longer, written performance expectations will be provided to the employee as soon as possible, but no later than thirty (30) calendar days after the beginning of the detail or temporary promotion. Documentation of performance during the period covered by the detail or temporary promotion is also required.
 - 3. The Rating Official will make a reasonable attempt to obtain a performance assessment for any temporary assignment by an employee for work performed outside the FDIC. Any assessment received will be considered in preparing the employee's annual rating.
 - 4. If an employee is detailed for one hundred twenty (120) days or more to classified duties, detail supervisors must establish performance standards for the employee and hold a discussion covering expectations and performance standards within thirty (30) days of detailee's arrival. Within thirty (30) days of completion of the detail, the detail supervisor will complete a written narrative based on standards (job and behavioral) and provide it to the employee and permanent supervisor for consideration in mid-year and year-end performance reviews. The detail supervisor will not provide a numerical rating on individual performance/behavioral standards, summary ratings, or overall performance ratings.
 - 5. If an employee is detailed for less than one hundred twenty (120) days, the detail supervisor is not required to establish performance standards or complete a formal evaluation on the detailed employee. However, the detail supervisor is required to provide written comments within thirty (30) days of the end of the detail to the employee and permanent supervisor relative to the employee's job performance and behaviors while on detail. The detail supervisor will not provide a numerical rating on individual performance/behavioral standards, summary ratings, or overall

performance ratings.

6. If an employee is detailed to unclassified duties (regardless of length), the employee will have their performance on the detail evaluated using the permanent position of record performance standards, if applicable. The detail supervisor is required to provide written comments within thirty (30) days of the end of the detail to the employee and permanent supervisor relative to the employee's job performance and behaviors while on detail.
- C. The year-end evaluation will be presented to the employee at a performance discussion meeting within ninety (90) calendar days after the end of the rating period. When the employee is not available to receive the evaluation, it will still be timely prepared by the Rating Official. The Rating Official will provide the rating to the employee following the employee's return to work or, with the employee's consent, may send the rating through the mail and discuss the evaluation with the employee telephonically in order to timely submit the final rating during the performance management process. If the employee receives a rating upon his/her return to work, nothing herein precludes the EMPLOYER from processing, for pay purposes only, a rating even though the employee will receive the evaluation upon his/her return to work.
 - D. Rating Officials will timely prepare performance evaluations to the maximum extent possible.

SECTION 7

- A. Performance evaluations will measure actual job performance and behaviors in relation to the performance criteria set forth in the performance plan provided by the EMPLOYER.
- B. Performance evaluations will be completed in a fair, objective and equitable manner.
- C. The employee will do a self-assessment against each of the job and behavioral standards and will submit the self assessment form to the supervisor for consideration in preparing the performance evaluation at the end of the performance period. The employee is also encouraged to provide performance examples to support the self rating for the supervisor's consideration in preparing the performance evaluation at the end of the performance period.
- D. The Rating Official will obtain performance information from other FDIC supervisors for whom the employee has worked directly during the evaluation period. Such information should be provided in writing and may relate the employees' performance to applicable criteria. The Rating Official shall inform the employee of all input relied upon to complete the evaluation.

- E. Rating Officials must also consider factors outside the employee's control that may have impacted upon performance, such as workload, changes in priorities, business exigencies, etc.
- F. In drafting the evaluation, the Rating Official evaluates the employee's results, achievements, and behaviors against the expectations as stated in the performance plan.
- G. The Rating Official and the employee should meet to review accomplishments and discuss the preliminary evaluation. Adjustments to the preliminary evaluation are made when appropriate. If, for any reason, the Rating Official changes any of the ratings, a revised evaluation is prepared before the employee is asked to sign it. The employee's signature does not indicate agreement with the rating, and the rating does not require the employee's signature to be official.
- H. Employees will be provided with a reasonable amount of duty time to prepare written comments concerning the Rating Official's final determination of performance. This time should be granted no later than two (2) workdays after it is requested. Absent extraordinary circumstances, employees must normally submit these comments within four (4) workdays after meeting with the Rating Official. Such comments will be attached to the Performance Plan and Evaluation Form and are considered part of the evaluation. An employee's oral or written comments will be taken into consideration by the Rating Official.
- I. The Rating Official forwards the evaluation and the employee's comments, if any, to the appropriate Reviewing Official for review and approval. The Reviewing Official approves or disapproves the evaluation. The Reviewing Official is responsible for ensuring the consistent application of job and behavioral standards within his/her organization.

SECTION 8

- A. When a grievance is resolved (including an appeal) and ratings are directed to be changed, a fresh evaluation will be prepared reflecting the change(s) and signed by the Rating and Reviewing Officials. It will become the current evaluation and retained in any file where it is maintained for the duration of the retention period. The grieved evaluation will be removed from the EMPLOYER's files absent a legitimate administrative need (e.g., litigation that is pending or reasonably anticipated). If the grievance is denied and the evaluation is sustained, the grieved evaluation will become the current evaluation and retained in any file where it is maintained for the duration of the retention period.
- B. An employee may file a grievance concerning an annual performance evaluation in accordance with applicable negotiated grievance procedures.