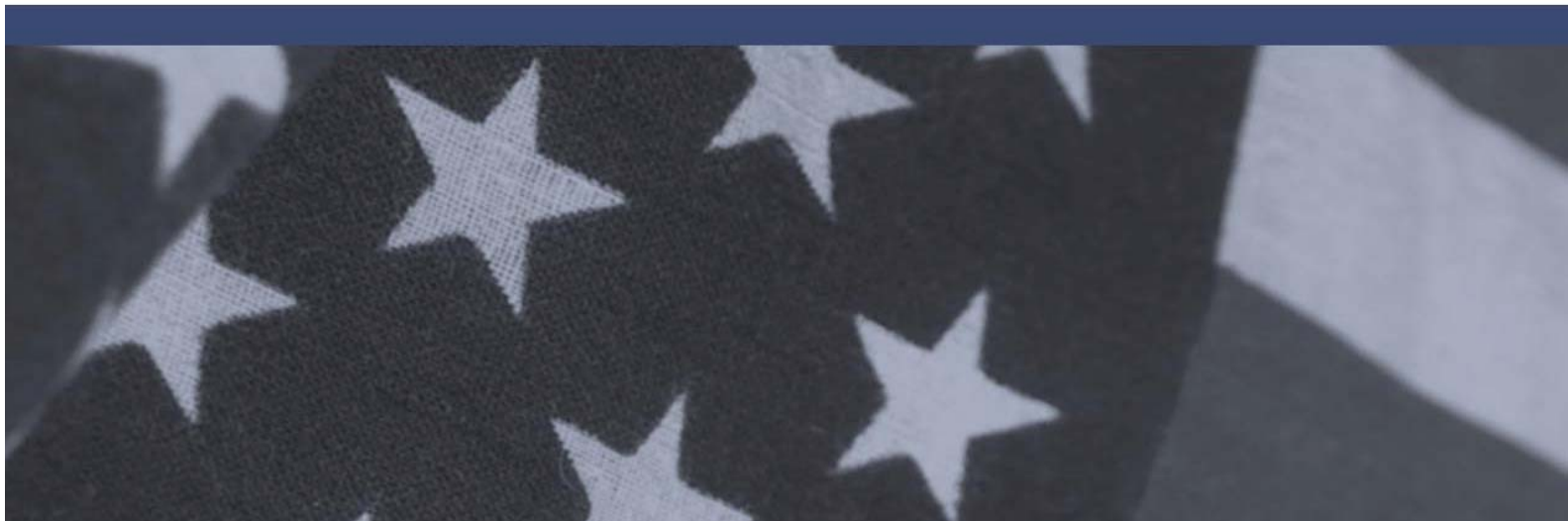


SECTION IV

Results-Oriented Performance Culture System



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THE RESULTS-ORIENTED PERFORMANCE CULTURE SYSTEM

This section contains information specific to the Results-Oriented Performance Culture system, which focuses on having a diverse, results-oriented, high-performing workforce, as well as a performance management system that effectively plans, monitors, develops, rates, and rewards employee performance.

"By aligning employee performance appraisal plans with executive performance agreements and directly communicating agreement goals to employees, supervisors can drive home to employees just how their performance impacts organizational goals."

Office of Personnel Management

Definition

A system that promotes a diverse, high-performing workforce by implementing and maintaining effective performance management systems and awards programs.

Standard

The agency has a diverse, results-oriented, high-performing workforce and a performance management system that differentiates between high and low levels of performance and links individual/team/unit performance to organizational goals and desired results effectively.

Critical Success Factors

The Results-Oriented Performance Culture system is comprised of the following critical success factors that work together to create a diverse, results-oriented, high performance workforce:

- ***Communication:*** The agency has a process for sharing information and ideas about the organization with all employees. This vital process includes eliciting employee feedback and involvement so all employees play an appropriate role in planning and executing the mission.
- ***Performance Appraisal:*** The agency has a process under which performance is reviewed and evaluated.
- ***Awards:*** The organization takes actions to recognize and reward individual or team achievement that contributes to meeting organizational goals or improving the efficiency, effectiveness, and economy of the Government. Such awards include, but are not limited to: employee incentives which are based on predetermined criteria, rating-based awards, or awards based on a special act or service.
- ***Pay for Performance:*** The agency uses pay-for-performance systems, where authorized by law and regulation, to link salary levels and adjustments to an individual's overall performance and contribution to the agency's mission. Employees receive base salary adjustments within their assigned bands.
- ***Diversity Management:*** The agency maintains an environment characterized by inclusiveness of individual differences and responsiveness to the needs of diverse groups of employees.
- ***Labor/Management Relations:*** The organization promotes cooperation among employees, unions, and managers. This cooperation enhances effectiveness and efficiency, cuts down the number of employee-related disputes, and improves working conditions, all of which contribute to improved performance and results.

Applicable Merit System Principles

The following merit system principles are especially relevant to the Results-Oriented Performance Culture system (5 U.S.C. 2301):

- All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights. (5 U.S.C. 2301(b)(2))
- Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance. (5 U.S.C. 2301(b)(3))
- Employees should be retained on the basis of adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards. (5 U.S.C. 2301(b)(6))

Required Outcome Metrics

The following are required outcome metrics for the Results-Oriented Performance Culture system.

Required Metric	Description	Purpose
Organization Metric: SES Performance/Organizational Performance Relationship as Linked to Mission	Relationship between SES performance ratings and accomplishment of the agency's strategic goals	To determine the extent to which SES appraisals and awards are appropriately based on achievement of organizational results
Organization Metric: Workforce Performance Appraisals Aligned to Mission, Goals, and Outcomes	Degree of linkage between employees' performance appraisal plans and agency mission, goals, and outcomes	To determine whether all employees have performance appraisal plans that effectively link to the agency's mission, goals, and outcomes
Employee Perspective Metric: Questions from Annual Employee Survey about Performance Culture	Items from Annual Employee Survey	To determine the extent to which employees believe their organizational culture promotes improvement in processes, products and services, and organizational outcomes

Section IV: Results-Oriented Performance Culture System

Required Metric	Description	Purpose
Merit System Compliance Metric: Merit-Based Execution of the Performance Culture System	An assessment of compliance with merit system principles and related laws, rules, and regulations governing the Performance Culture system	To determine decisions, policies, processes, and practices executed under the Performance Culture system comply with the merit system principles and related laws, rules, and regulations

Suggested Metrics In addition to the required outcome metrics, the following metrics associated with the Results-Oriented Performance Culture system are suggested.

Suggested Metric	Description	Purpose
Performance Ratings	Percent of employees achieving each rating level used in an agency's performance appraisal system in relation to organizational and individual performance	To track the extent to which agencies make meaningful distinctions among employees' performance
Awards	Relationship of the distribution of performance ratings to awards	To track the extent to which agency monetary awards reflect employee performance
Respect for Diversity	Items from Annual Employee Survey	To determine the extent to which employees believe their organization is respectful of and welcoming to the great diversity that makes up the Federal workforce
Employee Grievances and Complaints	Review of formal grievances and complaints	To determine whether the underlying facts of complaints and grievances indicate agency mistake or wrong doing

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**RESULTS:
COMMUNICATION**

When the key elements of the critical success factor Communication are effectively implemented, agencies will realize the following results:

Effectiveness Results

- The agency's strategic plan has been shared with and/or is accessible to all agency employees. Employees are knowledgeable about the agency's strategic plan and their role in supporting the agency's mission.
- Employees have a direct line of sight between performance elements (performance expectations) and award systems and the agency mission. These links have been communicated to and are understood by employees, enabling them to focus their work effort on those activities most important to mission accomplishment. All employees are held accountable for achieving results that support the agency's strategic plan goals and objectives.

The following page provides key elements and suggested performance indicators for this critical success factor.

COMMUNICATION	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<p><i>The agency has a communication system that:</i></p> <ul style="list-style-type: none"> Ensures employees understand the agency's mission, goals, and objectives and what employees' roles are in achieving the mission, goals, and objectives 	<p style="text-align: center;"><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> The agency has developed and implemented a communication strategy to share the vision, strategic plan, and related documents (e.g., Strategic Human Capital Plan) with all employees. A variety of media are used to communicate the strategic plan and related documents to all levels of the workforce. Surveys and/or interview data/summaries indicate employees are aware of the strategic plan goals and understand how they relate to the agency's mission and their duties.
<ul style="list-style-type: none"> Elicits employee feedback and involvement in decision-making and planning processes. 	<p style="text-align: center;"><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> Communication up and down the organization is effective. Documentation shows innovation and problem solving between employees and management. Employees are involved in the decision-making process, fostering their support for organizational decisions. Surveys and/or interviews indicate employees are satisfied with their level of participation in the organizational decision-making process and feel empowered to share their ideas and/or concerns with supervisors and other management officials.

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**RESULTS:
PERFORMANCE
APPRAISAL**

When the key elements of the critical success factor Performance Appraisal are effectively implemented, agencies will realize the following results:

Effectiveness Results

- Employees have a direct line of sight between performance elements (performance expectations) and award systems and the agency mission. These links have been communicated to and are understood by employees, enabling them to focus their work effort on those activities most important to mission accomplishment. All employees are held accountable for achieving results that support the agency's strategic plan goals and objectives.
- The agency's performance management system differentiates between high and low levels of performance. Agencies with a high percentage of outstanding ratings also demonstrate a high level of achievement of their strategic goals and objectives and/or program accomplishments as reflected in the agency annual performance plan.
- Supervisors and managers use performance results to offer feedback, identify developmental needs to help improve employee performance, and address instances of poor performance.

Compliance Results

- The agency has an OPM-approved performance appraisal system(s) in place and administers the system(s) in accordance with 5 U.S.C. chapter 43 or other congressionally-mandated enabling legislation.
- The agency CHCO carries out workforce development provisions of the CHCO Act of 2002 (5 U.S.C. 1402).

The following pages provide key elements and suggested performance indicators for this critical success factor.

RELATED TOOLS

The following tools support Performance Appraisal. Refer to Appendix A for tools.

Tool	Appendix A Page Number
Aligning Performance Plans with Organizational Goals: OPM's Eight-Step Process	103
Checklist for Meeting Regulatory Requirements: Performance Appraisal Systems	109
Performance Management Overview	115
Federal Human Capital Survey (FHCS): Questions Related to the Results-Oriented Performance Culture System	121

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<p><i>The agency has a performance appraisal system that:</i></p> <ul style="list-style-type: none"> • Aligns employee performance plans with organizational goals • Focuses employees on achieving results • Requires employee performance plans to include clear performance elements (expectations) with measurable standards of performance 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • Work units have documented performance goals and objectives linked to the agency strategic plan and performance plan. • Performance elements (expectations) for employees are: <ul style="list-style-type: none"> – Aligned with organizational goals – Clear, specific, and understandable – Reasonable and attainable – Measurable, observable, or verifiable, and results oriented – Communicated in a timely fashion – Key in fostering continual improvement in productivity. <p><u>Compliance Indicators</u></p> <ul style="list-style-type: none"> • Agency managers plan and communicate performance elements (expectations) and standards linked with strategic planning initiatives in accordance with the Executive Performance and Accountability Interim Rule (5 CFR 430 and 1330) or applicable agency directives. • In accordance with 5 CFR 430 subparts b and c, performance plans must: <ul style="list-style-type: none"> – Be issued at the beginning of the appraisal period – Include at least one critical element – For SES, must include balanced measures of business results, employee, and customer perspectives.

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a performance appraisal system that:</i>	
	<ul style="list-style-type: none"> • Senior employee ratings (as well as subordinate employees' expectations and ratings for those with supervisory responsibilities) appropriately reflect the employee's performance elements (performance expectations), relevant program performance measures, and any other relevant factors in accordance with the Executive Performance and Accountability Interim Rule (5 CFR 430 or applicable agency directives and 1330). • As stated in 5 CFR 430 or applicable agency directives, the agency has established employee performance plans, including, but not limited to, critical elements and performance standards.
<ul style="list-style-type: none"> • Makes meaningful distinctions in levels of performance 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • The agency performance appraisal system for senior executive and senior professional employees provides for meaningful distinctions based on relative performance. These systems include multiple levels against which to appraise employees. The rating levels identified are appropriate to the employees covered by the system (e.g., four or five levels for systems certified by the Office of Personnel Management (OPM) covering Senior Executive Service (SES) employees. • Agency performance appraisal systems <i>for other than</i> senior executive and senior professional employees provide for adequately distinguishing between levels of performance (i.e., include multiple performance levels against which to appraise employees, with at least one summary rating level above "Fully Successful"). A review of performance plans indicates performance standards are clear and understandable and are an effective tool

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a performance appraisal system that:</i>	
	<p>for distinguishing between levels of performance.</p> <ul style="list-style-type: none"> • A high number of outstanding performance ratings or large cash awards is supported by achievement of strategic goals and objectives and/or program goals as reflected in the agency's annual performance report. <p><u>Compliance Indicators</u></p> <ul style="list-style-type: none"> • Performance information is used to adjust pay or reward, reassign, develop, and remove senior executives or make other personnel decisions in accordance with 5 CFR 430.304; and for all other employees in accordance with 5 CFR 430 or applicable agency directives. • To satisfy the requirements of the Executive Performance and Accountability Interim Rule (5 CFR 430 and 1330 or applicable agency directives), the agency's certified performance appraisal system for senior employees provides for performance differentiation so its annual ratings, pay adjustments, and awards result in meaningful distinctions based on relative performance.
<ul style="list-style-type: none"> • Provides a process for dealing with poor performance 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • Policies and procedures, including delegation of authority, for addressing poor performance have been developed and communicated to supervisors. • Analysis is performed to identify the cause of any organizational or individual performance shortfalls, and appropriate performance improvement strategies are identified and implemented.

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a performance appraisal system that:</i>	
	<p><u>Compliance Indicators</u></p> <ul style="list-style-type: none"> • Managers and supervisors receive training in the appropriate use of performance improvement strategies (e.g., coaching, mentoring, training, reassignment, providing effective feedback) in accordance with the Federal Workforce Flexibility Act. • Supervisors affirmatively assist, evaluate, and, if appropriate, separate probationary employees during their probation period in accordance with 5 CFR 315. • Managers and supervisors take appropriate action (e.g., downgrade, within-grade increase denial, reassignment, removal) in cases of minimally successful or unsatisfactory performance where performance improvement strategies are not successful, in accordance with 5 CFR 432, 752, and 531.
<ul style="list-style-type: none"> • Involves employees in the development of their performance plans • Requires employees receive feedback on their performance 	<p><u>Effectiveness Indicator</u></p> <ul style="list-style-type: none"> • The agency performance appraisal system encourages employee participation in establishing performance plans. <p><u>Compliance Indicators</u></p> <ul style="list-style-type: none"> • Employees are covered by recorded performance plans, which are communicated to employees at the beginning of each appraisal period. Plans include critical elements and performance standards, in accordance with 5 CFR 430 or applicable agency directives. • Employee performance is monitored by the supervisor and discussed with the employee on an ongoing basis during the designated appraisal period, with one or more progress reviews conducted and documented, in accordance with 5 CFR 430 or applicable agency directives.

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a performance appraisal system that:</i>	
	<ul style="list-style-type: none"> • Employees are given ratings of record at the end of each appraisal period and/or at other appropriate times during the appraisal period in accordance with 5 CFR 430 or applicable agency directives. • The agency encourages employee participation in establishing performance plans as stated in 5 CFR 430.206 or applicable agency directives.
<ul style="list-style-type: none"> • Provides for training to executives, managers, and supervisors to ensure they have the knowledge, skills, and abilities to effectively manage performance • Holds executives, managers, and supervisors accountable in their performance plans for the rigorous appraisal of their subordinates 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • Performance elements (performance expectations) for senior executives, managers, and supervisors are: <ul style="list-style-type: none"> – Aligned with organizational goals – Clear, specific, and understandable – Reasonable and attainable – Measurable, observable, or verifiable, and results oriented – Balanced between expected results and other indicators such as leadership behaviors and employee and stakeholder feedback – Communicated in a timely fashion – Key in fostering continual improvement in productivity. • All supervisors, managers, and executives receive training on performance management and coaching/feedback techniques. • Sources of data (e.g., Federal Human Capital Survey, upward feedback, multi-rater assessment) indicate supervisors, managers, and executives demonstrate effective performance management and coaching/feedback skills.

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a performance appraisal system that:</i>	
	<ul style="list-style-type: none"> • Reviews of performance plans for all levels of the agency indicate supervisors, managers, and executives are held accountable for the performance management of their subordinates. <p><u>Compliance Indicator</u></p> <ul style="list-style-type: none"> • The agency has established and implemented a specific training program for managers in accordance with the Federal Workforce Flexibility Act that provides training on actions, options, and strategies a manager may use in: <ul style="list-style-type: none"> – Communicating with employees whose performance is unacceptable – Mentoring employees and improving employee performance and productivity.
<ul style="list-style-type: none"> • Establishes a process for periodically evaluating the effectiveness of the appraisal system so the agency can use the evaluation data to improve the system. 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • The agency regularly tracks performance and reports results. • Survey results and/or interviews indicate employees understand their performance elements (performance expectations), consider them to be fair, and understand how their efforts contribute to mission accomplishment. • Workforce survey results indicate employees perceive a linkage between high performance and recognition and awards. Employees also believe creativity and innovation are rewarded and their own performance evaluations properly reflect their level of performance. • Statistical data related to actions for poor performance (including separations for performance, number of removals and downgrades, and number of denials of within-grade increases) indicate these remedies are being used appropriately. • Statistical data for performance ratings and awards, in the context of an empirical review of

PERFORMANCE APPRAISAL	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a performance appraisal system that:</i>	
	<p>the performance decision-making process, show appropriate distribution and meaningful distinctions.</p> <p><u>Compliance Indicator</u></p> <ul style="list-style-type: none"> • The agency's performance appraisal system(s) and program(s) are evaluated in accordance with 5 CFR 430 or applicable agency directives.

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RESULTS: AWARDS

When the key elements of the critical success factor Awards are effectively implemented, agencies will realize the following results:

Effectiveness Results

- Employees have a direct line of sight between performance elements (performance expectations) and award systems and the agency mission. These links have been communicated to and are understood by employees, enabling them to focus their work effort on those activities most important to mission accomplishment. All employees are held accountable for achieving results that support the agency's strategic plan goals and objectives.
- The agency has created a "reward environment," beyond compensation and benefits, that contributes to attracting, retaining, and motivating employees.

Compliance Result

- The agency has developed one or more awards programs for its employees that obligates funds, and documents awards justifications in accordance with 5 CFR 451.

The following page provides key elements and suggested performance indicators for this critical success factor.

RELATED TOOLS

The following tool supports Awards. Refer to Appendix A for the tool.

Tool	Appendix A Page Number
Federal Human Capital Survey (FHCS): Questions Related to the Results-Oriented Performance Culture System	121

AWARDS	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<p><i>The agency has an awards system that:</i></p> <ul style="list-style-type: none"> • Is aligned with organizational goals and values • Has clear criteria for awards, communicated effectively so employees understand the purpose of the awards • Includes a variety of types of awards (e.g., formal, monetary, nonmonetary, time-off), giving supervisors have a wide range of tools available to recognize performance • Provides incentives for performing at an exemplary level • Recognizes top performers appropriately • Establishes a process for periodically evaluating the effectiveness of the awards system so the agency can use the evaluation data to improve the system. 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • The agency has designed, communicated, and implemented an awards program aligned with organizational goals, based on clear criteria, and tailored to the interests and priorities of the agency's workforce. • The agency uses a variety of monetary and nonmonetary awards (e.g., certificates, recognition in agency publications, award ceremonies). • Executives, managers, and supervisors receive training on available awards and how to use them to attract, retain, and motivate employees. • Surveys and/or interviews indicate employees feel valued and appropriately recognized for performance. <p><u>Compliance Indicator</u></p> <ul style="list-style-type: none"> • The agency communicates with employees and supervisors about awards programs, evaluates its programs, documents awards appropriately, and gives due weight to awards in qualifying and selecting employees for promotion promoting employees in accordance with 5 U.S.C. 3362.

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RESULTS: PAY FOR PERFORMANCE

When the key elements of the critical success factor Pay for Performance are effectively implemented, agencies will realize the following results:

Effectiveness Results

- The pay-for-performance system, where authorized by law and regulation, is results-driven, producing a distribution of pay adjustments and bonuses based on individual contribution, organizational performance, and/or team performance.
- The pay-for-performance system, where authorized by law and regulation, ensures employee and supervisory accountability with respect to individual performance and organizational results.
- Employees' pay is linked to their performance ratings.
- Supervisors and managers make meaningful distinctions in performance ratings.

Compliance Result

- Pay adjustments, cash awards, and levels of pay based on the results of the appraisal process accurately reflect and recognize individual performance and/or contribution to the agency's performance in accordance with applicable agency directives.

The following pages provide key elements and suggested performance indicators for this critical success factor.

PAY FOR PERFORMANCE	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<p><i>When authorized, the agency has a pay-for-performance system that:</i></p> <ul style="list-style-type: none"> • Makes pay distinctions based on performance • Includes a transparent process for making pay adjustments • Requires clear and frequent communications about the pay system and how it operates. 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • An understandable pay pool structure (e.g., roles and responsibilities) and process for making timely pay determinations have been communicated across the agency using a variety of methods (e.g., Web sites, handbooks, policies, announcements). • Managers, supervisors, and employees are oriented and/or trained at the beginning of the performance cycle on the relationship between their performance and salary adjustments and awards at the end of the cycle. • Data on pay pool determinations/discussions indicate: <ul style="list-style-type: none"> – The budget is effectively managed. – Top performers are getting the highest pay increases and/or awards. – Employees perceive the process to be fair and credible. – Pay adjustments correlate with performance ratings. <p><u>Compliance Indicators</u></p> <ul style="list-style-type: none"> • For senior employees, individual pay rates and pay adjustments reflect meaningful distinctions based on relative contribution to agency performance in accordance with the Executive Performance and Accountability Interim Rule (5 CFR 430 or applicable agency directives and 1330). • Pay-for-performance systems, authorized by OPM as part of Demonstration Projects, are evaluated periodically to determine compliance with the Project Plan in accordance with 5 CFR 470.317.

PAY FOR PERFORMANCE	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>When authorized, the agency has a pay-for-performance system that:</i>	
	<ul style="list-style-type: none"> • Pay-for-performance systems authorized by Congress are in compliance with their enabling legislation, regulations, and operating guidance (e.g., DHS HRM system in chapter 97 of title 5, U.S. Code and part 9701 of 5 CFR; and the provisions of the National Security Personnel System, chapter 99 of title 5, U.S. Code and part 9901 of 5 CFR).

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RESULTS: DIVERSITY MANAGEMENT

When the key elements of the critical success factor Diversity Management are effectively implemented, agencies will realize the following results:

Effectiveness Results

- The agency has implemented a diversity management program and has shown positive results in creating a diverse workforce.
- The agency is responsive to the needs of diverse groups, resulting in a positive work environment conducive to all employees achieving their potential without fear or abuse.

Compliance Result

- The agency ensures equal opportunities for employees without discrimination as prescribed in 5 U.S.C. 7201.

The following pages provide key elements and suggested performance indicators for this critical success factor.

DIVERSITY MANAGEMENT	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<p><i>The agency has a diversity management system that:</i></p> <ul style="list-style-type: none"> • Tracks and analyzes workforce diversity trends • Develops and implements diversity outreach plans as part of the agency's overall outreach efforts. 	<p style="text-align: center;"><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • The agency's diversity program intent and processes are communicated to all employees. • Surveys and/or interviews show the workforce is aware of, and generally supports, diversity program efforts. • The agency develops and implements diversity programs to improve diversity within the agency including: <ul style="list-style-type: none"> – A recruitment strategy to reach diverse populations at colleges/universities, minority-focused professional organizations, and other organizations representing women, veterans, people with disabilities, and other groups, as part of the agency's overall outreach strategy – Encouragement of the participation of diverse groups in occupation-focused and leadership training and development programs – Family-friendly policies relating to work schedules, telework, and other workplace flexibilities. • The agency's diversity program is inclusive of all groups and is based on analysis of representation of various groups including people with disabilities, various minority groups, and women. • The diversity program is actively endorsed and supported by agency senior leadership through policy, budget allocation, and personal endorsements. • The agency supports forums and activities for recognized interest groups to provide ways to communicate with the workforce about the importance of diversity.

DIVERSITY MANAGEMENT	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a diversity management system that:</i>	<ul style="list-style-type: none"> • Managers, supervisors, and employees receive training from an agency-developed, diversity-related training curriculum. • The respect for diversity index score from OPM's Federal Human Capital Survey indicates employees perceive their organization respects and welcomes the diversity that makes up the Federal workforce. • Data on human resources program and system decisions/actions (e.g., complaints; personnel actions such as selections, promotions, and disciplinary actions) are analyzed in the context of empirical information about the agency's employment practices, to verify discrimination is not occurring. • The agency provides resources in accessible formats. <p><u>Compliance Indicators</u></p> <ul style="list-style-type: none"> • The Federal Equal Opportunity Recruitment Program (FEORP) [5 CFR 720.205], the Disabled Veterans Affirmative Action Program (DVAAP) [5 CFR 720.304], and other outreach programs are implemented in accordance with 5 U.S.C. 7201 and the following Federal Equal Employment Opportunity (EEO) laws: <ul style="list-style-type: none"> – Title 7 of the Civil Rights Act of 1964 (Title 7) – Equal Pay Act of 1963 (EPA) – Age Discrimination in Employment Act of 1967 (ADEA) – Title 1 and title 5 of the Americans with Disabilities Act of 1990 (ADA) – Sections 501 and 505 of the Rehabilitation Act of 1973 – Civil Rights Act of 1991. <p>[Note: The Equal Employment Opportunity Commission is the jurisdictional authority for the EEO laws listed immediately above, not</p>

DIVERSITY MANAGEMENT	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<i>The agency has a diversity management system that:</i>	
	<p>OPM. These legal citations are listed for human capital practitioners' reference because agencies are subject to them.]</p> <ul style="list-style-type: none"> • The agency has published up-to-date policies indicating zero tolerance for sexual harassment and discrimination in the workplace in accordance with EEOC guidelines, including 29 CFR 1604. [Note: This indicator is also under the jurisdiction of the EEOC.]

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**RESULTS: LABOR/
MANAGEMENT
RELATIONS**

When the key elements of the critical success factor Labor/Management Relations are effectively implemented, agencies will realize the following results:

Effectiveness Result

- Managers effectively administer contractual and statutory provisions to accomplish agency goals; workplace conflicts are resolved fairly, promptly, and effectively; and managers, union officials, and employees work together to accomplish the agency's mission through effective communication and problem solving.

Compliance Result

- The agency recognizes the right of employees to organize, bargain collectively, and participate through labor organizations in accordance with 5 U.S.C. chapter 71.

The following page provides key elements and suggested performance indicators for this critical success factor.

LABOR/MANAGEMENT RELATIONS	
KEY ELEMENTS	SUGGESTED PERFORMANCE INDICATORS
<p><i>The agency has a labor/management relations system that:</i></p> <ul style="list-style-type: none"> • Provides a process encouraging labor and management to jointly develop successful plans to accomplish organizational goals and to develop effective solutions to workplace challenges • Sets the stage for effectively working through human capital issues • Ensures management is aware of and properly applies collective bargaining agreements and satisfies statutory labor-management relations obligations. 	<p><u>Effectiveness Indicators</u></p> <ul style="list-style-type: none"> • Data on complaints, grievances, and unfair labor practices are gathered, analyzed, and acted upon as appropriate. Data indicate problems are usually resolved at the lowest practicable level and management is complying with contractual and statutory requirements. • Management works to resolve conflicts promptly and in a manner that enhances agency performance. • The agency implements an alternative dispute resolution program to resolve employee/labor relations issues. The program achieves documented results in resolving problem situations. <p><u>Compliance Indicator</u></p> <ul style="list-style-type: none"> • Recognized labor organizations are afforded the rights established in 5 U.S.C. 7101 or other congressionally-mandated enabling legislation.