

SBA

SOP 34 30 4

Performance Management and Appraisal System

Office of Human Resources

U.S. Small Business Administration



**SMALL BUSINESS ADMINISTRATION
STANDARD OPERATING PROCEDURE**

National

SUBJECT: Performance Management and Appraisal System	S.O.P.		REV
	SECTION 34	NO. 30	4A

INTRODUCTION

1. Purpose. To modify the summary rating level definitions and incorporate regulatory changes regarding assumed, carry over and retroactive ratings of record in Chapter 4; modify SBA F 1276 to reflect changes to summary rating level definitions in Chapter 4; and modify the criteria for a superior accomplishment award in Chapter 5.
2. Personnel Concerned. All SBA employees.
3. Page Changes



Remove	Insert
1-2	1-2
3-8	3-8
11-12	11-12
23-38	23-38
47-48	47-48
4. Originator. Office of Human Resources

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 SMALL BUSINESS ADMINISTRATION STANDARD OPERATING PROCEDURE National			
SUBJECT: Performance Management and Appraisal System	S.O.P.		REV
	SECTION 34	NO. 30	4
INTRODUCTION			
1. <u>Purpose.</u> To provide supervisors with a guide for communicating performance expectations, appraising and rewarding performance, or assisting in improving deficient performance.			
2. <u>Personnel Concerned.</u> All SBA employees.			
3. <u>Directives Canceled.</u> SOP 34 30 3			
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Chapter 1

General Provisions

1. What Is the Purpose of this Standard Operating Procedure (SOP)?

This SOP provides supervisors with a guide for communicating performance expectations, appraising and rewarding performance, or assisting in improving deficient performance in accordance with Chapters 43, 45, and 53, of Title 5 United States Code and 5 CFR Parts 451 and 531.

2. What If this SOP Conflicts With a Negotiated Agreement?

To the extent that this SOP conflicts with a negotiated agreement, the negotiated agreement shall prevail for bargaining unit employees.

3. Am I Covered by this SOP?

You are covered if you are a General Schedule (GS/GM), Wage Grade, or Public Law employee and not covered by a negotiated performance system.

4. What Are the Rating Official's Responsibilities?

A Rating Official must:

- a. Encourage his/her employees to participate in establishing critical elements and performance standards for their positions;
- b. Establish critical elements and performance standards for all employees under their immediate supervision (*see* paragraph 2-6);
- c. Give each employee a written performance plan which identifies the critical elements and performance standards based on work assignments and responsibilities;
- d. Revise critical elements and performance standards, when necessary, in consultation with his or her employees;
- e. Conduct at least one formal progress review annually with each employee;

- f. Appraise each employee's performance on a continuing basis, and let his or her employees know what they're doing right and what they must improve;
- g. Communicate ratings of record to his/her employee **only** after the reviewing official approves the rating;
- h. Make any allowances for factors beyond an employee's control which caused the employee not to achieve a specific performance level;
- i. Complete any required interim ratings and ratings of record;
- j. Recommend appropriate recognition for his/her employees whose performance against standards warrants recognition; and
- k. Initiate appropriate remedial action for any employee whose performance against standards is deficient.

5. What Are the Reviewing Official's Responsibilities?

A Reviewing Official must:

- a. Ensure all employees in his/her organization have written performance plans in place and on time;
- b. Review, sign, and date performance plans when developed to ensure equity and consistency with organizational goals and objectives;
- c. Resolve conflicts between rating officials and employees over the content of performance plans;
- d. Ensure all rating officials conduct at least one formal progress review with their employees;
- e. Review, sign, and date interim and final performance ratings to ensure that actual accomplishments support the ratings and document the reasons for any changes;
- f. Recommend or approve (as appropriate) performance related personnel actions; and
- g. Submit required reports and certifications.

6. What Is the Role of Human Resources (HR)?

- a. The Assistant Administrator for Human Resources (AA/HR) is responsible for:
 - (1) Updating this policy to effectively carry out and administer performance management as part of an integrated human resource program;
 - (2) Providing management advisory services, necessary training, and other appropriate support to managers and supervisors; and
 - (3) Evaluating the effectiveness of SBA's Performance Management System.
- b. Servicing Personnel Offices are responsible for:
 - (1) Communicating performance management policies and procedures, and their relationship to the overall human resource system, to supervisors, employees, and bargaining unit representatives;
 - (2) Reviewing performance plans and ratings for accuracy and adequacy to give technical advice to management;
 - (3) Safeguarding performance appraisal records and related documents as required by the Privacy Act, the Freedom of Information Act, and other applicable statutes and regulations;
 - (4) Submitting required reports on performance management operations; and
 - (5) Participating in developing and implementing a tracking and evaluation system.

7. Who Is My Rating Official?

Your rating official is almost always your immediate supervisor.

8. Who Is My Reviewing Official?

Your reviewing official is normally your rating official's immediate supervisor.

9. What Is SBA's Appraisal Period?

SBA's appraisal period coincides with the beginning and ending dates of the fiscal year (October 1 to September 30).

10. What Is SBA's Minimum Appraisal Period?

* SBA's minimum appraisal period for either an interim rating or a rating of record is 90 calendar days performance against an established performance plan.

11. May My Rating Official Extend My Appraisal Period?

Yes. If a rating of record cannot be given as of September 30, because you have not performed against critical elements and performance standards for the minimum appraisal period, your rating official must extend your appraisal period for the amount of time necessary to meet the minimum appraisal period (90 calendar days) after which the rating official must prepare your rating of record.

12. How Many Reviews Are Required During an Appraisal Period?

Your supervisor must give you at least one formal progress review during the appraisal period and a rating of record if you performed against critical elements and performance standards for at least 90 calendar days. *

13. How Does My Rating Affect Other Personnel Decisions?

Your rating may affect the following.

- a. **Training.** Ratings may identify performance areas that warrant job-related training. When job-related training is necessary to help correct deficient performance, the rating official, in conjunction with your servicing personnelist, will identify the appropriate training.
- b. **Promotion.** Your most recent rating of record and performance awards are used in the ranking and certification of applicants. To receive a career ladder promotion you must have a current performance rating of at least Fully Successful.

- c. **Probationary Period.** A rating of record of at least Fully Successful will assist a rating official in determining whether performance warrants retention in the position beyond the probationary period.

If a rating official decides to terminate a probationary employee for unacceptable performance and the employee's last rating of record is Fully Successful or higher, the rating and reviewing officials must complete a new performance rating of record documenting deficient performance.

- d. **Reduction-in-force.** Your three most recent ratings of record earned during the 4-year period before the date of issuance of the reduction-in-force notice are used to determine competitive level standing for retention.

Your servicing personnel office must receive your performance ratings of record from Federal agencies, or verification of such ratings, 21 days before the date of a specific reduction-in-force notice to be put on record.

Chapter 2

Preparing and Issuing a Performance Plan

1. What Is a Performance Plan?

A performance plan is a written record of performance expectations. The plan identifies critical elements and performance standards.

2. How Is My Performance Plan Documented?

Your rating official will use SBA Form 1276, "PMAS Performance Rating" (appendix 2) and SBA Form 1276A, "PMAS Critical Element Worksheet" (appendix 3) to document your critical elements and performance standards at the Fully Successful level and at one of the two levels above and one of the two levels below the Fully Successful level.

3. What Is a Critical Element?

A critical element is a work assignment or responsibility of such importance that unacceptable performance on the element would result in your supervisor determining that your overall performance is unacceptable.

4. What Is a Performance Standard?

A performance standard is a statement describing "when, how much, and how well" you must perform to accomplish the assignment for appraisal at a particular summary level. A performance standard may include, but is not limited to the following factors:

- a. Quality;
- b. Quantity;
- c. Timeliness; and
- d. Manner of performance (describes how you will perform your work to meet the level of performance established). The examples below describe performance at the Fully Successful level:

<i>Critical Element</i>	<i>Performance Standard</i>
Prepares legal documents.	Prepares legally sufficient documents in time to meet routine timeframes established by law or regulation, or by the direction of the court or administrative procedure.
Filing.	Establishes and updates office filing system to maintain accurate, complete, and up-to-date records by designing a simple filing format, creating new files, and deleting unnecessary and out-of-date files in accordance with regulations.
Prepares financial vouchers.	Prepares and submits financial vouchers, adjustment vouchers, and memoranda by established timeframes by applying financial management procedures.

5. What Criteria Must Performance Standards Meet?

Performance standards must be realistic, specific, meaningful (linked to the goals and objectives of the organization), measurable, and objective.

6. What Are the Timeframes for Establishing Performance Plans?

Your rating official must establish written critical elements and performance standards for you within 30 calendar days of:

- a. Your entry on duty;
- b. The beginning of each appraisal period; or
- c. The effective date of a significant change in your duties and responsibilities, (e.g., a detail or temporary promotion of 90 days or more, or a reassignment).

7. What Should I Do If I Don't Have a Performance Plan In Place?

You should remind your supervisor to communicate your critical elements and performance standards to you.

8. Is a New Performance Plan Necessary Each Year?

No. Your rating official may use the same performance plan each year by completing a new SBA Form 1276, "PMAS Performance Rating," attaching your prior year PMAS Critical Element Worksheets, and communicating the plan to you. Then your rating official must give you a copy and maintain the original in your performance work file until the end of the rating period. Your performance plan is effective the day your rating official communicates the plan to you.

9. Who Develops Performance Plans?

Your rating official may:

- a. Personally prepare performance plans with your input;
- b. Assign a group of employees occupying similar positions to prepare plans;
- c. Use a standard plan designated by SBA; or
- d. Use any combination of these methods.

10. How Many Critical Elements Are In a Plan?

Normally, rating officials establish at least three critical elements for each position. A lesser number is possible only if your work assignments and responsibilities are such that your rating official can only identify a lesser number.

11. What Materials Identify Critical Elements?

Rating officials and/or work groups may use position descriptions, organizational goals and objectives, management initiatives, business plans, or program needs to help identify critical elements. Your rating official cannot take into consideration your knowledge, skills, or abilities.

12. Should Critical Elements be Identical?

All positions under the same supervisor which have identical duties and responsibilities should have identical critical elements. Each critical element must constitute a separate and distinct job component. However, if supervisors identify a critical task from your organization's initiatives or program needs, nothing precludes them from adding an additional critical element to one individual's plan.

13. How Does My Rating Official Revise My Performance Plan?

If your rating official makes a substantive change(s) to your critical elements and performance standards during the appraisal period, he/she must communicate the change to you. You and your rating and reviewing official should initial and date the change(s) on your performance plan. The change(s) becomes effective the next day.

14. What If I Didn't Have an Opportunity to Demonstrate Performance In a Particular Critical Element?

If your rating official determines that you did not have an opportunity to demonstrate performance in a critical element, he/she must indicate on the performance plan that the particular critical element is not applicable. You will not receive a rating on that critical element.

15. How Will SBA Ensure that I Have a Performance Plan?

Management Board members and district directors must send a written certification to the Assistant Administrator for Human Resources, by November 15 of each year, certifying that all employees within his/her respective program area have performance plans in place. This certification must include the following information should any employee not have a plan in place:

- a. The employee's name;
- b. The name of the employee's supervisor;
- c. The reason for the delay; and
- d. The date the rating official will communicate a performance plan to the employee.

Thereafter, Management Board members and district directors must submit a monthly report until all employees in their organization have a current plan.

Chapter 3

Monitoring Performance

1. What Is a Progress Review?

A progress review is an oral communication between you and your rating official during which you must discuss:

- a. Your progress toward meeting your critical elements as measured by the performance standards in your plan;
- b. Any areas of concern or potential concern and what actions or improvements you must take to improve performance. Consider this an opportunity to discuss both your accomplishments and ways for you to improve performance;
- c. Training and/or developmental assignments which would assist you; and
- d. Any changes in your performance plan.

Your rating official will monitor your performance throughout the appraisal period and provide you with feedback concerning problems, progress and successes.

2. When Is a Progress Review Held?

Normally, a progress review is held at the mid-point of the appraisal period.

3. How Do Rating Officials Document Progress Reviews?

To document a progress review, rating officials must, and you (the employee) should, sign Part B of SBA Form 1276. (See appendix 2.) Failure on the employee's part to sign Part B does not invalidate the progress review.

4. How Will SBA Ensure that I Had a Progress Review?

Management Board members and district directors must send a written certification to the Assistant Administrator for Human Resources by June 1 of each year, certifying that all employees within their respective program area had a progress review. The certification must include the following information should any employee not have a progress review:

- a. The employee's name;
- b. The name of the employee's supervisor;
- c. The reason for the delay; and
- d. The date the rating official will complete the progress review.

Thereafter, Management Board members and district directors must submit a monthly report until all employees in their organization have had a progress review.

Chapter 4

Preparing and Issuing a Rating

1. Are There Different Types of Ratings?

Yes. There are two types: interim ratings and ratings of record.

2. When Is an Interim Rating Necessary?

* If you performed against established critical elements and performance standards for at least 90 calendar days during the rating period, your rating official must give you an interim rating on SBA Form 1276 before he or she leaves the position as your rating official, or upon your:

- a. Leaving for a detail or temporary promotion;
- b. Completing a detail or temporary promotion of at least 90 days;
- c. Promotion;
- d. Reassignment; or
- e. Transfer.

*

3. How Is My Interim Rating Used?

Your rating official must take your interim rating recorded on SBA Form 1276 or the performance plan obtained from an outside organization into consideration in deriving your next rating of record.

4. What Is a Rating of Record?

* A rating of record is your performance rating prepared and issued to you at the end of the appraisal period covering performance over the past year for which you received a summary level rating. Ratings of record may include the following:

- a. The annual rating given at the end of the appraisal period;
- b. The rating given at the end of the postponed appraisal period (because the employee did not serve 90 calendar days in the current position during the appraisal period); and
- c. The improved rating following the opportunity to improve unacceptable performance.

*

5. Who Prepares My Rating of Record?

Your rating official must prepare your rating of record.

6. How Does My Rating Official Determine My Rating of Record?

Your rating official will consider any statement of accomplishments you provide when evaluating our actual performance against the critical elements and performance standards in your PMAS plan. Then use the numerical average of your individual critical element ratings and the descriptions of the five summary levels to derive your rating of record.

Upon completion, your rating official will forward your proposed rating of record to your reviewing official for approval.

7. What Are the Five Summary Levels?

- * a. **Outstanding**. Performance of excellent quality that is exceptional and usually deserving of a performance award. The average of the individual critical element ratings must be at or between a numerical score of 4.6 to 5.0 with no critical element rated lower than "Exceeds Fully Successful."
- b. **Exceeds Fully Successful**. Very good performance which deserves special recognition. The average of the individual critical element ratings must be at or between a numerical score of 3.6 to 4.59 with no critical element rated lower than "Fully Successful."
- c. **Fully Successful**. Good performance constituting the level of personal achievement expected of an employee to satisfactorily accomplish organizational goals or requirements. The average of the individual critical element ratings must be at or between a numerical score of 3.0 to 3.59 with no critical element rated lower than "Minimally Successful."
- d. **Minimally Successful**. Performance not at an acceptable level of competence, but at the minimum level of performance necessary to retain you in your position. It requires the supervisor to withhold any scheduled within-grade increase (see chapter 6-1). The average of the individual critical element ratings must be at or between a numerical score of 2.0 and 2.99 with no critical element rated lower than "Minimally Successful." A rating at this level requires a written justification.
- e. **Unacceptable**. Performance that fails to meet established performance standards in one or more critical elements of your position. One critical element rated "Unacceptable" results in an overall summary level of Unacceptable." A rating at this level requires a written justification.

8. Can My Rating Official "Carry Over" My Previous Rating of Record?

No. A rating of record can cover only one appraisal period.

9. Can My Rating Official Give Me an "Assumed" Rating of Record?

No. A rating of record must reflect an appraisal of an employee's actual performance.

10. Can My Rating Official Give Me a Rating of Record for a Past Appraisal Period?

Yes. Your rating official may go back, after the fact, and give you a rating of record where none was given, when ordered by a third party under the provisions of 5 CFR §430.208(I)(2). *

11. May My Rating Official Lower My Rating of Record Due to Absences?

Your rating official may not lower your rating of record solely because you were absent from work.

12. Must I Sign My Rating of Record?

No. Your signature indicates that the rating of record was discussed with you and that you reviewed it. If you choose not to sign, your rating official will indicate on the form your decision not to sign.

13. What Is the Reviewing Official's Role In the Rating Process?

Your reviewing official reviews your recommended rating, any justification for the rating, and your statement of accomplishments, if applicable, before approving your rating.

a. Can My Reviewing Official Change My Supervisor's Rating?

Yes. If your reviewing official changes your rating officials recommended rating, your reviewing official must document the reasons for the change on SBA Form 1276 or on bond paper so long as the reasons for the change are attached to SBA Form 1276.

b. Do All Employees Have Reviewing Officials?

No. You will not have a reviewing official if your rating official is either the Administrator or the Inspector General. Nor will you have an automatic review if your reviewing official is either the Administrator or the Inspector General. You must request a review. In such cases, the Administrator or Inspector General may choose to serve as reviewing official or may designate an appropriate official to serve in that capacity.

*** c. Can My Reviewing Official Change a Rating Issued to Me as a Final Rating of Record?**

Once approved and issued to you, your final rating of record cannot be unilaterally changed unless you challenge it. *

14. Where Are Copies of My Rating Filed?

The rating official sends the original of SBA Form 1276 and 1276A's to your servicing personnel office for input into the automated Personnel Payroll system and filing in your Employee Performance Folder (EPF). The rating official will give you a copy and may file a copy in your Performance Work Folder.

15. Does SBA Prescribe a Forced Distribution (Quotas) of Ratings?

No. Supervisors are encouraged to rate employees against established critical elements and performance standards.

Chapter 5

Recognizing and Rewarding Employee Performance

1. How May Supervisors Recognize and Reward Employee Performance?

Supervisors may recognize and reward employee performance with within-grade increases and performance awards.

2. What Is a Within-Grade Increase?

A within-grade increase is synonymous with the term "step increase" and is a periodic increase in an employee's rate of basic pay from one step of the grade of the position to the next higher step of that grade.

a. May I Receive a Within-Grade Increase?

Yes, if you occupy a permanent position under the General Schedule (GS) and are paid at less than the maximum step of your grade.

b. How May I Earn a Within-Grade Increase?

You may earn a within-grade increase if:

- (1) Your performance is at an acceptable level of competence, i.e., your most recent rating of record is at least Level 3 (Fully Successful);
- (2) You have completed the required waiting period to advance to the next higher step of the grade of your position; and
- (3) You did not receive an equivalent increase during your waiting period.

c. Can My Rating Official Waive My Acceptable Level of Competence Determination?

* Yes, if you did not perform under standards in any position for the minimum 90 calendar day appraisal period because of: *

- (1) Absences that are creditable service in the computation of a waiting period or periods under 5 CFR § 531.406;

- (2) Paid leave;
- (3) Service credit under the back pay provisions of 5 CFR Part 550 Subpart H;
- (4) A detail to another agency or employer which did not prepare a rating for you;
- (5) Long term training; or
- (6) Insufficient time to demonstrate an acceptable level of competence due to authorized activities of official interest to SBA not subject to appraisal under this SOP (including but not limited to, labor-management partnership activities under section 2 of Executive Order 12871, and serving as a representative of a labor organization under Chapter 71 of Title 5, United States Code). In such situations, there is a presumption that you would perform at an acceptable level of competence if you performed the duties of your position of record for at least 90 calendar days.

*

*

d. What Is the Waiting Period for a Within-Grade Increase?

The table below shows the required waiting period for a within-grade increase.

<i>If you are in Step...</i>	<i>then your waiting period is...</i>
1, 2, 3	52 calendar weeks
4, 5, 6	104 calendar weeks
7, 8, 9	156 calendar weeks

e. How Is a Within-Grade Increase Generated?

The National Finance Center will automatically generate a within-grade increase unless an employee has a level 1 or 2 rating in the system. If an employee is not working at an acceptable level of competence, **supervisors must immediately inform the servicing personnel office to initiate appropriate action to deny an employee's within-grade increase.**

3. What Types of Performance Awards Does SBA Have?

SBA has three performance awards based on an employee's rating of record:

- a. Quality Step Increase (QSI);
- b. Sustained Superior Performance (SSP); and
- c. Superior Accomplishment (SA).

4. What Is a Quality Step Increase (QSI)?

A QSI is an increase in your rate of basic pay from one step or rate of your grade to the next higher step or rate of your grade. This award recognizes outstanding performance by granting faster than normal step increases.

a. How Can I Receive a QSI?

If you are a General Schedule (GS) employee occupying a permanent position and you are paid at less than the maximum step of your grade, your supervisor may recommend you receive a QSI after giving you an Outstanding rating.

b. Are There Any Restrictions On Granting a QSI?

You may not receive more than one QSI within any 52 consecutive calendar weeks.

5. What Are Sustained Superior Performance (SSP) and Superior Accomplishment (SA) Awards?

These awards are one-time lump sum cash payments based on your rating of record.

a. What Rating Must I Receive to Earn a Sustained Superior Performance Award?

A rating of record of Outstanding or Exceeds Fully Successful.

* b. What Rating Must I Receive to Earn a Superior Accomplishment Award?

A rating of record of Fully Successful with one critical element rated "Outstanding." *

You **are not** eligible for an award if you receive a "Minimally Successful" rating on any critical element.

6. What Is the Procedure for Recommending and Approving

Performance Awards?

Your rating official must complete Part E of SBA Form 1276, "PMAS Performance Rating," appendix 2) and send it through your supervisory chain to the appropriate approving official. (*See* appendix 4.)

7. How Does SBA Ensure that Awards Are Equitably Distributed?

Award Fund Managers must document the methodology used to distribute awards in their organization. For example, Award Fund Managers should grant the:

- a. Same dollar amount to employees at the same grade and earning the same rating; or
- b. Same percentage of base salary (excluding locality pay) to employees earning the same rating.

8. What Happens to the Award Recommendation After the Approving Official Signs It?

The approving official must send the approved award recommendation to your servicing personnel office for technical review and payment.

9. Who Obtains Approval for Awards Exceeding the Respective Authority of Approving Officials?

Your servicing personnel office will send any awards exceeding the approving official's authority to the appropriate approving official.

Chapter 6

Addressing Less Than Fully Successful Performance

1. What Happens If My Performance Is Minimally Successful?

- a. Whenever a rating official determines that your performance is at the Minimally Successful level on any critical element, he/she must immediately initiate appropriate counseling and consider appropriate corrective action to assist you in improving your performance to the Fully Successful level.
- b. Your supervisor must withhold any within-grade increase, if applicable, until your performance has improved and a higher rating achieved. To do so, your supervisor must inform you of this determination in writing (appendix 5) as soon as possible before the end of your waiting period. The notice will contain:
 - (1) The critical element(s) and performance standards of your position for which your performance is judged below an acceptable level of competence;
 - (2) Examples of your performance which are less than Fully Successful;
 - (3) Ways to improve your performance;
 - (4) A copy of your most recent rating of record and supporting documentation;
 - (5) Your right to request reconsideration within the next 15 calendar days;
 - (6) The name and title of the reviewing official to whom you must submit your request for reconsideration; and
 - (7) Your right to representation.

2. How Do I Request Reconsideration of a Denial of My Within-Grade Increase?

You must file a written response to the decision to deny your within-grade increase within 15 calendar days of the decision, specifying the reasons you believe the reviewing official should reconsider the decision. Upon receipt, your reviewing official must establish a reconsideration file containing all pertinent documents relating to the denial of your within-grade increase.

a. Can the Timeframe for Filing a Reconsideration Request for a Within-Grade Increase Denial be Waived?

Yes, if you can show that you did not receive notification of the time limit, or that circumstances beyond your control prevented you from making a timely reconsideration request.

b. When Will the Decision on My Reconsideration Request be Issued?

If there are no unusual circumstances, your reviewing official will issue a decision based on the material in the reconsideration file, within 30 calendar days following receipt of your reconsideration request.

c. May I Review the Material In the Reconsideration File?

Yes. If you are in a duty status, you will have a reasonable amount of official time to review the material relied upon in denying your within-grade increase and respond to the denial either in writing, orally, or both.

d. What If the Reviewing Official Sustains or Reverses the Denial of My Within-Grade Increase?

Your reviewing official will notify you in writing of the reasons for the decision and your right to appeal to the Merit Systems Protection Board (MSPB). (See appendix 6.) If the decision is to grant your within-grade increase, your deciding official will notify you in writing and your within-grade increase will be effective on the original due date.

e. How Often Will a Determination Regarding My Performance Following My Within-Grade Increase Denial be Made?

Your rating official must determine whether your performance warrants granting your within-grade increase after no more than 52 calendar weeks following the original eligibility date of your within-grade increase. Additionally, as long as the within-grade increase is denied, your rating official must make determinations at least every 52 calendar weeks.

f. What Happens If My Performance Improves After Denial of My Within-Grade Increase?

Your within-grade increase becomes effective the first day of the first pay period following the date your rating official determines that your performance is at the "Fully Successful" level or higher.

To effect your within-grade increase, your rating official must immediately prepare a new rating and send it to your servicing personnelist with a cover memorandum requesting that your within-grade increase be granted.

3. Can My Supervisor Delay My Within-Grade Increase Rather Than Deny It?

Your rating official will delay your within-grade increase only if:

- * a. You haven't had an opportunity to demonstrate an acceptable level of competence in your current position because you have not performed under standards for the minimum 90 calendar days, and you did not receive a performance rating in any position within 90 calendar days of the end of your waiting period; or
- b. Your supervisor reduced your grade because of unacceptable performance to a position in which you are eligible for a within-grade increase or will become eligible within 90 calendar days. *

In such cases, your rating official must notify you of the delay in your acceptable level of competence determination, an extension of your rating period, and the specific requirements for performance at an acceptable level of competence.

4. What Is the Effective Date of My Within-Grade Increase After Being Delayed Because I was not Ratable?

When your rating official determines that your performance is at an acceptable level of competence, your within-grade increase is retroactive to the original due date.

5. Am I Eligible for a Within-Grade Increase If I'm Reduced In Grade?

- * If you served in a position under performance standards at the lower grade for at least 90 calendar days, your rating official will use the rating of record at the lower grade as the basis for an acceptable level of competence determination. If you haven't served in the position for at least 90 calendar days, your rating official will postpone your determination and extend your rating period. *

6. What Happens If My Performance Is Unacceptable?

Whenever your rating official determines that your performance on any critical element is Unacceptable, unless you are excluded by paragraph (e) below, your rating official must give you an opportunity to improve your performance by placing you on a performance improvement plan (PIP). Your rating official must do the following.

- a. Give you a reasonable opportunity (commensurate with the duties and responsibilities of your position) to improve your performance.
- b. Notify you in writing of the critical element(s) which pertain to your Unacceptable performance and the Minimally Successful performance standards you must attain to avoid a reduction in grade or termination of your employment. (See appendix 7.) The letter will also identify the assistance your rating official will provide you in order to help you correct your performance. This assistance may include the following:
 - (1) Improvement of work procedures, instructions, or processes;
 - (2) Clarification of critical elements and performance standards;
 - (3) Training;
 - (4) Counseling assistance; and/or
 - (5) Increased direct supervision.
- c. If your performance **doesn't improve** to at least the Minimally Successful level by the end of your performance improvement period (PIP) (including any extensions), your supervisor may:
 - (1) Propose to terminate your employment;
 - (2) Propose to reduce you in grade; or
 - (3) Reassign you to a different position if one is vacant and management believes that you can perform at an acceptable level in the new position.
- d. If your performance **does improve** to at least the Minimally Successful level, you must maintain that level of performance for 1 year. If you later resume performance at an Unacceptable level within 1 year of the beginning of the opportunity period in the same critical element(s) for which you were afforded an opportunity to improve, your supervisor may propose action without affording you an additional opportunity to improve (5 CFR 432.105).

- e. The requirement for a performance improvement period (PIP) does not apply to:
- (1) Employees in the competitive service serving a probationary or trial period;
 - (2) Employees in the competitive service, who did not serve a probationary or trial period, and who have not completed 1 year of current continuous employment in the same or similar position other than a temporary appointment limited to 1 year or less;
 - (3) Employees in the excepted service who did not complete 1 year of current continuous employment in the same or similar position;
 - (4) Individual's occupying a position in the excepted service for which employment is not reasonably expected to exceed 120 days in a consecutive 12-month period;
 - (5) Schedule C employees;
 - (6) Re-employed annuitants; or
 - (7) Managers and supervisors returned to their previously held grade for failure to satisfactorily complete a probationary period (5 U.S.C. §3321(a)(2) and (b)).

7. Can I Have a Representative Present When My Supervisor Counsels Me About My Performance?

No, you are not entitled to representation because meetings to discuss performance are not disciplinary or investigatory in nature (5 U.S.C. § 7114(a)(2)(B)).

8. What If My Deficient Performance Is Due In Part to Medical and/or Personal Problems?

If your rating official has reason to think that your deficient performance may be due in part to alcohol, drug, behavioral, emotional, or other personal problems, he/she must advise you of SBA's Employee Assistance Program (EAP). You may contact your servicing personnel office for an EAP brochure and the EAP toll free number. If you meet the necessary requirements, your rating official will give you information concerning eligibility for disability retirement.

9. What Is the Procedure for Removing Me From My Position After Failing a Performance Improvement Plan (PIP)?

Your rating official (the proposing official) must give you a 30 day advance notice of the proposed action and an opportunity to prepare and respond both orally and in writing to the proposed action. (See appendix 8.)

The notice proposing your reduction in grade or termination of your employment will:

- a. Identify the specific instance(s) of unacceptable performance. These specific instance(s) may have occurred during the opportunity to improve your performance or at any time during the 1 year before issuance of the proposed action;
- b. Identify the critical element(s) of your position where performance is Unacceptable;
- b. Notify you of the entitlement to a reasonable amount of official time, typically 16 hours, to both review the material relied upon by the proposing official, and to answer the proposed action orally or in writing or both; and
- c. Notify you of the right to representation by an attorney or other representative as long as there is no conflict of interest or the appearance of a conflict of interest.

10. What Is the Role of the Deciding Official In an Adverse Action?

The deciding official will consider your performance during the performance improvement period (PIP), your performance during the 1 year period before the notice of the proposed action, and any written and/or oral response you or your representative furnishes in response to the proposed action.

5 CFR 432.105(b) requires the deciding official to issue a written decision within 30 calendar days after the expiration of the advance notice period (appendix 9). If there is reasonable cause, the Assistant Administrator for Human Resources or the Inspector General (for IG employees) may extend the notice period. You may request an extension of the notice period in writing from the Assistant Administrator for Human Resources or the Inspector General.

The decision will:

- a. Inform you whether the deciding official sustained the proposed action, substituted a less severe action than the proposed notice, or canceled the proposed notice;
- b. Where appropriate, specify the instance(s) of Unacceptable performance

on which the proposing official based the action;

- c. Document that the deciding official carefully considered the issue(s) raised in your oral and/or written reply;
- d. Specify the effective date of any action decided; and
- e. Advise you of any appeal right.

11. Can I Stop an Adverse Action By Applying for Disability Retirement?

No. Your application for disability retirement will not stop or delay any appropriate action under this chapter.

Chapter 7

Appeal and Grievance Rights

1. May I Appeal, Grieve, or Dispute a Reduction In Grade or Termination Action for Unacceptable Performance?

Yes. If you are:

- a. In the competitive service and completed a probationary or trial period;
- b. In the competitive service serving in an appointment not subject to a probationary or trial period, and you completed 1 year of current continuous employment in the same or similar position(s) under other than a temporary appointment limited to 1 year or less;
- c. A preference eligible in the excepted service who completed 1 year of current continuous employment in the same or similar position(s); or
- d. A non-preference eligible in the excepted service covered by 5 CFR Part 752 Subpart C and D.

2. What May I Appeal to the Merit Systems Protection Board (MSPB)?

- a. A decision to remove.
- b. A decision to reduce in grade.
- c. A reconsideration decision sustaining an action to withhold a within-grade increase.

Bargaining unit employees exercising their option to appeal an action to MSPB, cannot also file a grievance on the same matter under a negotiated grievance procedure.

3. What May I Grieve or Dispute?

You may grieve some matters stemming from implementation and administration of this appraisal system, including your rating of record.

4. How Do I File a Grievance or Dispute?

<i>If...</i>	<i>then...</i>
You are a non-bargaining unit employee. You are a bargaining unit employee not covered by a collective bargaining agreement.	File under the provisions of the SBA Employee Dispute Resolution Process, SOP 37 71.
You are a bargaining unit employee covered by a collective bargaining agreement.	File under the provisions of the applicable Negotiated Grievance Procedure.

Chapter 8

Records

1. What Is an Employee Performance Folder (EPF)?

Your servicing personnel office maintains your EPF as an extension of your Official Personnel Folder. It contains the following documents:

- a. Original performance ratings of record (SBA Forms 1276 and 1276A and equivalent forms from other Federal agencies) documenting your most recent performance ratings of record up to 4 years; and
- b. The original of any cash, excluding quick cash, or performance award approved during the last 4 years.

2. What Performance-Related Documents May My Rating Official Maintain On Me?

Your rating official may maintain a Performance Work Folder (PWF) in accordance with governing Privacy Act regulations and appropriate retention schedules. Your PWF may contain the following:

- a. Appraisal Documents.
 - (1) Original performance plan (SBA Forms 1276 and 1276A, for the current fiscal year and any modifications, amendments or changes to those documents);
 - (2) A copy of any interim performance appraisal prepared during the appraisal period together with a copy of all supporting documentation and the employee's comments;
 - (3) Any supporting documentation which is applicable to appraisal activities for the current appraisal period; and
 - (4) Copies of your last four performance plans and appraisals.

b. Personnel Actions.

- (1) A copy of any Notice of Negative Determination, Notice of Reconsideration Decision, Notice of Proposal, or Notice of Decision, together with a copy of all supporting documentation; and
- (2) A copy of any Standard Form 52, "Request for Personnel Action," (appendix 10) prepared in connection with a decision to reduce in grade or remove an employee for Unacceptable performance.

c. Awards and Training Documents.

- (1) A copy of any recommended performance awards; and
- (2) A copy of recommendations for performance-related training and copies of applicable documentation of completed training.

d. Counseling Documents.

- (1) Copies of any letters referring you to the Employee Assistance Program and/or offering you an opportunity for a medical examination; and
- (2) Copies of any other performance-related documents (including notes of performance counseling sessions) which the rating official and the reviewing official will consider, act on, or initiate.

3. Can SBA Disclose the Information In My EPF or PWF?

You may review the information in your EPF or PWF. Disclosure to others is limited to that permitted by the Privacy Act (5 U.S.C. §552a(b)).

4. What Is the Retention Period for Performance-Related Documents?

Your servicing personnel office and supervisor must retain performance-related documents as prescribed below.

Performance-Related Documents	Retention Period
a. Ratings of Record & Supporting Documentation:	
1) Ratings of Record/Performance Plan	4 years after the date the reviewing official approved the rating.
2) Supporting documentation	1 year from the date the reviewing official approved the rating.
b. Proposed Notices & Decisions:	
1) Proposed notice & decision effecting a reduction in grade or removal.	3 years from the effective date of the action.
2) Proposed notice to remove or reduce in grade where you were not removed or reduced in grade & related proposed performance rating.	Destroy after completing 1 year of Fully Successful performance from the date of the proposed notice.
3) Notices of Negative Determinations and Related Proposed Performance Ratings, Notices of Reconsideration Decisions and Related Final Performance Ratings which withheld a within-grade increase.	1 year after an employee receives a withheld within-grade increase following sustained performance at the Fully Successful Level.
Your servicing personnel office will retain relevant documents beyond the specified schedule when they are needed in connection with an on-going administrative, negotiated, quasi-judicial, or judicial proceeding.	

5. Is There a Performance-Related Document SBA Cannot Destroy?

Yes. The servicing personnel office will maintain all SF Form 50B, "Notice of Personnel Action," (appendix 11) filed in your Official Personnel File (OPF). This document is a permanent record.

6. What Happens to My EPF If I Accept a Position Under a Different Servicing Personnel Office?

If you accept a position serviced by a different personnel office, your performance ratings of record that are less than 4 years old, including the corresponding performance plan of the most recent rating, and the interim rating prepared when you changed positions are sent with your Official Personnel File (OPF) to your new servicing personnel office.

7. What Happens to My PWF If I Change Positions During the Appraisal Period?

If your rating official does not expect you to return before the end of the appraisal period, he/she may send your PWF to your new rating official, keep it as long as any performance action is pending, or destroy it.

8. What Happens to My EPF If I Leave SBA?

If you resign or retire from SBA, your servicing personnel office will send your four ratings of record that are less than 4 years old, including the corresponding performance plan of your most recent rating, and your summary rating prepared when you change positions to the National Personnel Records Center.

Appendix 1
Index to Forms and Reports


FORM

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Appendix 2

 U.S. SMALL BUSINESS ADMINISTRATION PMAS PERFORMANCE RATING		Appraisal Period From: _____ To: _____			
		TYPE OF RATING <i>(Check one)</i> <input type="checkbox"/> Interim <input type="checkbox"/> Final			
NAME OF EMPLOYEE		SOCIAL SECURITY NO.	ORGANIZATION		
POSITION TITLE		PAY PLAN/SERIES/GRADE			
PART A NOTIFICATION OF STANDARDS: Signatures certify that critical elements and performance standards were discussed.					
EMPLOYEE	DATE	RATING OFFICIAL	DATE	REVIEWING OFFICIAL	DATE
PART B PROGRESS REVIEW: Signatures certify that performance was discussed.					
EMPLOYEE	DATE	RATING OFFICIAL	DATE		
PART C CRITICAL ELEMENTS					
List below the employee's critical elements.				Enter Level Achieved	
				Overall Rating =	
PART D OVERALL SUMMARY RATING					
RATING		RATING OFFICIAL'S SIGNATURE (For rating/awards purposes)		DATE	
REVIEWING OFFICIAL'S SIGNATURE (For rating/awards purposes)		DATE	EMPLOYEE'S SIGNATURE (Certifies rating was discussed)		DATE
PART E RECOMMENDATION FOR PERFORMANCE AWARD (Check type of award and indicate amount for cash award)					
QSI [] (Level 5)	SUSTAINED SUPERIOR PERFORMANCE [] (Level 5 or 4)	SUPERIOR ACCOMPLISHMENT [] (Level 3 w/ 1 critical element rated outstanding)		AMOUNT	
AWARDS FUND MANAGER'S SIGNATURE [] Approved [] Disapproved				APPROPRIATIONS CODE	
FOR USE BY SERVICING PERSONNEL OFFICE					
INCENTIVE AWARDS OFFICE			CASE NO.	DATE	

SBA Form 1276 (6/00) Ref SOP 34 30

Previous editions obsolete

Federal Recycling Program  Printed on Recycled Paper

This form was electronically produced by Elite Federal Forms, Inc.

(paragraph 2-2)

PART G RATING OFFICIAL'S OVERALL JUSTIFICATION (Optional)

PART H REVIEWING OFFICIAL'S JUSTIFICATION (If different from rating officials recommended rating)


PART I EMPLOYEE'S COMMENTS (Optional)

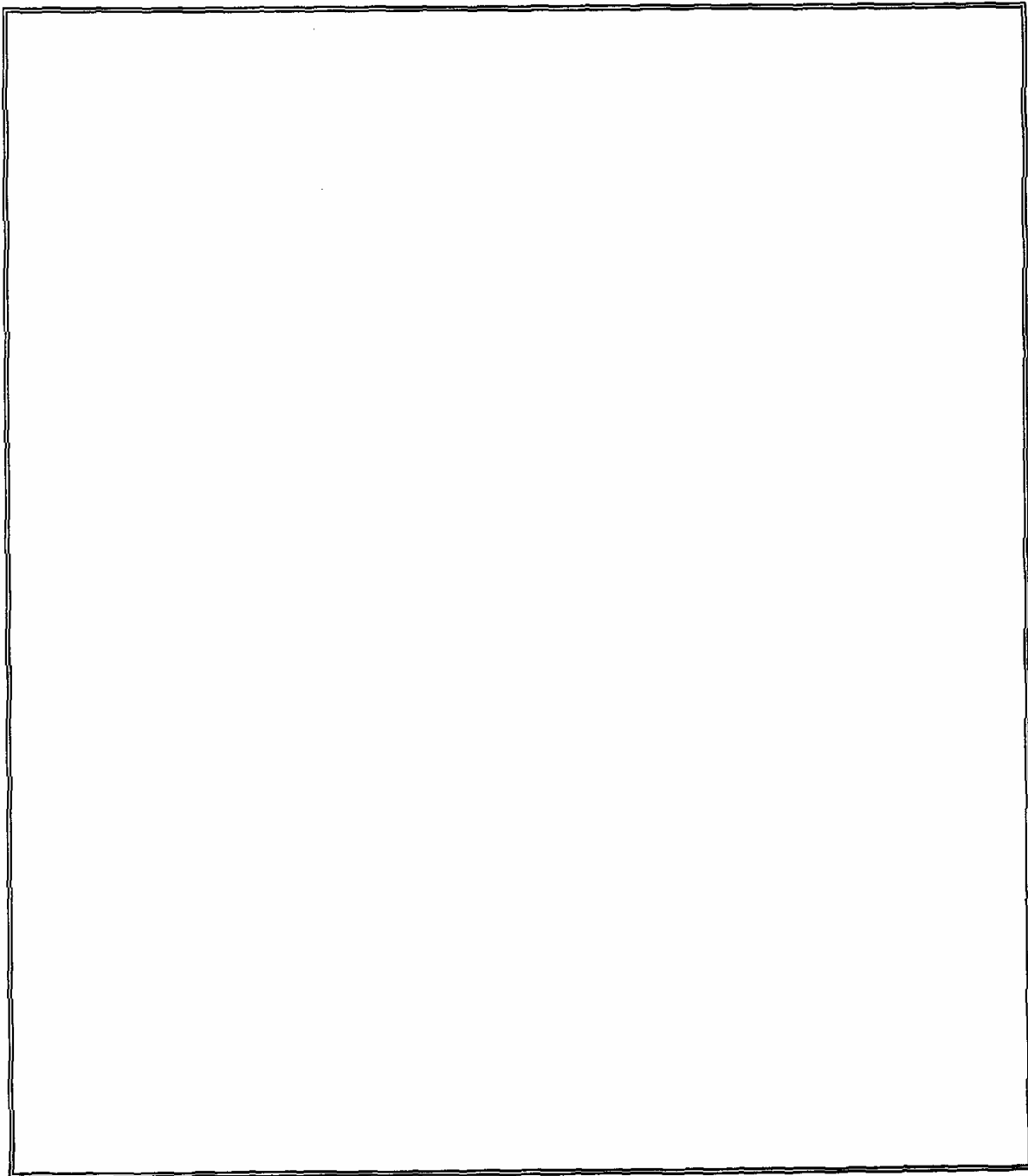
PART J SUMMARY RATING DEFINITIONS

- | | | |
|-----|--------------------------|---|
| (5) | Outstanding | The average of the critical element ratings must be at or between a numerical score of 4.6 to 5.0. No critical element may be rated lower than "Exceeds Fully Successful." |
| (4) | Exceeds Fully Successful | The average of the critical element ratings must be at or between at or between a numerical score of 3.6 to 4.59. No critical element may be rated lower than "Fully Successful." |
| (3) | Fully Successful | The average of the critical element ratings must be at or between a numerical score of 3.0 to 3.59. No critical element may be rated lower than "Minimally Successful." |
| (2) | Minimally Successful | The average of the critical element ratings must be at or between a numerical score of 2.0 and 2.99. No critical element may be rated lower than "Minimally Successful." |
| (1) | Unacceptable | One or more critical elements rated "Unacceptable." results in an overall rating of unacceptable. |

An overall rating below Fully Successful must have a written justification.

Appendix 3 (paragraph 2-2)

 U.S. SMALL BUSINESS ADMINISTRATION PMAS CRITICAL ELEMENT WORKSHEET			
NAME OF EMPLOYEE:			ORGANIZATION:
PAY PLAN:	SERIES:	GRADE:	POSITIONS TITLE:
PART A - CRITICAL ELEMENT DESCRIPTION			
PART B - PERFORMANCE STANDARD (Describe performance standards at one of the two levels above fully successful and at one of the two levels below fully successful)			
FULLY SUCCESSFUL			



**Appendix 4
(paragraph 5-6)
Delegation of Authority
for Performance Awards**

AWARDS	APPROVAL AUTHORITY
Not exceeding \$2,000 Quality Step Increase (QSI)	Management Board Members District Directors
Not exceeding \$3,500	Associate Deputy Administrator for Management & Administration
Not exceeding \$5,000	Deputy Administrator Inspector General
Not exceeding \$10,000	Administrator
With the exception of the Administrator and the Inspector General, approving officials may not approve awards for their immediate subordinates.	

Appendix 5
(paragraph 6-1)
Negative Determination
Sample Notice

(Date)

**(Employee's Name
Title and Address)**

Dear **(Employee's Name)**:

This is formal notice that I am withholding your within-grade increase scheduled for **(date WIGI is due)**, for performance below the Fully Successful level as determined by comparing your actual performance against the performance standards assigned to you on **(date employee received the subject SBA Form 1276A(s) or the beginning date of the current appraisal period whichever is later)**.

Enclosed is a copy of your performance plan for the performance beginning **(enter the beginning and ending dates for the appraisal period for the most recent rating of record)** which shows your actual performance against the critical element performance standards for your position.

SOP 34 30, "Performance Management & Appraisal System," states that performance at the Minimally Successful level will result in the withholding of an employee's within-grade increase. Further, 5 CFR 432.105 states that performance at the Unacceptable level on one or more critical elements may also result in reduction-in-grade or removal from your position.

I am withholding your regular within-grade increase for the following reason(s):

(For each critical element rated below the Fully Successful level, identify the critical element, describe the performance standard for the Minimally Successful level as stated on the subject SBA Form 1276A, and identify the performance rating assigned to this element as contained in the most recent rating of record. In other words, you define what the performance accomplishments were, what the Fully Successful standard is, and what the employee's rating is for each deficiency.)

Although I denied your within-grade increase, I will grant your within-grade increase at any time you demonstrate sustained performance at or above the Fully Successful level for each of your assigned critical elements during the next appraisal period.

To receive your within-grade increase you must maintain at least a Fully Successful rating on each of your remaining critical elements and with regard to the critical element(s) cited above, accomplish the following:

(In these paragraphs, state specifically the level of accomplishment required to meet the Fully Successful performance standard for each deficient critical element. For example, if filing is currently backlogged, require filing of all backlogged files and then maintain current filing levels).

You have the right to file a written request to **(name and address of reviewing official)**, asking for reconsideration of this action. You must file your request for reconsideration within 15 calendar days from your receipt of this letter.

If you wish, you have the right to representation by **(for bargaining unit employees only enter: "a union or other representative of your choice approved by the union;" for non-bargaining unit employees enter: "an attorney or other representative of your choice")** in requesting reconsideration of this action. You are entitled to a reasonable amount of official time to prepare and present a response to this negative determination. You must request official time in writing and receive my approval in advance.

Direct any questions concerning your rights and entitlement to **(name, title, address, and telephone number of the servicing personnel specialist as contact)**.

Sincerely,

(Name/title of Rating Official)

Enclosure

Appendix 6
(paragraph 6-2)
Reconsideration Decision
Sample

(Date)

**(Employee's Name
Title and Address)**

Dear **(Employee's Name)**:

By letter dated **(date of Notice of Negative Determination)**, **(Name of Rating Official)** withheld your within-grade increase scheduled for **(date WIG is/was due)**, for performing **(specify number)** of your critical elements below the Fully Successful level. That letter explained the reasons for the action and specified how you must improve your performance to achieve an acceptable level of competence rating and thereby be eligible to receive a within-grade increase. **(Name of Rating Official)** further advised you that you could request that I reconsider the action which you did by letter dated **(date of request)**.

The purpose of this letter is to communicate my decision on your request for reconsideration. In arriving at this decision, I have carefully considered your performance on each of your assigned critical elements during the appraisal period.

It is my decision that you **(failed to perform or you performed)** at the Fully Successful level during the waiting period for your within-grade increase. Accordingly, it is my decision to **(sustain the denial of or grant)** your within-grade increase effective **(date)**.

(Note: If the decision was to deny the within-grade increase, you must include the following.)

(For bargaining unit employees only enter: You have the right to grieve this decision to deny your within-grade increase under the terms and provisions of your negotiated grievance procedure within 15 calendar days from the date you receive this letter.)

(For permanent GS employees who are not in a bargaining unit enter: appeal this decision to deny your within-in-grade increase to the Merit

Systems Protection Board (MSPB) within 30 calendar days from the date you receive this letter.)

Enclosed is a copy of the MSPB rules and regulations governing such appeals and a copy of the appeal form. If you have any questions concerning your rights as a result of this action, you may contact **(enter name and telephone number of personnel specialist)**.

Sincerely,

(Name/title of Reviewing Official)

Enclosure(s)

**Appendix 7
(paragraph 6-6)**

Opportunity to Demonstrate Acceptable Performance Sample Notice

(Date)

**(Employee's Name
Title and Address)**

Dear **(Employee's Name)**:

The purpose of this letter is to inform you that as a result of your performance of (#) critical elements of your position at the "Unacceptable level," I am giving you an opportunity to improve by placing you on a formal **(60, 90, or 120)**-day performance improvement period (PIP) to demonstrate Minimally Successful or better performance of the following critical elements of your position: **(list the specific element(s), and those standards that you rated unacceptable and provide examples of the unacceptable performance for each critical element listed).**

The critical element(s) and performance standards for your position, which are at enclosure 1, are from your current performance plan, a copy of which you received **(at the beginning of the performance year, or on date signed, whichever is later).**

On **(date)**, ..., and **(date)**, in meetings with me I discussed your Unacceptable performance on (specific assignments). On **(date)** and **(date)**, I specifically informed you that, if your Unacceptable performance was not corrected, you would be subject to an adverse action in the form of removal or demotion from your current position. **(Only use if meeting was held.)**

You are a **GS-__** and must improve your performance to the Minimally Successful performance level required of your **(position title)** position. You have an opportunity during the next **(60, 90, or 120)** days, beginning the day after your receipt of this letter, to demonstrate at least Minimally Successful performance in your critical elements identified above as Unacceptable. At the end of this period I will evaluate your performance. **While your performance standards cover a 1 year period, for purposes of this (60, 90, 120) -day PIP, I may find it necessary to pro-rate your performance. For example, if a year's performance should have no more than six instances of Unacceptable performance on a particular element, then a (60, 90, or 120) day period**

should have no more than (one or two) instance(s). I realize that **(60, 90, or 120)** days does not provide a lot of time to schedule extensive training, however, if you identify short-term training that can assist you, I will make an effort to schedule that training for you within time and budgetary constraints.

To further assist you in improving your performance to at least the Minimally Successful performance level, I will review your work periodically. I will meet with you **(weekly or biweekly)** on **(provide specific day and time)**, to discuss your progress during this **(60, 90, or 120)**-day period. I will provide you written memoranda **(weekly, biweekly, or monthly)** concerning your progress during this PIP. Should you experience any particular problems within this period, I am available to offer any guidance that I can on the accomplishment of assignments within the established timeframes. My door is always open. Aside from our meetings, you may schedule a meeting with me whenever necessity dictates.

I will notify you in writing of the results of your evaluation. If your performance remains at the Unacceptable level on any critical element, I will have no recourse but to recommend an adverse action which could result in demotion from your current position or removal from the Federal Service.

If your performance reaches Minimally Successful by the conclusion of this improvement period, you must sustain that improvement for a period of 1 year following the effective date of the PIP. During this 1 year period, if your performance again falls below the Minimally Successful level in those critical elements at issue, I will have no alternative but to remove you from your position without an additional opportunity to improve.

It is my responsibility to offer counseling to all employees who may have personal problems which appear to be affecting their job performance. The Employee Assistance Program (EAP) can help in a variety of situations. If you feel that the EAP can be of assistance, you should contact your servicing personnelist for the toll-free telephone number for the EAP counselor and an EAP brochure.

Please sign and date the acknowledgment copy of this letter.

Sincerely,
(Name/title of rating official)

Enclosure

Appendix 8
(paragraph 6-9)

Proposal to Remove for Unacceptable Performance Sample Notice

(Date)
(Employee's Name
Title and Address)

Dear **(Employee's Name)**:

This is notice that I propose to remove you from your position of **(title, series, and grade of position occupied, organizational location of position)**, for Unacceptable performance. I am proposing your removal under the provisions of SOP 34 30 4, "Performance Management and Appraisal System," and Subchapter I of Chapter 43 of Title 5, United States Code, for performance which fails to meet Minimally Successful performance standards. The reasons supporting this proposed removal are as follows:

1. Communication of Critical Elements and Performance Standards. On **(date employee received current critical elements and performance standards)** I gave you a copy of the critical elements and performance standards documenting the requirements of your current position. On **(date)**, you received your FY **(fiscal year)** PMAS performance rating which identified your performance on (#) critical elements as "Unacceptable," resulting in an overall summary rating of "Unacceptable."

2. Warning of "Unacceptable" Performance. By letter dated **(enter date of written warning, notice of opportunity to improve)**, and received by you on **(date)** I informed you that your performance on (#) critical element(s) was "Unacceptable" and that failure to achieve at least "Minimally Successful" performance during your opportunity to improve period beginning **(date)** would subject you to possible removal from your position and the Federal service. I have enclosed a copy of that letter (Enclosure 1).

(List the critical elements rated "Unacceptable" identified in the notice of opportunity to improve)

3. Efforts Made to Improve Your Performance. Prior to and during the **(60, 90, or 120)**-day improvement period, you received the following assistance in improving your performance to at least the "Minimally Successful" performance level:

(List the efforts made by management to correct the deficient performance as required by SOP 34 30 4. At a minimum, special job-related training, closer supervision, and the required counseling referral.)

4. Performance During the Improvement Period. I find that your performance of the following critical element(s) are "Unacceptable" for the following reasons:

(1) (Describe actual performance during the improvement period on each of the deficient critical elements;)

(2) (Define the "Minimally Successful" performance standard for each critical element described; and)

(3) (Either conclude that actual performance is "Unacceptable" according to the standards if this conclusion is clear, or explain why actual performance fails to meet the corresponding standard if the conclusion is not clear).

5. Reasons Why Removal is Considered Appropriate. I find that your removal from employment is necessary because of the above described "Unacceptable" performance of your critical element(s). I did not consider that additional training, reassignment to another position, and/or your reduction-in-grade were appropriate for the following reasons:

a. Training. (formal classroom and on-the-job training). (Provide an explanation for determining that additional training is inappropriate.

b. Reassignment. (Corrective action is progressive in nature such that removal can only be sustained when training, reassignment, or reduction-in-grade are considered inappropriate). Provide an explanation why reassignment is either not appropriate or not possible.)

c. Reduction-in-grade. (Consider the option to down grade the employee in the current position or when applicable reassign the employee to another position at a lower grade for "Unacceptable" performance. Provide an explanation why such an action is inappropriate.)

6. Rights. (Name, title of Reviewing Official) is the deciding official in this action. You have the right to answer this proposal orally and/or in writing to (Name of the Reviewing Official). Submit your written answer to (Name of

Reviewing Official, and address). If you wish to answer this proposal orally, contact **(Name and telephone number of Reviewing Official)** to make arrangements for your oral presentation. **(Name of the Reviewing Official)** will consider your answer, if any, in reaching the final decision.

You have the right to representation by **(For bargaining unit employees only enter: "a union representative or other representative of your choice approved by the union." For non-bargaining unit employees enter: "an attorney or other representative of your choice.")** You will have **(Specify the number of days allowed for the employee to answer; normally 15) calendar days)** to present your answer. You may request and receive approval for **(specify the number of hours of official time authorized; normally 16 hours)** of official time to prepare and present your answer. The deciding official will consider extending the time to respond and/or the amount of official time allowed if you submit a request in writing to **(name and address of reviewing official)** stating the reasons why you need more time.

The **(Assistant Administrator for Human Resources, Inspector General, Associate Administrator for Disaster Assistance, or Regional Administrator as appropriate)** may extend the 30-day notice period which begins upon your receipt of this notice by a period not to exceed an additional 30 days for just cause. Submit your request for an extension of the notice period and the reasons therefore in writing to **(enter name, title, and address of the appropriate individual)** through **(enter name of the reviewing official)**.

Within 30 days of the expiration of the notice period, **(enter name of Reviewing Official)** will issue the decision regarding this proposal. The basis for that decision will be **(1) your performance during the improvement period; (2) your answer to this proposal (if any); and (3) any other information relevant to your performance during this period.** If you do not understand the reasons for this proposed action, you should contact me. If you do not understand your rights as a result of this notice of proposed removal, you should contact **(enter name, title, address, and telephone number of the servicing personnel specialist responsible for discussing employee rights).** **(For bargaining unit employees: your union representative.)**

Sincerely,

(Name/title of Rating Official)

Enclosures

Appendix 9
(paragraph 6-10)

Decision to Remove for Unacceptable Performance Sample Notice

(Date)

**(Employee's Name,
Title and Address)**

Dear **(Employee's Name:)**

By letter date **(date of Notice of Proposal)**, and received by you on **(date employee received the Notice of Proposal)**, **(Name of Rating Official)** proposed your removal from your position of **(title, series, and grade of position occupied, organizational location of position)**, U.S. Small Business Administration. The proposal cited "Unacceptable" performance on your part, in (enter #) critical element(s). The details of which were set forth in that letter.

As the deciding official in this action, it is my responsibility to determine whether your performance is "Unacceptable" according to the performance requirements of your position, and to decide whether the "Unacceptable" performance, if any, warrants your removal. In arriving at my decision, I considered the record of your performance during the performance improvement period. **(Add a sentence addressing consideration of the employee's answer, if any. If no answer was made state, "you did not answer the Notice of Proposal." If an answer was made state, "I have also carefully considered your written answer of (date)" and your oral answer of (date)," if applicable.)** My decision and the reasons therefore are as follows:

- 1. Performance During the Improvement Period. (In this section state the results of your review of the supporting documentation for the Rating Official's conclusions that performance of one or more critical elements was "Unacceptable." If you concur that the Rating Official's determination was correct based on actual performance include a statement to that effect. If you disagree with some or all of the conclusions, identify the disagreement and explain your reasons for the disagreement and its effect on the proposed action.)**

- 2. Employee's Answer. (If the employee answered the Notice of**

Proposal, briefly address any significant issues or pleas made by the employee, and explain whether or not the employee's answer supports or contradicts a conclusion that the employee's performance is "Unacceptable." Further, if the employee's answer does not alter the "Unacceptable" performance determination, but does successfully argue the propriety of a removal action, summarize the argument made and briefly explain why it is persuasive.)

For the reasons specified above, I find that your performance of one or more critical elements of your current position are "Unacceptable." I further find that additional training, or your reassignment to another position at the same or lower grade are inappropriate in light of your performance deficiency. Accordingly, it is my decision to **remove you from employment with the U.S. Small Business Administration for "Unacceptable" performance, effective at the close of business on (date of removal action). (If an alternate action is appropriate, or if no action is taken, modify this paragraph accordingly.)**

{For non-bargaining unit employees enter: You may appeal my decision to the Merit Systems Protection Board (MSPB) (identify the name and address of the appropriate office). For bargaining unit employees subject to a collective bargaining agreement enter: You may appeal this action to MSPB (identify the name and address of the appropriate office) or grieve under a negotiated grievance procedure, but not both.} Enclosed is a Merit Systems Protection Board Appeals Form, together with a copy of MSPB regulations for your use should you elect to appeal this action. In order for MSPB to consider your appeal, you must submit your appeal no later than 30 days after the effective date of your removal. For additional requirements, see ¶1201.21 and ¶1201.24 of the enclosed MSPB regulations. Should you have any questions concerning your rights, you may contact **(enter name of servicing personnel specialist, title, address, and telephone number).**

Sincerely,

**(Name/title of
Reviewing Official)**

Enclosures:

Appendix 10 (paragraph 8-2)

Standard Form 52
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 3

REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office (Also complete Part B, Items 7, 22, 31, 33, 34, and 35)

1. Actions Requested	2. Request Number
3. For Additional Information Call (Name and Telephone Number)	4. Proposed Effective Date
5. Action Requested By (Typed Name, Title, Signature, and Request Date)	6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date)

PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 296-1. Show all dates in month-day-year order.)

1. Name (Last, First, Middle)	2. Social Security Number	3. Date of Birth	4. Effective Date
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FIRST ACTION		SECOND ACTION	
5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
8. Pay Plan 9. Occ. Code 10. Grade or Level 11. Step or Rate 12. Total Salary	13. Pay Basis
12A. Basic Pay 12B. Locality Adj. 12C. Adj. Basic Pay 12D. Other Pay	16. Pay Plan 17. Occ. Code 18. Grade or Level 19. Step or Rate 20. Total Salary/Award 21. Pay Basis
14. Name and Location of Position's Organization	22. Name and Location of Position's Organization

EMPLOYEE DATA

23. Veterans Preference 1 - None 2 - 5-Point 3 - 10-Point/Classifiable 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%	24. Tenure 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite	25. Agency Use	26. Veterans Preference for RIF <input type="checkbox"/> YES <input type="checkbox"/> NO
27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant	
30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied 1 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved	35. FLSA Category E - Exempt N - Nonexempt	36. Appropriation Code	37. Bargaining Unit Status
38. Duty Station Code			
39. Duty Station (City - County - State or Overseas Location)			

40. Agency Data	41.	42.	43.	44.
45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship 1 - USA 8 - Other
		50. Veterans Status	51. Supervisory Status	

PART C - Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		
2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.			Signature		Approval Date

CONTINUED ON REVERSE SIDE OVER Editions Prior to 7/91 Are Not Usable After 8/30/93
NSN 7540-01-335-8239

PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement? If "YES", please state these facts on a separate sheet and attach to SF 52.)

YES NO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM and agencies to issue

regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	3. Date Signed	4. Forwarding Address (Number, Street, City, State, ZIP Code)
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PART F - Remarks for SF 50

Appendix 11 (paragraph 8-5)

Standard Form 50-B
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)				2. Social Security Number		3. Date of Birth		4. Effective Date																
FIRST ACTION					SECOND ACTION																			
5-A. Code		5-B. Nature of Action			6-A. Code		6-B. Nature of Action																	
5-C. Code		5-D. Legal Authority			6-C. Code		6-D. Legal Authority																	
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority																	
7. FROM: Position Title and Number					15. TO: Position Title and Number																			
8. Pay Plan		9. Occ. Code		10. Grade/Level		11. Step/Rate		12. Total Salary		13. Pay Basis		16. Pay Plan		17. Occ. Code		18. Grade/Level		19. Step/Rate		20. Total Salary/Award		21. Pay Basis		
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay		20B. Locality Adj.		20C. Adj. Basic Pay		20D. Other Pay										
14. Name and Location of Position's Organization										22. Name and Location of Position's Organization														
EMPLOYEE DATA										EMPLOYEE DATA														
23. Veterans Preference					24. Tenure					25. Agency Use					26. Veterans Preference for RIF									
1 - None		3 - 10-Point/Disability		5 - 10-Point/Other			0 - None			1 - Permanent		2 - Conditional			<input type="checkbox"/> YES <input type="checkbox"/> NO									
2 - 5-Point		4 - 10-Point/Compensable			6 - 10-Point/Compensable/30%			1 - Permanent			3 - Indefinite													
27. FEGLI										28. Annuitant Indicator										29. Pay Rate Determinant				
30. Retirement Plan										31. Service Comp. Date (Leave)					32. Work Schedule					33. Part-Time Hours Per Biweekly Pay Period				
POSITION DATA										POSITION DATA														
34. Position Occupied					35. FLSA Category					36. Appropriation Code					37. Bargaining Unit Status									
1 - Competitive Service		3 - SES General		E - Exempt			36. Appropriation Code					37. Bargaining Unit Status												
2 - Excepted Service		4 - SES Career Reserved			N - Nonexempt																			
38. Duty Station Code										39. Duty Station (City - County - State or Overseas Location)														
40. AGENCY DATA										40. AGENCY DATA														
41.		42.		43.		44.																		
45. Remarks										45. Remarks														

46. Employing Department or Agency			50. Signature/Authentication and Title of Approving Official		
47. Agency Code	48. Personnel Office ID	49. Approval Date			

TURN OVER FOR IMPORTANT INFORMATION Editions Prior to 7/91 Are Not Usable After 6/30/93

5 - Part 50-316 This form was electronically produced by Elite Federal Forms, Inc.

NOTICE TO EMPLOYEE

This is your copy of the official notice of a personnel action. Keep it with your records because it could be used to make employment, pay, and qualifications decisions about you in the future.

The Action

- Blocks 5-B and 6-B describe the *personnel action(s)* that occurred.
- Blocks 15-22 show the position and organization to which you are assigned.

Pay

- When the *personnel action* is an award or bonus, block 20 shows the amount of that one-time cash payment. When the action is not an award or bonus, block 12 shows your former total annual salary, and block 20 shows your new total annual salary (block 20C plus 20C). The amounts in blocks 12 and 20 do *not* include any one-time cash payments (such as performance awards and recruitment or relocation bonuses) or payments that may vary from one pay period to the next (such as overtime pay), or other forms of premium pay.
- Block 20A is the scheduled amount for your grade and step, including any special salary rate you receive. It does *not* include any locality-based pay. This rate of pay serves as the basis for determining your *rate of pay upon* promotion, change to a lower grade, or reassignment, and is used for pay retention purposes.
- Block 20B is the annual dollar amount of your Interim Geographic Adjustment or, beginning in 1994, your locality-based comparability payment.
- Block 20C is your Adjusted Basic Pay, the total of blocks 20A and 20B. It serves as the basis for computing your retirement benefits, life insurance, premium pay, and severance pay.
- Block 20D is the total dollar amount of any Retention Allowances, Supervisory Differentials, and Staffing Differentials that are listed in the remarks block. These payments are made in the same manner as basic pay, but are not a part of basic pay for any purpose.

Block 24 - Tenure

- Identifies the nature of your appointment and is used to determine your rights during a reduction in force (RIF). Tenure groups are explained in more detail in subchapter 26 of FPM Supplement 296-33 and RIF is explained in FPM Supplement 351-1; both should be available for review in your personnel office.

Block 26 - Veterans Preference for RIF

- Indicates whether you have preference for reduction-in-force purposes.

Block 30 - Retirement Plan

- **FICA** —Social Security System
- **CS** —Civil Service Retirement System
- **CS-Spec** —Civil Service Retirement System for law enforcement and firefighter personnel
- **FS** —Foreign Service Retirement and Disability System
- **FERS** —Federal Employees' Retirement System
- **FERS-Reserve Tech** —Federal Employees' Retirement System for National Guard Reserve Technicians
- **FERS-ATC** —Federal Employees' Retirement System for Air Traffic Controllers
- **FERS-Spec** —Federal Employees' Retirement System for law enforcement and firefighter personnel
- **FSPS** —Foreign Service Pension System

Block 31 - Service Computation Date (Leave)

- Shows when your Federal service began unless you have prior creditable service. If so, this date is constructed to include your total years, months and days of prior creditable civilian and military service.
- Full-time employees with fewer than 3 years of service earn 4 hours of annual leave each pay period; those with 3 or more years but less than 15 years earn 6 hours each pay period; and those with 15 or more years earn 8 hours each pay period.
- Your earnings and leave statement or your time and attendance card will show the rate at which you earn leave and your current unused leave balance.

Block 32 - Work Schedule

- Your work schedule is established by your supervisor.
- A full-time employee works on a prearranged scheduled tour of duty that is usually 40 hours per week. A part-time employee has a prearranged scheduled tour of duty that is usually between 16 and 32 hours per week. An intermittent employee has no prearranged scheduled tour of duty and works when needed.
- Full-time and part-time employees whose appointments are for 90 days or more are usually eligible to earn annual leave; intermittent employees are not.
- Seasonal employees work on an annually recurring basis for periods of less than 12 months each year; they may have a full-time, a part-time, or an intermittent schedule during their work season.
- On-call employees work during periods of heavy workload and are in pay status for at least 6 months of each year; they may have either a full-time or a part-time schedule when they are in pay status.

Block 33 - Part-time Hours Per Biweekly Pay Period

- Indicates the number of hours a part-time employee is scheduled to work during a two-week pay period.

Block 34 - Position Occupied

- Identifies the employment system under which you are serving — the Competitive Service, the Excepted Service, or the Senior Executive Service (SES).
- The employment system determines your eligibility to move to other jobs in the Federal service, your rights in disciplinary and adverse actions, and your eligibility for reemployment if you leave Federal service.

Block 35 - FLSA Category

- Exempt employees are not covered by the minimum wage and overtime law (the Fair Labor Standards Act); nonexempt employees **are** covered.

Block 37 - Bargaining Unit Status

- Identifies a bargaining unit to which you belong, whether or not you are actually a member of a labor organization. Code "7777" indicates you are eligible but not in a bargaining unit; code "8888" indicates you are ineligible for inclusion in a bargaining unit.

Blocks 38 and 39 - Duty Station

- Identifies the city, county, and state or the overseas location, where you actually work.

OTHER INFORMATION

- If your appointment entitles you to elect health benefits or life insurance, and you have not been provided materials explaining the programs available and the enrollment forms, contact your personnel specialist.
- Your personnel specialist will also tell you if your position is covered by an agreement between an employee organization (union) and your agency. If you are eligible to and elect to join an employee organization, you can elect to have your dues withheld from your salary.
- If you have questions or need more information about your rights and benefits, ask your supervisor or your personnel office.
- Definitions for any coded data in Blocks 1-24, 27-39 and 45-50 may be found in Federal Personnel Manual Supplement 292-1.

It is your responsibility to read all the information on the front of this notice and tell your personnel office immediately if there is an error in it.