

3 FAM 2830

PERFORMANCE APPRAISAL PLAN FOR THE SENIOR EXECUTIVE SERVICE

(CT:PER-706; 07-30-2013)
(Office of Origin: HR/CSHRM)

3 FAM 2831 GENERAL INFORMATION

3 FAM 2831.1 Authority

(CT:PER-706; 07-30-2013)
(State Only)
(Applies to Civil Service Employees Only)

5 U.S.C. 4312 - 4314, 4507, 5384, and 5 CFR 430, Subpart C.

3 FAM 2831.2 Coverage

(TL:PER-245; 4-3-95)
(State Only)
(Applies to Civil Service Employees Only)

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

3 FAM 2831.3 Equal Employment Opportunity

(TL:PER-245; 4-3-95)
(State Only)
(Applies to Civil Service Employees Only)

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

3 FAM 2831.4 Records

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

Performance ratings of record and other performance related documents will be kept in the Employee Performance Folder (EPF). All performance related documents will be retained for a period of five years. The EPF will be located in and maintained by the *Records and Information Management Division*.

3 FAM 2832 RESPONSIBILITIES

3 FAM 2832.1 *Approval Authority*

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. The Director General of the Foreign Service and Director of *Human Resources* is the delegated appointing authority for the Senior Executive Service in the Department. As appointing authority, he/she approves all final ratings of *career and limited term* SES members, approves performance awards and salary level increases based on recommendations made by the *PRB*, and is *a* permanent *member* of the Executive Resources Board.
- b. *The Under Secretary for Management, as delegated by the Secretary, approves all final ratings and salary level increases for noncareer SES members and political limited term SES members based on recommendations made by the PRB.*
- c. *The Inspector General, or as delegated, approves all final ratings and salary level increases for all OIG SES members.*

3 FAM 2832.2 The Executive Resources Board

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

The Executive Resources Board:

- a. Establishes Performance Review Boards (PRBs) made up of qualified individuals from within and outside the Department to carry out the responsibilities specified in section 2832.3;
- b. Establishes the precepts and procedures for the PRBs;
- c. *Serves as the* Rank Awards Committee (*RAC*) to carry out the responsibilities specified in section 2837;

- d. Approves performance appraisal forms and instructions for SES members; and
- e. Modifies the Performance Appraisal Plan for the SES and these regulations as required to implement the Department's policy and procedure for SES performance appraisal.

3 FAM 2832.3 The Performance Review Boards

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

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

3 FAM 2832.4 Rank Awards Committee

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

The Rank Awards Committee reviews and makes the final nomination recommendations (excluding the SES members of the OIG) for the Presidential Ranks of Distinguished Executive and Meritorious Executive.

3 FAM 2833 OPERATION OF PERFORMANCE APPRAISAL SYSTEM

3 FAM 2833.1 *Critical Elements*

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. Performance appraisals of executives must take into account individual performance and organizational accomplishments. Rating officials, *in cooperation with the supervised executive*, will develop *three to five critical work commitments* and standards *in addition to the standard responsibilities element*.
- b. *Work Commitments* must be identified through a job analysis and be consistent with the duties and responsibilities contained in the executive's position description.

3 FAM 2833.2 Performance Standards

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

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

3 FAM 2833.3 Official Performance Ratings

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

Performance must be rated on each individual *work commitment* on which the executive has had an opportunity to perform. Individual *work commitment* ratings are combined for an overall summary rating.

3 FAM 2833.4 Development of Performance Plans

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

The supervising official must prepare the performance plan in consultation with the executive and ensure that the executive clearly understands the *work commitments* and performance *responsibilities* that define fully successful performance.

3 FAM 2833.5 Progress Review

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. Supervising officials must review performance with executives at least *once* during each regular rating period, including discussion of the rated executive's strengths and weaknesses, and ways to improve performance.
- b. If program priorities change during the rating period so as to affect performance plan elements and/or standards, the performance plan must be revised, with the changes noted on the form and communicated to the rated executive.
- c. *If the performance plan is revised during the regular rating period, a* new minimum appraisal period begins for those changed parts of the performance plan. The new minimum appraisal period for such changes may not extend beyond the end of the normal appraisal period. If the executive has not performed under a revised *work commitment* or standard for at least *90* days, the *work commitment* will not be rated at the end of the appraisal period.

3 FAM 2833.6 Details

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. Performance appraisals for employees on detail will be in accordance with 5 CFR 430.307(b).
- b. Employees who have worked 120 days or more on detail to another agency, must be rated by the rating and reviewing officer in their home office at the end of the rating period, taking into consideration appraisal information obtained from the detail.

3 FAM 2834 PERFORMANCE RATING PROCESS

3 FAM 2834.1 Summary Ratings

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. The normal SES performance appraisal period for the Department of State is one year, from August 1 of a given year to July 31 of the following year.

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However, the appraisal period may be terminated early provided *that* there exists an adequate basis on which to appraise and rate the executive's performance.

- b. Appraisal reports must be submitted on DS-1811 and may not be prepared for less than *90* days. A summary rating must be prepared within 30 days after an executive or rating official leaves a position, if the executive has been working under written *work commitments* and standards for *90* days or more. It must be considered when arriving at the executive's initial rating.

3 FAM 2834.2 Initial Rating and Optional Review

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

(State Only)

(Applies to Civil Service Employees Only)

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

3 FAM 2834.3 Delinquent Appraisal Reports

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

Executive Directors will take appropriate action to expedite the submission of delinquent performance evaluation reports. Each executive office will provide *HR/CSHRM* with a list of delinquent reports with the name, grade, and bureau of the responsible employees within four weeks after the date due in *HR/CSHRM for submission to the Director General for follow-up with the appropriate rating officials*.

3 FAM 2834.4 Inadmissible Comments

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. Inadmissible comments may not be included in any section of the DS-1811 by either the executive supervisor or by the SES member. The executive supervisor should exercise care to avoid the submission of appraisal reports

containing such comments.

- b. Examples of inadmissible comments include, but are not limited to, references to race, color, religion, physical characteristics, leave records, identification of handicaps, etc.
- c. Although the details or specific identification of a medical problem are inadmissible on the DS-1811 form, general reference may be made to confirmed knowledge of a medical problem to the extent it affects job performance.
- d. SES members may discuss their own health problems in specific terms, if executive supervisors have made general reference to such problems.

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

(CT:PER-678; 06-22-2012)

(State Only)

(Applies to Civil Service Employees Only)

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

- formal training
- on the job training
- counseling and closer supervision

3 FAM 2836 PERFORMANCE REVIEW BOARDS

3 FAM 2836.1 Establishment

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. The Executive Resources Board *Chairperson* will appoint *three or more* members to the PRB from a register of potential appointees. *When reviewing career SES appraisals, more than one-half of the PRB members* must be SES career appointees. The remaining member(s) may be another type of Federal

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employee, including a military officer, serving within or outside the Department, or a person not employed by the Federal Government, but in a position equivalent to the SES.

- b. The Inspector General, as delegated by the Secretary, will establish a PRB for SES members of the OIG. Three career SES members, *either* from outside the Department and/or *within* the Department, will be appointed for staggered terms.

3 FAM 2836.2 PRB Review

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. SES members who have been under a performance plan for at least **90** days and are in SES status on the last day of the appraisal period are eligible for PRB review. In the case of recently transferred SES members, the transferred summary rating, if applicable, will be considered.
- b. In making recommendations on the initial ratings and performance pay, the PRB will evaluate only material on performance during the most recent rating cycle.
- c. The PRB may not solicit, receive, or consider any other information regarding an SES member under review, except in the case where the PRB has not upheld an executive supervisor's initial rating and is conducting a review. When a PRB member has relevant and admissible information concerning the performance of an SES member under consideration, that information may be disclosed to other PRB members, but only if the information is incorporated into a written memorandum, a copy of which is transmitted to the SES member concerned, and the SES member is given an opportunity to comment.

3 FAM 2836.3 Recommendations on Initial Ratings

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. The PRB will determine by majority vote whether to uphold the initial ratings recommended by the executive supervisors for the SES members they supervise. If a majority of the PRB does not support the same initial rating as recommended by the executive supervisor, the PRB *may* conduct a further review of the performance of the SES member in question.
- b. *As part of this review, the PRB may request written or oral clarification from the SES member on any issue(s) documented in the performance appraisal under*

review. If the PRB requests clarification, the SES member's clarification is limited to the scope of the issue(s) addressed by the PRB's request. Any evidence introduced to clarify the record must be admissible under the Department's performance appraisal regulations.

- c. After concluding its review, the PRB will determine by majority vote the overall summary rating it wishes to recommend. Any votes that are tied will be decided by the chairperson of the PRB.

3 FAM 2836.4 Recommendation on Base Salary Rates

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

Annually, the Under Secretary for Management signs the Department's pay-for-performance plan, which provides for the pay-for-performance adjustments for all SES members. Performance-based pay adjustments are determined using a multi-tiered SES pay for performance system, and corresponding percentage increases in basic pay are based on the final summary rating. SES members whose final summary rating is Minimally Successful, Unsatisfactory, or who have no rating, or who have an open investigation, or who are referred to the Performance Standards Board do not receive a salary increase.

3 FAM 2836.5 Performance Pay

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

- a. The SES Performance Award budget shall be established in accordance with 5 CFR **534.405**. Each year the ERB will determine in advance for the PRBs the limit on the total amount of performance pay that the PRBs may recommend for the career SES members they review. The ERB may reserve a portion of the amount budgeted for performance pay for distribution based on organizational accomplishment. Distribution of such funds will be made according to the decision of the ERB.
- b. To be eligible for performance pay, an SES member must:
 - (1) Have been in a career appointment for **90** or more days at the end of the annual rating cycle and be in career SES status in the Department on the last day of the rating period ;
 - (2) Have *work commitments* and performance standards reviewed by the PRB which cover a period beginning at least **90** days before the end of the annual rating cycle;

- (3) Have been rated at least Fully Successful; and
 - (4) Not have been granted a Rank award during the same calendar year.
- c. The PRB will review the performance record for the most recent rating period of the eligible SES members and judge how the performance described should be rated in accordance with agency guidelines.

3 FAM 2837 PRESIDENTIAL RANK AWARDS

3 FAM 2837.1 Eligibility

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

(State Only)

(Applies to Civil Service Employees Only)

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

3 FAM 2837.2 Responsibilities

3 FAM 2837.2-1 The *Executive Resources Board*

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

The ERB:

- a. Determines the maximum number of SES members that may be nominated for Presidential *Rank Awards* within the number that the *Office of Personnel Management* (OPM) indicates is appropriate for the Department;
- b. Determines which SES members will be nominated to OPM for the rank of Distinguished Executive and which for Meritorious Executive.
- c. *The Under Secretary for Management, as the ERB Chairperson, approves the nominations as delegated by the Secretary.*

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

(CT:PER-706; 07-30-2013)

(State Only)

(Applies to Civil Service Employees Only)

Make final recommendations to their established Executive Resources Board Chairperson relative to the award of Presidential Rank *for the Department.*

3 FAM 2837.3 Selection Procedures

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

(State Only)

(Applies to Civil Service Employees Only)

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

3 FAM 2838 THROUGH 2839 UNASSIGNED