

FOREIGN SERVICE PERSONNEL MANAGEMENT MANUAL
SUBCHAPTER 500-2
FOREIGN SERVICE MANAGEMENT PLANNING
AND PERFORMANCE APPRAISAL SYSTEM

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SECTION 1. PURPOSE AND AUTHORITY

- .01 The Management Planning and Performance Appraisal System (MPPAS) establishes policies and procedures governing the performance appraisal system for Department of Commerce American Foreign Service employees.
- .02 The Foreign Service Act of 1980, as amended (Public Law 96-465, Oct. 17, 1980) provides the legal basis for the MPPAS policies.
- .03 This subchapter supersedes the policy revision September 25, 2007.

SECTION 2. OBJECTIVES

The Management Planning and Performance Appraisal System is intended to:

- .01 Use performance plans to communicate and clarify goals and objectives to employees and to identify individual accountability for their accomplishment;
- .02 Establish critical elements and consistent performance standards for all Foreign Service positions, which will, to the maximum extent feasible, permit evaluation of job performance on the basis of objective criteria related to the position; and
- .03 Use performance appraisal results as a basis for promoting, training, and reassigning employees; rewarding quality performance and assisting employees in improving performance deficiencies; and selecting-out employees when such action is warranted.

SECTION 3. COVERAGE

These policies are applicable to all USDOC American Foreign Service employees.

SECTION 4. DEFINITIONS

- .01 Acceptable Performance means performance that meets the generic and supplemental performance standards of marginal or above.
- .02 Adjective Rating means one of the five adjectives used to summarize performance in a critical element. The adjectives are "Outstanding", "Commendable", "Fully Successful", "Marginal", and "Unsatisfactory". In order for a particular adjective rating to be

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recommended by a rating official, the employee's performance for that critical element must have met the performance criteria described in the performance standards printed on the appraisal form. The adjective ratings are recorded on a sheet that is removed from the appraisal by the Office of Foreign Service Human Capital (OFSHC) and maintained separately. Adjective ratings are used where required to determine eligibility for certain awards and to provide performance feedback and guidance to the employee.

- .03 Appraisal Period means the period that an employee is being reviewed for performance. This is an entire performance year if an employee is assigned to one position for the entire performance year; and a shorter period if an employee is assigned to more than one position during the performance year or if there has been a change in rating official. It is possible to have more than one appraisal period and appraisal during a performance year.
- .04 Core Activities means the functions that support the programs common to all operating unit posts.
- .05 Critical Element means one of the elements of the performance appraisal system. A critical element is a statement of a general category of work under which specific activities are assigned during the work planning process. A critical element is of such importance that unacceptable performance in the element would result in unacceptable performance in the position.
- .06 Inadmissible Comments means words, phrases, or statements that may not be included in any section of the appraisal because they may be considered inappropriate or unacceptable (see Section 9).
- .07 Performance Planning or Work Planning means the process to establish an individual's work goals and objectives for the performance year. The final product of this process is a completed "Major Activities" and supplemental standards section for each critical element on the performance appraisal form.
- .08 Performance Standards means the definitions of each of the five adjective ratings that have been adopted by the Department. The definitions are written as general performance criteria, and they are printed on each performance appraisal form. As appropriate, supplemental standards are also available and are printed on each performance appraisal form.
- .09 Performance Year means the annual rating cycle, which begins on June 1 and ends on May 31.
- .10 Pre-appraisal Period means the time before the appraisal is prepared when the rating official collects final information regarding the quality and quantity of the employee's work during the rating period.

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- .11 Priority Initiatives means those activities introduced in the annual work plan that are in line with the changing demands of the international market place, which allow operating unit management to provide direction to its employees.
- .12 Progress Review means a review of the employee's performance at the mid-point of the annual appraisal cycle (by November 30) or at the half-way point of a shortened appraisal cycle of 120 days or more, if appropriate. Adjustments to the employee's performance plan may be made at this time after discussion among the rating and reviewing officials.
- .13 Rating Official means the employee's first-line supervisor.
- .14 Reviewing Official generally means the rating official's immediate supervisor. Exception: For a PCO in a consulate, where the SCO is the rating official, the CG may be the reviewing official. The rating and reviewing official must be established at the beginning of the rating period. Other exceptions to this policy must be approved by the Regional Director.
- .15 Supplemental Performance Standards means additional performance standards established by the Operating Unit that can be used in conjunction with the required performance standards, and may be necessary to properly provide the employee with clear expectations on a specific or unusual critical element or assignment.
- .16 Unacceptable Performance means unsatisfactory performance as defined by the performance standards.

SECTION 5. RESPONSIBILITIES

- .01 Managers and Supervisors are responsible for:
- a. Ensuring that all employees are aware of the mission objectives and goals of their organization;
 - b. Ensuring that appropriate records are established and maintained with regard to the performance management system (as per Section 11 of this policy);
 - c. Ensuring that the performance appraisal system is consistent with legal, regulatory and Departmental requirements;
 - d. Ensuring that work plans, progress reviews, and annual performance appraisals are completed in a timely manner;

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- e. Ensuring that rating officials are provided with instructions concerning their duties and responsibilities as stated in this policy; and
- f. Requesting, on an annual basis, Chief of Mission Statements from Ambassadors for SCOs only.

.02 Rating Officials are responsible for:

- a. Certifying in writing that the Management Planning and Performance Appraisal System (MPPAS) document has been read by the rating official to ensure that he/she understands his/her responsibility in the performance management process;
- b. Ensuring that employees are provided the opportunity to participate in the development of the performance plans within 30 days of a new assignment. In consultation with employees, rating officials develop and review individual work plans, ensure that they are periodically updated as necessary, and that they are consistent with overall organizational objectives;
- c. Informing employees of the objectives and performance standards of their positions through presentation of the individual performance plan;
- d. Conducting, at a minimum, at least one formal progress review at the mid-point of the appraisal period and additional reviews as necessary or when requested by employees, and initialing and dating the front page of the appraisal form indicating that a progress review was conducted. They should also document any issues discussed concerning the need for improvement on any aspect of performance;
- e. Identifying employees' performance problems at the earliest possible time during the cycle and establishing way(s) to improve performance. This may include training and/or performance counseling by the supervisor, if appropriate (see Section 10);
- f. Initiating corrective actions as appropriate as performance problems are identified;
- g. Reading the Precepts governing the current selection board process;
- h. Personally writing a rating statement; recommending performance ratings in accordance with the performance plan; and ensuring the accuracy of the front page of the appraisal and that the narrative is specific, job-related, and descriptive of the employee's performance and potential, and ensuring the performance plan does not speak to abilities, but describes the actions taken by employee toward performance objectives;
- i. Using other sources for appropriate input regarding the performance of Senior Commercial Officers (SCOs). This includes letters of commendation and other

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- comments made by outside organizations; and soliciting input from appropriate sources, such as other government agencies, regarding the performance of SCOs;
- j. Personally writing a rating statement on all reassigned subordinates prior to their departure, subject to the instructions outlined in Section 8.01;
 - k. In the case of reassignment of the rating official, personally writing a performance appraisal on all subordinates prior to departure from post, subject to the instructions outlined in Section 8.01;
 - l. Reviewing completed appraisals to ensure that there are no inadmissible comments;
 - m. The rating official must forward the completed performance appraisal to OFSHC at least two weeks before commencement of the Selection Boards. When appraisals are submitted past this deadline, the rating official is required to submit a justification explaining the delinquency. If the rating or reviewing official is a DOC employee, the justification will be provided to the supervisor of the rating official and/or reviewing official to consider the delinquency when preparing the next appraisal on the officer(s).
 - n. Forwarding completed performance appraisals to the Office of Foreign Human Capital (OFSHC) within 60 days after the end of the performance period.
- .03 Reviewing Officials are responsible for:
- a. Certifying in writing that the Management Planning and Performance Appraisal System (MPPAS) document has been read by the reviewing official to ensure that he/she understands his/her responsibility in the performance appraisal process;
 - b. Attempting to resolve conflicts between rating officials and employees over the content of work plans. The reviewing official, if a DOC employee, will have the final approval authority over content;
 - c. Reviewing work plans and performance appraisals and ratings recommended by the rating official;
 - d. Reading the Precepts governing the current selection board process;
 - e. Personally preparing a reviewing official's statement;
 - f. Reviewing completed appraisals to ensure that there are no inadmissible comments; and
 - g. In the case of reassignment of the reviewing official, the reviewing official should provide written comments to the next reviewing official for incorporation into the

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overall reviewing official's statement. This allows the outgoing reviewing official to have input into the employee's performance.

.04 Employees are responsible for:

- a. Certifying in writing that they have read the Management Planning and Performance Appraisal System (MPPAS) policy document;
- b. Working with their supervisors at the beginning of the performance cycle to develop their individual work plans, sign and date the plans, and initial and date the performance appraisal cover page;
- c. Participating in progress reviews by meeting with the rating official to discuss the employee's performance and accomplishment of work goals. The employee is made aware of any performance deficiencies and what steps he/she must take to improve performance by the end of the performance year;
- d. Requesting additional reviews, as necessary (initial and date the performance appraisal cover page);
- e. Reading the Precepts governing the current selection board process.
- f. Participating in the performance appraisal process by ensuring that the rating official is aware of all accomplishments, work products, etc., and by preparing a statement of accomplishments which forms the rated employee's official statement in Form ITA-723;
- g. Signing and dating performance plans and performance appraisals to acknowledge receipt from the rating official;
- h. Reviewing completed appraisals to ensure that there are no inadmissible comments; and
- i. Returning within five working days of receipt the completed performance appraisal and any supplemental comments to the rating official.

.05 The Office of Foreign Service Human Capital (OFSHC):

- a. Communicates the Precepts and MPPAS policies and their relationship to the overall personnel management system to all Commerce Foreign Service employees;
- b. Provides and participates in training and advisory service on the performance appraisal system for employees who are responsible for, or subject to, the system;

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- c. Adjudicates removal of inadmissible comments in appraisals only in the event that the rating official, rated employee, and reviewing official cannot come to agreement;
- d. Maintains performance appraisal records and related documents in accordance with the provisions of this policy;
- e. Provides technical information and guidance to management, supervisors and employees;
- f. Coordinates and submits required reports on the operation of the performance appraisal system; and
- g. Prepares and disseminates to all employees a list of delinquent performance appraisals beginning one week after the due date.

SECTION 6. WORK PLANNING

- .01 Timing: A work plan for each employee covered by this policy must be completed by June 30 for the next performance year or within 30 days of the date the employee assumes the duties of the position. If an employee is detailed to a position for more than 120 days, a work plan must be completed within 30 days of the beginning of the detail. If the employee is detailed for less than 120 days and is then extended in the detail for a total of over 120 days, a work plan must be developed as soon as the extension is approved.
- .02 Requirements:
 - a. A work plan consists of a completed "Major Activities" section for each critical element on the performance appraisal form. This section must include the activities that are the employee's responsibility during the performance year. The list of priority initiatives for critical element I will be provided by headquarters at the beginning of the performance year to identify to all employees management's top program priorities for the performance year.
 - b. Critical elements must be weighted. In all cases, the weights for the performance plan must total 100%. Critical element IV, Diversity, has a mandatory weight factor of 15%. Critical element weights must be established at the beginning of the performance year, as part of the work planning process;
 - c. Rating officials should develop work plans in consultation with the employee. The purpose of the consultation is threefold: 1) to give the employee the opportunity to provide input regarding plan development; 2) to ensure that the content of the developed plan is communicated to the employee; and 3) to provide the employee and

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- the supervisor an opportunity to clarify the requirements and expectations of the plan;
and
- d. Work plans should be signed by the rating and reviewing officials, and the rated employee, by June 30 or within thirty days of assignment/reassignment.

SECTION 7. PROGRESS REVIEW

- .01 Purpose. The progress review provides a structured opportunity for rating officials and employees to discuss progress/problems toward accomplishment of the major activities and to provide feedback as to job performance during the rating cycle.
- .02 Timing. A progress review should be completed by December 30 if the appraisal is for an entire performance year, or within one week of the mid-point of the appraisal period if the appraisal period is shorter than one year. Employees and rating officials may request and schedule additional progress reviews if necessary and are encouraged to do so. If the assignment of either the rated officer or rating official is curtailed during the performance year, and there are more than 90 days left prior to departure, then the rating official should conduct a progress review within one week of being informed of the curtailment.
- .03 Requirements:
- a. Rating officials should conduct at least one formal progress review (often called a mid-point review) with their employees at approximately the mid-point of the appraisal period. This is required if the employee is expected to serve in the position for at least 120 days prior to the end of the rating period. The rating official must conduct a formal progress review meeting with each rated employee. Where the rating official and rated employee are in different locations, the formal progress review meeting may be conducted by telephone if no other possibility exists for a face-to-face review;
 - b. Progress reviews should include a discussion of: 1) the employee's progress toward completing the critical elements/major accomplishments included in the work plan; 2) any performance deficiencies, with explicit recommendations by the rating official on how to improve these deficiencies; 3) the need for changes in the work plan (including any revisions to critical element weights) based on changes in responsibilities, and 4) any clarification of expectations requested by the employee;
 - c. Progress reviews can be recorded on form ITA-726, or a memorandum documenting the progress review may be prepared in lieu of using the form. The form and the memorandum must be signed by the rating official, reviewing official, and the rated employee;

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- d. Both the rating official and the employee are required to certify that the progress review was conducted by initialing in the appropriate place on the performance appraisal form;
- e. Records of progress reviews must be kept by the rating official for three years. A copy must be provided to the rated employee. Records of progress reviews are not part of an employee's official performance file. Supervisors of rating officials and OFSHC may request copies if needed; and
- f. Adjective ratings for the critical elements are not required for progress reviews, but may be assigned at the discretion of the rating official.

Exception: If performance on a critical element is either "Marginal" or "Unsatisfactory" at the time of the progress review, an adjective rating must be assigned to each critical element in writing.

SECTION 8. PERFORMANCE APPRAISAL

.01 Requirements.

- a. Performance appraisals provide the rated employee, rating official, and reviewing official with an opportunity to address the Foreign Service Selection Board Precepts criteria for performance recognition, e.g., promotions, awards, performance counseling, etc. A performance appraisal is required for each employee under the following circumstances:
 - 1. Annually, at the end of the performance cycle;
 - 2. Upon the transfer or termination of the rating official if he/she has been in the position 120 calendar days or more during the rating period, which should be completed and discussed before the official leaves post;
 - 3. Upon the transfer or termination of the employee if he/she has been in the position 120 calendar days or more during the rating period;
 - 4. Upon the separation of the employee, unless an agreement is made in writing between the employee and the rating official to waive this requirement. Often a separating employee will waive this requirement if he/she is retiring and does not intend to seek other employment; and
 - 5. At the request of the Office of Foreign Service Human Capital when required for review by a commissioning and tenuring board.

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NOTE: Reviewing officials who are about to depart post are strongly encouraged to provide written comments on employee performance to their successor.

- b. If the employee has been in the assignment for between 30 and 119 days the rating official must prepare Form ITA-738, Memorandum of Performance. Form ITA-723, Foreign Commercial Service Performance Plan and Appraisal, is only to be used after the employee has been in the position for 120 days. The employee must receive a copy of Form ITA-738 and sign it indicating that he/she has received a copy prior to submission to the Office of Foreign Service Human Capital. This evaluation does not have to address each critical element, but should describe the employee's performance in the context of the work plan and the generic performance standards. Once this form is prepared, the employee has the option of submitting comments. The narrative cannot exceed the space provided in the form. No form except the ITA-738 will be accepted for periods of assignment or TDY of less than 120 days. For periods of 30 to 60 calendar days during the annual performance cycle, the rating official and the rated officer may waive the requirement of completing a memorandum of performance. If waived, both parties must agree to it. For periods of 61-119 calendar days, the memorandum of performance will be mandatory, unless the officer is separating and agrees that no memorandum of performance will be completed.
- c. Every rated employee, rating official, and reviewing official must certify on the cover page (Block 8) of the appraisal form that he/she has read the Management Planning and Performance Appraisal System (MPPAS) guidance.
- d. All performance appraisals must be signed by the rating official, reviewing official and rated employee. The employee's signature merely acknowledges receipt and does not constitute agreement with the rating. Non-signature by the employee does not preclude placement in the performance file. If the employee refuses to sign, the rating official certifies on the appraisal form the date that the evaluation was provided to the employee.
- e. A performance appraisal is not permitted under the following circumstances:
 - 1. If the employee has been in a position for less than 30 days; or
 - 2. If the rating official has been in the position for less than 30 days.
- f. If the reviewing official has been in the position for less than 120 days, the reviewing official is strongly encouraged to solicit input from the previous reviewing official and to use that input in preparing the reviewing statement.
- g. Forms and Statements:
 - 1. Form ITA-738, Memorandum of Performance, is the appraisal form for all CS assignments of 30-119 days and TDYs of 30 days or more, and can only be

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prepared by a USDOC rating official or his/her designate. Narratives cannot exceed the space provided on the form. For periods of 61-119 calendar days, the memorandum of performance will be mandatory, unless the officer is separating and agrees that no memorandum of performance will be completed;

2. Form ITA-723, Foreign Commercial Service Performance Plan and Appraisal, is the appraisal form required for all Department of Commerce American Foreign Service employees who are in an assignment for 120 days or more;
 3. Form ITA-724, Chief of Mission's Statement for Senior Commercial Officers, is the appraisal form prepared by the Chief of Mission (COM) for SCOs only.
- .02 Process. This section describes the timing involved and the steps that should be taken in preparing performance appraisals. Due dates for preparation and submission of appraisals can be found under subsection d.
- a. Preparation of the performance appraisal and submission to OFSHC is the responsibility of the rating official. It is the collective responsibility of the rating official and the employee to ensure that the rating official is fully apprised of the employee's accomplishments. This may be accomplished by:
 1. The employee may schedule a pre-appraisal meeting with the rating official to present his or her assessment of results achieved and advise of any accomplishments or other aspects of the work of which the rating official may not be aware.

NOTE: For SCOs, rating officials must also request performance input from appropriate outside organizations for use in developing appraisal narratives.
 2. The employee's submission and rating official review of the rated employee's narrative of accomplishments in Form ITA-723.

In order to ensure that a technically acceptable appraisal is produced and delivered to OFSHC on time, the rating official should do the following;

- i. Collect all performance data. This usually consists of the work plan, the mid-point progress review, the rating official's own notes regarding performance, input from the employee, and input received from other sources. For SCOs, the rating official should collect adequate and comprehensive information on officer's performance, including the country commercial guide and its revisions, market reports, market insight reports, quarterly and monthly reports, and other pertinent reports or performance information.
- ii. Write a summary of performance and evaluation of potential, in response to the employee's statement of accomplishments provided in Form ITA-

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723. The narrative should include examples of actual performance and the impact of the employee's performance on the attainment of organizational goals. The performance must be described in terms of the criteria listed in the Precepts and all performance standards related to each critical element. The rating official assigns adjective ratings for each critical element and records them on page 8 of the appraisal; and also records any areas of improvement or recommendations for training on page 8;
- iii. Generally by June 30, submit the performance appraisal (employee's accomplishment statement and rating official's statement) to the reviewing official for his or her statement;
 - iv. After finalizing the rating and reviewing official statements, the rating official must schedule and conduct a formal appraisal meeting with each employee and provide a copy of the appraisal to the employee. If the meeting is held over the telephone, the employee must have the performance appraisal and reviewing statement at least two working days before the telephone meeting. The employee then has 5 days in which to complete his/her final comments;
 - v. Review appraisal for inadmissible comments;
 - vi. Submit in a timely fashion the appraisal, reviewing statement, and rated employee's comments. The rating official must submit the appraisal and reviewing statement to OFSHC by July 30 to be filed in the performance folder, even if he/she has not received the employee's comments, or if the employee refuses to sign the appraisal.
- b. Preparation of the reviewing statement is the responsibility of the reviewing official. The reviewing official's statement provides another perspective and should not be a repetition of the rating official's statement. The reviewing official's statement should provide additional insight into the performance of the rated employee, and indicate whether the reviewing official concurs or does not concur with the rating official's comments. The reviewing official should do the following:
1. Complete a reviewing statement, and provide the statement to the rating official prior to the formal appraisal meeting;
 2. Review appraisal for inadmissible comments.
- c. Following are the responsibilities of the rated employee:
1. Prepare rated employee's accomplishment statement and submit it to the rating official;
 2. Review the appraisal for inadmissible comments by the rating and reviewing officials. The employee is cautioned not to include negative comments about the rating or reviewing official, but should address discrepancies in the performance document or provide controverting evidence mitigating the accusations; and

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3. Sign the appraisal form. Signature certifies that the rating official discussed the performance appraisal with the employee, and furnished the employee with a copy of the appraisal and reviewing statement. It does not imply agreement or disagreement with the rating official's statement.
 - d. Due Dates. The performance year ends on May 31. Performance appraisals are to be completed and received by OFSHC by July 30, or within 60 calendar days after a rating official or employee leaves post, if departure is prior to May 31. The appraisal should be completed and discussed before the employee leaves post. Please note that the rating official must prepare a statement justifying the tardiness of performance appraisals that are submitted more than two weeks late (reference Sections 5.02.m and 11.01.e). For the annual performance appraisal cycle, the Submission due dates are as follows:
 - June 5** Officer submits an accomplishment statement to the Rating Official.
 - June 30** Rating official schedules and conducts a formal appraisal meeting with each employee.
 - July 30** Completed performance appraisals are due in OFSHC.
- .03 Special provisions for rating the SCO by the Chief of Mission (COM).
- a. The COM rates the SCO by submitting a Chief of Mission Statement on Form ITA-724. The narrative statement should not exceed the space provided on the form. The main purpose of this rating is to evaluate the performance of the SCO as a member of the Embassy Country Team. The COM may delegate the drafting responsibility to the DCM, but only the COM signs the statement, unless there is no COM at post. In addition to country team activities, the statement should address the following two items regarding the SCO's performance for the past year:
 1. Commercial Program Management: Effectiveness in defining priorities, developing and implementing programs that properly serve U.S. commercial interests and managing staff and other resources to accomplish U.S. commercial objectives in the country.
 2. Policy Coordination and Representation: Effectiveness in representing and defining U.S. commercial interests, serving as the Ambassador's key commercial policy advisor and performing as a country team member to accomplish U.S. foreign policy objectives in the country.
 - b. The SCO, as the rated employee, has 5 days in which to review and comment upon the COM's statement.
 - c. The DOC rating official (i.e., the Regional Director) collects the Chief of Mission Statement from the COM and ensures that OFSHC receives it by July 30. If it cannot be collected, a written explanation must be provided to OFSHC.

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SECTION 9. INADMISSIBLE COMMENTS

- .01 Inadmissible comments are not permitted in any part of the evaluative material. Performance appraisals are reviewed for inadmissible comments by the rating official, the rated employee, and the reviewing official. If the rating official, rated employee, and reviewing official disagree, OFSHC will make the final determination on inadmissibility. Inadmissible comments will be blacked out in the appraisal if there is insufficient time to return the appraisal for correction prior to the convening of the selection boards.
- .02 The following are examples of inadmissible comments:
- a. Negative or derogatory reference to race, color, religion, sex (does not extend to the use of Mr., Mrs., Ms., or first names or personal pronouns), national origin, age, and sexual orientation;
 - b. Ranking by former selection boards or impending selection-out;
 - c. Physical characteristics and personal qualities that do not affect performance or potential;
 - d. Marital status or plans, references to spouse or family, including those relating to social activities or the ability of a member of the family to represent the United States;
 - e. Retirement, resignation, or other separation plans;
 - f. Grievance, equal employment opportunity, Office of the Special Counsel, or Merit Systems Protection Board proceedings;
 - g. Method of entry into the Foreign Service;
 - h. Reference to private U.S. citizens by name;
 - i. Participation or non-participation in any organization composed of Foreign Service members which exists for the purpose, in whole or in part, of dealing with foreign affairs agencies concerning grievances, personnel policies, and practices;
 - j. Ratings for earlier periods prepared by other supervisors (i.e., performance appraisals from other supervisors, not input from an outgoing reviewing official to an incoming reviewing official);
 - k. Performance for periods not covered by the appraisal;
 - l. Reluctance to work voluntary overtime;

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- m. Leave record, except in the case of unauthorized absences;
 - n. Letters of reprimand and other disciplinary actions;
 - o. Negative reference to use of the dissent channel or direct or indirect reference to, or consideration of, judgments in dissent channel messages as a basis for adverse evaluation of performance or potential. (When the rated member's expression of dissenting views of policy, outside the dissent channel, raises substantial questions of judgment or obstructionism relevant to the member's performance, it may be the subject of comment. However, general comment may not be used to get around the proscription of this section. Specific instances must be cited.);
 - p. Negative or pejorative discussion of the performance of another identifiable employee. (Raters cannot state "the employee quickly brought order out of the chaos left by his/her predecessor." Rather, the description "the employee quickly brought order to an office badly in need of organization" is acceptable); and
 - q. Specific identification by rating or reviewing officials of mental or physical disabilities or medical problem(s) (including alcoholism, drug abuse, or rehabilitation efforts).
- .03 Although the details and specific identification of a medical problem are inadmissible in the performance appraisal, general reference may be made to confirmed knowledge (e.g., medical records) of a medical problem to the extent it affects job performance.
- .04 Employees may discuss their own health problems in specific terms only if rating officials have made general references to them, or if such discussion is necessary to explain or clarify adverse comments in an appraisal.

SECTION 10. OPPORTUNITY TO IMPROVE PERFORMANCE

- .01 An employee whose performance is unacceptable in any critical element must be given an opportunity to demonstrate acceptable performance before a separation for cause based on unacceptable performance is proposed (reference FS Act of 1980, Section 610). This includes performance counseling by the supervisor, using the guidelines indicated below.
- .02 Counseling For Unacceptable Performance:
- a. May occur at any time, either during or at the end of an appraisal period; and
 - b. Must inform an employee in writing:

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1. That his or her performance is unacceptable and the opportunity to demonstrate acceptable performance is being given;
 2. Of the job requirements that the employee is failing to meet satisfactorily by identifying the critical element(s) on which performance is unacceptable and the performance standards not being met. Rating officials must provide specific examples, under each critical element, of past incidents (within the last year) of unacceptable performance, and where relevant, a description of the negative consequences of the performance deficiencies;
 3. That the employee has 90 days in which to demonstrate acceptable performance. The employee's performance will be re-evaluated at the end of the 90-day opportunity period;
 4. What the employee must do to bring performance to an acceptable level during the opportunity period by identifying the performance standards required for improvement or by defining a more specific set of tasks to be completed during the opportunity period. For example, if the employee failed to meet established deadlines, follow proscribed procedures or formats, or failed to perform specific tasks, rating officials must provide:
 - i. Specific standards of timeliness, quantity, quality, etc.;
 - ii. Suggestions that the employee may take which would be expected to lead to improved performance, e.g., better work organization, time management, more thorough proofreading, more follow-up; and
 - iii. Steps the rating official intends to offer to assist the employee to improve performance, e.g., sponsor training, performance counseling, personal assistance, or monitor work more closely.
 5. What the consequences might be if the employee's performance does not improve to an acceptable level during the opportunity period, e.g., he or she may be separated for substandard performance.
- .03 An opportunity to demonstrate acceptable performance does not become part of the employee's Performance Folder, but its content and steps taken by the rating official and employee may be mentioned in an appraisal.

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SECTION 11. PERFORMANCE APPRAISAL RECORD

- .01 Employee Performance Folder. This folder is maintained by OFSHC and contains:
- a. Performance Appraisals. Performance appraisals (forms ITA-723, ITA-724, ITA-732, and ITA-738) for the most recent five years are kept in chronological order, with the most recent appraisal first. Appraisals more than five years old are destroyed.
 - b. Training Reports and Language Test Scores are kept in the performance folder indefinitely.
 - c. Memoranda explaining appraisal absences of sixty days or more. This is to fill non-performance gaps in the performance year and will be removed when the performance year's appraisal/documentation are removed.
 - d. Records of Approved Awards. Approved awards for Department of Commerce medal awards -- i.e. Bronze, Silver, and Gold medals (Individual and group only. Organizational awards are not placed in the performance folder). Additionally, performance-related awards conferred by State and other U.S. Government or foreign government entities and external awards (i.e., private sector) will be placed in the performance folder.
 - e. Records of letters of reprimand, or other disciplinary actions. Decision letters for a reprimand will remain in the record for no less than 12 months and no more than 24 months. When the period of retention is less than 24 months, the decision letter will not be removed until the file has been reviewed by one selection or tenure board, as applicable. When the period of retention is 24 months, the decision letter will not be removed until the file has been reviewed by two selection and/or tenure boards, as applicable. Decision letters for suspensions of five days or less will remain in the file until they have been reviewed by two boards, selection and/or tenure, as applicable. Any record of disciplinary action of a suspension of more than five days, including any correction of that record under section 1107(b)(1), shall remain part of the personnel records until the member is tenured as a career member of the Service or next promoted.
 - f. Letters from the Director General, the Commercial Service, upon recommendations from the Selection Boards, commending or criticizing officers for their preparation of performance evaluation reports for one selection board review. This may also include letters in the performance file admonishing an officer for late appraisals.
- .02 Personal Audit Report (PAR). A PAR will be provided to the selection boards by OFSHC during deliberations and will include the following information on each officer:

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- a. Assignment history from entry into the Foreign Service, including position just prior to entry;
 - b. Posts and dates served;
 - c. Promotion history;
 - d. Certified language proficiency and the date attained; and
 - e. All USG awards (such as awards from Department of State or those sponsored by outside organizations such as the Office of Personnel Management).
- .03 Access to records. Performance Folders are strictly confidential and carefully safeguarded. Access to Performance Folders is controlled by OFSHC, and by the Human Resources Director, OFSHC, who has final authority for approving or denying access to any Performance Folder, subject to the following:
- a. An employee has access to his or her Performance Folder at any time;
 - b. OFSHC staff has access to any Performance Folder in the exercise of their personnel or labor management responsibilities;
 - c. Selection Boards have access to Performance Folders in the exercise of their responsibilities and in accordance with safeguards prescribed by OFSHC;
 - d. Commissioning and Tenure Boards have access to Performance Folders in the exercise of their responsibilities and in accordance with safeguards prescribed by OFSHC;
 - e. Senior management officials within the Department of Commerce may be granted access to any Performance Folder in the exercise of their responsibilities if it is determined that such access is necessary, in accordance with safeguards prescribed by OFSHC;
 - f. The Office of the General Counsel and the Office of the Inspector General may have access to any Performance Folder in the exercise of their representational, investigatory, and advisory duties, in accordance with safeguards prescribed by OFSHC; and
 - g. The Foreign Service Grievance Board may be granted access to a grievant's Performance Folder in the course of adjudicating a grievance.

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**SECTION 12. PERFORMANCE APPRAISAL-RELATED COMMITTEES AND
BOARDS**

- .01 Selection Boards review the performance folders of each Foreign Service employee by class, rank-order the members of each class, and make other recommendations as described in the selection board precepts.

- .02 The Commercial Service Commissioning and Tenure Board reviews the performance folders of career candidate employees being considered for commissioning and tenuring and makes recommendations as described in the Commissioning and Tenure Board Precepts.

Approved:

Kevin Mahoney
Director for Human Resources Management and
Deputy Chief Human Capital Officer

Date

Original Approvals:
Director, Office of Human Resources Management
September 25, 2007
January 8, 2004