BOARD OF TRUSTEES
UNIVERSITY OF THE DISTRICT OF COLUMBIA
UDC RESOLUTION 2014-

SUBJECT: Proposed Amendment to the University Rules Regarding Performance Management

WHEREAS, pursuant to D.C. Code §1-602.03(a) The Board of Trustees shall develop policies on policies on classification, appointment, promotion, retention, and tenure of employees consistent with the educational missions of their respective schools; and

WHEREAS, the University seeks to modify the Performance Management policies in order to provide industry standard methodology for annual Performance Appraisals. The online tool will enable leaders and Human Resources to effectively manage all aspects of the cycle and improve the overall accountability for the process;

THEREFORE BE IT RESOLVED, that the Board hereby approves the attached DCMR regulations; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the University of the District of Columbia hereby takes proposed rulemaking action to amend Chapter 8 of the University Rules (Title 8B DCMR); and

BE IT FURTHER RESOLVED, that the General Counsel is hereby directed to publish this Notice of Proposed Rulemaking in the D.C. Register as soon as is practicable for a comment period of not less than thirty (30) days, in accordance with the provisions of D.C. Official Code §2-505 (a).

Submitted by the Audit, Administration, and Governance Committee

August 26, 2014

Approved by Board of Trustees:

September 16, 2014

Elaine A. Crider
Chairperson of the Board
Fiscal Impact Statement

TO: The Board of Trustees
FROM: Office of the Chief Financial Officer (UDC)
DATE: May 15, 2014
SUBJECT: Policy Changes to the Performance Management Section of the DCMR8

Conclusion

It is projected that there is no fiscal impact in order to effect changes to the Performance Management section of the DCMR8. The University will need to update our existing performance management policies to align with the new terminology and process flow.

Background

Under current DCMR8 regulations, HR cannot fully execute an effective performance appraisal. This is due to the fact that there is low compliance of completion and it is not recognized as an industry standard for evaluation.

The proposed changes would be aligned with the strategic vision and will support the University in implementing our Vision 2020 goals. These changes would change the cumbersome and out-dated use of a paper format and allow UDC to use a universal standard of performance evaluation. This tool is readily available within DCHR.

Financial Impact

The funding requirement associated with making the required changes to the DCMR8 appears to be negligible and appears to have no tangible foreseen fiscal impact. As such, the Executive Management within the Budget Department of the Office of the Chief Financial Officer of UDC has approved this request based upon information provided. We do not anticipate any risks at this time.
MEMORANDUM

August 18, 2014

To: Audit, Administration & Governance Committee of the Board of Trustees
From: Myrtho M. Blanchard, Vice President

Subject: Key Points – Amendment to DCMR 8 11

The proposed amendment to the Performance Management Policy provides the University an opportunity to directly align performance management to our new strategic vision.

- Current methodology is a cumbersome paper process. The expectation is that supervisors pull critical elements from the employee’s position description to set expectations. Three separate word documents are used to: 1) set expectations at the beginning of the performance cycle; 2) document midpoint review discussions; and 3) finalize the yearend performance plan. Since the Office of Human Resources only collects the final year performance plan, there is no way to track compliance or provide guidance throughout the year.

- The proposed amendment offers an effective performance management process that provides supervisors the opportunity to evaluate and measure individual performance and optimize productivity. It will also introduce an online tool that will retain historical performance evaluation, which will identify trends and spotlight training opportunities by department. Having consistent well documented performance evaluations may also be used for human resources decisions and may reduce the level of disputes leading to legal action.

The Office of General Counsel completed legal sufficiency on the pending Amendment.
1140 UNIVERSITY OF THE DISTRICT OF COLUMBIA PERFORMANCE APPRAISAL SYSTEM

1140.1 The University of the District of Columbia Performance Appraisal System (hereafter “UDCPAS”) shall be applicable to all non-faculty University Executive, Educational Service, Career Service, and Legal Excepted Service employees, including temporary and executive appointments.

1140.2 The purpose of this chapter is to set forth the rules for the University’s performance management program.

1140.3 Performance management integrates the processes the University uses to do all of the following:
(a) Communicate and clarify organizational and individual work goals to all employees;
(b) Identify individual and, where applicable, team responsibilities and accountability for accomplishing work unit, and organizational goals;
(c) Identify and address developmental needs for individuals and, where applicable, teams;
(d) Provide feedback to employees about performance expectations and work accountability;
(e) Assess and improve individual, team, and organizational performance;
(f) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
(g) Use the results of the annual performance evaluation as a basis for appropriate human resources’ actions, including training, promotion, demotion, administrative action, or other types of human resources’ actions.

1140.4 The performance management program implemented by this chapter shall accomplish all of the following:
(a) Create and set forth work expectations in relation to the strategic goals of a work unit, and, where applicable, the University as a whole;
(b) Hold supervisors and employees accountable for performance, which shall include a direct relationship between the performance evaluation received and the receipt or reduction of any periodic salary, bonus increases or any other University benefit;
(c) Objectively evaluate employees’ work performance based on criteria that have been made known to the employees prior to the performance evaluation;
(d) Improve employee performance through developmental plan and continuous employee skill development;
(e) Recognize employees’ accomplishments and identify employees’ deficiencies so that appropriate rewards or assistance can be provided; and
(f) Tie employee performance to work unit, and where applicable, University-wide outcomes.

The purpose of UDCPAS shall be to assure the effectiveness of the University’s programs and services.
1140.35 Each permanent and temporary employee covered by UDCPAS shall be evaluated annually. Performance expectations will be set for all temporary employees; however, any provisions herein do not otherwise cover such employees.

1140.4 Employees will be evaluated on the basis of the critical elements of their positions.

1140.5 A critical element is defined as an aspect of a position that must be performed at least at the "Achieved Expectations" level for an employee to be retained in the position. If an employee receives "Failed Expectations" on a critical element the employee must be removed from the position by reassignment, demotion, or separation from the University.

1140.66 The performance appraisal cycle begins shall be from the beginning of each fiscal year (October 1st) to the end of the fiscal year (September 30th) September 1 and ends August 31 of the following year.

1141 PERFORMANCE RATINGS

1141.1 An overall performance rating shall be a culmination of the ratings assigned to each performance expectation. The overall performance rating indicates the level of an employee’s actual performance of assigned competencies and S.M.A.R.T Goals during the performance management period.

1141.2 The overall performance rating shall be derived from the score on competencies for fifty percent (50%); and S.M.A.R.T Goals for fifty percent (50%).

1141.3 The rating levels for the performance management program shall be as follows:

(a) Level 5, Role Model – Performance serves as a benchmark for other employees in the workplace. Regarded by colleagues as a person with great depth and breadth of knowledge in area of expertise, ideas and is willing to share it with others. Contributions, initiatives, and productivity reflect the highest degree of performance.

(b) Level 4, Highly Effective Performer – Performance consistently exceeds expectations in most areas and meets expectations in all other areas. Consistently adds value to the work of the University. Demonstrates willingness to offer sound recommendations for improvement and is involved in the implementation of them.

(c) Level 3, Valued Performer – Performance expectations consistently meet and may occasionally exceed expectations, and therefore, meets the minimum requirements of the position. Contributions are essential to ensuring that University goals are met.

(d) Level 2, Marginal Performer– Performance of most expectations needs improvement. Adequate performance of the expectations for the position requires further development of skills. Potential to improve is evident and demonstrates a willingness to improve skills.
(e) Level 1, Inadequate Performer – Performance of expectations is consistently inadequate, and therefore fails to meet the minimum requirements of the position. Potential to improve is not evident.

1142 PERFORMANCE PLANS

1142.1 A Performance Plan shall set forth the performance expectations and development objectives that each covered employee is expected to accomplish during the performance management period.

1142.2 Except as otherwise provided in this chapter, each supervisor shall complete a Performance Plan outlining what is expected of each covered employee, as follows:

(a) Within thirty (30) days of the beginning of each performance management period;

(b) Within thirty (30) days of the date an employee is promoted, appointed, transferred, reassigned, or demoted to a new position or a position with significantly different duties and responsibilities;

(c) Within thirty (30) days of the date an employee is officially detailed when the detail is for a period of more than ninety (90) days;

(d) An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the position to which reassigned; or

(e) An employee who has been promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the new position.

1142.3 A Performance Plan shall include all of the following:

(a) Competencies;
(b) S.M.A.R.T (Specific, Measurable, Attainable, Realistic, Time-Related) Goals; and
(c) An Individual Development Plan.

1142.4 Modifications to the Performance Plan can only be made up to June 30th (ninety (90) calendar days before the end of the performance management period).

1143 COMPETENCIES
1143.1 Competencies are a type of performance expectation that consists of the critical knowledge, abilities, skills, and personal characteristics necessary for satisfactory performance in a particular position. Competencies are linked to the specific duties performed in a particular work unit, but focus strongly on each employee individually.

1143.2 At the beginning of each performance management period, a supervisor or a reviewer, in the absence of the supervisor, shall discuss with the employee how each competency relates to the employee's job. At the end of the performance management period, the supervisor or a reviewer, in the absence of the supervisor, shall evaluate each competency based on the employee's performance during the period.

1143.3 There are five (5) core competencies for all employees covered by this chapter:
   (a) Accountability;
   (b) Communication;
   (c) Customer Service;
   (d) Goal Attainment; and
   (e) Job Knowledge.

1143.4 There are three (3) additional core competencies applicable to supervisors:
   (a) Leadership;
   (b) Management of Others; and
   (c) Operational and Strategic Planning.

1143.5 The supervisor may choose up to three (3) additional competencies, or develop an additional three (3) competencies in collaboration with the employee. The recommended additional competencies include but are not limited to the following:
   (a) Flexibility/Adaptability;
   (b) Initiative;
   (c) Innovation;
   (d) Mechanical Ability;
   (e) Negotiation;
   (f) Problem Solving;
   (g) Productivity;
   (h) Teamwork;
   (i) Technical Ability; and
   (j) Use of Technology.

1144  S.M.A.R.T GOALS

1144.1 S.M.A.R.T Goals are a type of performance expectation that consists of goals that are "Specific, Measurable, Attainable, Realistic, and Time-Related." A Performance Plan shall
include at least three (3) and not more than five (5) S.M.A.R.T Goals.

1144.2 S.M.A.R.T Goals set in the Performance Plan shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%).

1144.3 S.M.A.R.T Goals set in the performance plan shall include a timeframe for the accomplishment of each goal.

1144.4 At the beginning of each performance management period, a supervisor or the reviewer, in the absence of the supervisor, shall discuss with the employee how each S.M.A.R.T Goal relates to the employee’s job. At the end of a performance management period, the supervisor or the reviewer, in the absence of the supervisor, shall evaluate each S.M.A.R.T Goal based on the employee’s performance during the period.

1145 INDIVIDUAL DEVELOPMENT PLAN

1145.1 At the beginning of the performance management period, a supervisor, or the reviewer in the absence of the supervisor, shall prepare an Individual Development Plan for an employee, identifying areas for growth and development. The Individual Development Plan shall be prepared in collaboration with the employee. The Individual Performance Plan shall include at least one (1) and no more than three (3) objectives.

1145.2 Each Individual Development Plan is for developmental purposes only, and shall not be part of the evaluation at the end of the performance management period.

1145.3 Each Individual Development Plan may include but is not limited to the following objectives:
   (a) Specific objectives designed to improve the knowledge, skills, and abilities of the employee;
   (b) Specific objectives for areas of ongoing professional development; or
   (c) Objectives that address areas in which the employee received a review of “Marginal Performer” or below during the preceding review year.

1145.4 Each Individual Development Plan shall include a timeframe for the accomplishment of each objective.

1146 MID-YEAR PROGRESS DISCUSSION

1146.1 Each employee entitled to an annual performance evaluation under section 1148 of this chapter may participate in a mid-year progress discussion no less than three (3) months prior to the end of the performance management period. When used, the mid-year progress discussion is initiated by the employee’s immediate supervisor or the reviewer, in the absence of the
immediate supervisor; and serves as a mechanism for providing feedback to an employee and identifying areas that need improvement.

1146.2 The mid-year progress discussion shall be mandatory in the case of probationary employees. The mid-year progress discussion shall not impinge on a recommendation to terminate the probationary employee during his or her probationary period.

1146.3 An annual performance evaluation shall not be based solely on a mid-year progress discussion. An employee's performance during the entire review period must be used to determine how well the employee performed each performance expectation and the overall performance rating.

1147 PERFORMANCE IMPROVEMENT PLAN

1147.1 The provisions of this section shall apply to all employees described in 1140.1 of this chapter.

1147.2 A Performance Improvement Plan (PIP) is a performance management tool designed to offer the employee placed on it an opportunity to demonstrate improvement in his or her performance.

1147.3 The purpose of a Performance Improvement Plan is to offer the employee placed on it an opportunity to demonstrate improvement. A Performance Improvement Plan issued to an employee shall last for a period of thirty (30) to ninety (90) days, and shall:

(a) Identify the specific performance areas in which the employee is deficient; and
(b) Provide concrete, measurable action steps the employee needs to take to improve in those areas.

1147.4 A supervisor or, in the absence of that individual, the reviewer, shall complete a PIP when employee performance has been observed by the supervisor as being deficient. The last date on which a PIP may be issued is June 30 of each year.

1147.5 Within ten (10) calendar days of the end of the PIP period, the employee's immediate supervisor or, in the absence of that individual, the reviewer, shall make a determination as to whether the employee has met the requirements of the PIP. If the determination is that the employee has met the requirements of the Performance Improvement Plan, the employee's immediate supervisor, or in the absence of that individual, the reviewer, shall so inform the employee, in writing. If the determination is that the employee failed to meet the requirements of the Performance Improvement Plan, the employee's immediate supervisor or in the absence of that individual, the reviewer, as appropriate, shall issue a written decision to the employee to:

(a) Extend the Performance Improvement Plan for an additional thirty (30) and not to exceed ninety days total, to further observe the employee's performance;
(b) Reassign, reduce in grade, or remove the employee.
1147.6 Failure on the part of the supervisor, or, in the absence of that individual, the reviewer, to issue a written decision within the specified time period will result in the employee's performance having met the PIP requirements.

1148 **ELIGIBILITY TO RECEIVE AN ANNUAL PERFORMANCE EVALUATION**

1148.1 In order to be eligible to receive an annual performance evaluation, a Performance Plan shall be in place for at least ninety (90) calendar days prior to conducting an annual performance evaluation based on that performance plan at the end of the performance management period.

1148.2 An employee who has been reassigned, promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a performance evaluation for that period.

1148.3 The performance evaluation pursuant to sections 1148.2 of this section shall be issued by the employee's previous supervisor as specified in those sections.

1148.4 An employee who was reinstated or restored to duty during the ninety (90) days prior to the end of the performance management period shall be rated at the end of the next performance management period.

1148.5 An employee reinstated, restored, newly appointed, or transferred shall automatically be considered as having been assigned a rating of Valued Performer, which shall remain the official rating of record until such time as replaced by another official rating.

1149 **ANNUAL PERFORMANCE EVALUATION**

1149.1 An annual Performance Evaluation shall be issued to each eligible employee within three months of the end of the performance management period, the exact date of which will be established by the appropriate personnel authority.

1149.2 The annual Performance Evaluation shall be based on the employee's Performance Plan for that performance management period.

1149.3 Except as provided in section 1149.5 of this section, each employee entitled to be rated under section 1148 of this chapter shall be rated, based on his or her position of record, by his or her immediate supervisor or the reviewer, in the absence of the supervisor. In the absence of both the immediate supervisor and the reviewer, the Vice President of Human Resources shall designate a higher-level official to complete the Performance Evaluation. In the absence of an electronic official performance evaluation, the employee's performance shall be deemed to be at the "Valued Performer" level.
1149.4 A supervisor leaving his or her position at any time within the last ninety (90) calendar days of the performance management period shall conduct a Performance Evaluation for each employee covered by this chapter prior to his or her departure.

1149.5 An employee serving on detail for more than ninety (90) days at the end of the performance management period shall be rated by the employee’s immediate supervisor of the position to which detailed, with input from the supervisor of the employee’s position of record.

1149.6 In instances where employees perform shift work or have multiple supervisors during the year, input or completion of the employee’s performance evaluation shall be provided by the appropriate supervisor(s).

1149.7 The annual Performance Evaluation for an employee who is on approved extended leave at the end of the performance management period (during the period in which performance evaluations are finalized) shall be postponed until the employee returns to his or her official position of record.

1149.8 A signature on the annual Performance Evaluation is considered official when submitted electronically using an electronic system used to facilitate the performance planning and evaluation process outlined in this chapter.

1150 SELF-EVALUATION

1150.1 At his or her discretion, each employee eligible to receive an evaluation may submit a self evaluation to his or her supervisor as input into the performance evaluation process.

1151 EMPLOYEE REQUEST FOR REVIEW

1151.1 The provisions of this section shall apply to all employees described in 1140.1 of this chapter.

1151.2 Employees’ requests for review of performance ratings shall be handled by an internal Reconsideration and Resolution Committee (RRC) to formally review overall performance ratings of Inadequate Performer (Level 1) and Marginal Performer (Level 2). A “paper review” will be conducted for overall ratings of Valued Performer (Level 3), and Highly Effective Performer (Level 4).

1151.3 An employee may, within ten (10) calendar days of participating in a performance rating year-end discussion with the supervisor, request a review of the rating by submitting the request for review to the Vice President of Human Resources for the University.
1151.4 An employee’s request for review of an official annual performance rating shall be in writing, and shall be submitted in accordance with procedures issued by the appropriate personnel authority.

1151.5 Pursuant to section 603 (a) of the CMPA (D.C. Official Code § 1-606.03 (a)), an employee may appeal a final University decision affecting a performance rating which results in removal of the employee with the Office of Employee Appeals.

1151.6 Upon receipt of a request for review, the Vice President of Human Resources shall take either of the following actions:
   (a) Dismiss the employee’s request for review on technical grounds (i.e., procedural or regulatory violation) and sustain the performance rating; or
   (b) Accept the employee’s request for review, and refer the request to the University’s RRC for review and disposition.

1152 PROBATIONARY EMPLOYEES

1152.1 An employee serving a probationary period shall be subject to the performance management program established by this chapter. A Performance Plan shall be provided to each probationary employee, on which the probationer shall be evaluated.

1152.2 An acceptable performance rating during a probationary period in and of itself does not constitute passing of the probationary period or automatic movement to a permanent status.

1152.3 Neither the mid-year progress discussion nor the annual performance evaluation received by the probationary employee is appealable.

1160 PERFORMANCE MANAGEMENT DEFINITIONS

When used in this chapter, the following terms shall have the meaning ascribed:

Annual performance evaluation – a process for determining how well an individual employee has performed the performance expectations established in the performance plan for the review period.

Competency – a type of performance expectation that consists of the critical knowledge, abilities, skills and personal characteristics necessary for satisfactory performance. They are linked to the specific duties performed in a particular work unit but focus strongly on the individual employee.

Individual development plan (IDP) – a development tool that identifies training and learning activities that will help an employee enhance the knowledge, skills, and abilities needed to perform work duties and prepare the employee for future career advancement.
Mid-year progress discussion – a formal meeting between a supervisor and employee to discuss the employee’s performance and development at the midpoint of the review period.

Performance expectations – S.M.A.R.T. goals and competencies that describe what and how work is to be performed. Performance expectations are established by the supervisor and employee at the beginning of a review period.

Performance improvement plan (PIP) – A performance management tool designed to offer the employee an opportunity to demonstrate improvement in his or her performance.

Performance management – the systematic process by which the University involves its employees, as individuals and members of a group, to ensure the accomplishment of the University’s mission and goals.

Performance management period – the length of time covering the performance planning and evaluation process. It goes from the beginning to the end of the fiscal year.

Performance plan – the formalized process of identifying and communicating the organizational, work unit, and individual goals expected of the employee. The Performance Plan consists of the following: Competencies, S.M.A.R.T Goals, and an Individual Development Plan.

Performance rating – the value assigned to each performance expectation and the employee’s overall performance based on a supervisor’s or, in the absence of the supervisor the reviewer’s, assessment of an employee’s performance during the review period.

Probationary employee – an Educational Service, Career Service, or Legal Service employee occupying a position subject to the completion of a probationary period, to include employees in term appointments. An employee who receives an initial regular appointment serves a probationary period of one (1) year.

Rating official – the final rating authority in the annual performance evaluation process, who is either the employee’s supervisor, or, in the absence of the supervisor the reviewer.

Request for review – the process in which an employee requests a formal review of the overall performance rating received during the review period.

Reviewer – a supervisor or supervisor designee responsible for reviewing and approving the annual performance evaluation completed by a rating official.
Self-evaluation — the process in which the employee provides a self-assessment of the employee’s performance based on the established performance expectations during the review period.

S.M.A.R.T. goals — a type of performance expectation that consists of goals that are Specific, Measurable, Attainable, Realistic, and Time-Related.

Supervisor — an individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust employee grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. For the purposes of this policy, “supervisor” also means “manager”. — SOURCE: Final Rulemaking published at 37 DCR 5083 (August 3, 1990); as amended by Final Rulemaking published at 46 DCR 6145 (July 23, 1999).

1141 PERFORMANCE MANAGEMENT RECORD

1141.1 The Performance Management Record shall be prepared in a format to be designated by the University.

1141.2 The University shall also decide on the procedures to be used with the Performance Management Record.

1141.3 The Performance Management Record shall incorporate all forms required for performance appraisal. Guidance shall be provided in the Performance Management Record and in the Supervisory Guide.

1141.4 The Performance Management Record shall:

(a) List the critical elements of the employee's position;

(b) Identify the performance standards to satisfy each critical element;

(c) Contain a section on performance counseling in the form of an Individual Development Plan (IDP);

(d) Contain a section on mid-point review processes; and

(e) Contain a section to record the official performance rating assigned to the employee.

1141.5 Each supervisor shall customize each critical element so that it is consistent with:

(a) The employee's official position description; and
(b) The overall mission of the University.

1141.6 For each critical element, the Performance Management Record shall include performance standards that shall describe levels of performance in terms of quantity, quality, timeliness, or other effectiveness measures.

1141.7 The decision of the supervisor on the content of the Performance Management Record shall be final, and the critical elements and performance standards cannot be grieved.

SOURCE: Final Rulemaking published at 37 DCR 5083 (August 3, 1990); as amended by Final Rulemaking published at 46 DCR 6145 (July 23, 1999).

1142 PERFORMANCE APPRAISAL PROCESS

1142.1 At the beginning of the appraisal period, supervisors shall complete for each employee, Section I—Performance Plan of the Performance Management Record.

1142.2 The Performance Plan may be changed at any time by the supervisor to reflect changes in the employee’s assignments.

1142.3 The Performance Plan shall be discussed with the employee.

1142.4 A formal progress review shall be initiated and conducted by the supervisor within thirty (30) calendar days of the mid-point of the appraisal period. The review shall be documented in Section II—Mid-Point Review of the Performance Management Record. The purposes of the Mid-Point Review shall be (a) to discuss the employee’s progress toward meeting performance standards for each critical element and (b) to make needed adjustments to the Performance Management Plan.

1142.5 Within thirty (30) calendar days of the end of the performance appraisal cycle, the employee and the supervisor shall complete Section III—End-of-Year Accomplishments of the Performance Management Record.

1142.6 Within the same thirty (30) calendar day period, the supervisor shall complete Section IV—Performance Rating of the Performance Management Record and assign one of the following ratings to each critical element, and as the overall rating:

(a) Exceeds Expectations— 4 points

(b) Achieved Expectations— 3 points

(c) Below Expectations— 1 points

(d) Failed Expectations— 0 points

1142.7 Section V—Individual Development Plan of the Performance Management Record shall be used at any time deemed appropriate by the supervisor to document career counseling and discussion of training needs and options.
1142.8 All ratings of "Exceeds Expectations", "Below Expectations", and "Failed Expectations" shall be supported by a written justification prepared by the supervisor.

1142.9 Should the employee disagree with the rating assigned, the employee may submit a written response within five (5) workdays to the approving official for consideration.

1142.10 Within five (5) workdays, the approving official shall assign a final rating.

1142.11 A copy of the final written appraisal shall be provided to the employee. After completion of the performance appraisal cycle, each supervisor shall submit original UDCPAS forms to the University's Office of Personnel Management. The Office of Personnel Management shall retain ratings for three years.

1143—DEALING WITH DEFICIENT PERFORMANCE

1143.1 If the supervisor determines that an employee has failed one of the critical elements of the position, the supervisor shall place the employee on a Performance Improvement Plan (PIP) in which the employee is given at least thirty (30) days to improve, prior to assigning a performance rating.

1143.2 At the end of the PIP, the supervisor will evaluate the employee's performance and assign a rating to the employee.

1143.3 If the employee receives a rating of "Achieved Expectations" at the end of the PIP, no further action is required of the supervisor.

1143.4 If the employee receives a rating of "Below Expectations" at the end of the PIP, the supervisor, in consultation with the personnel director, shall document actions required of the employee.

1143.5 If the employee receives a rating of "Failed Expectations", the supervisor, in consultation with the personnel director, must propose one of the following actions:

(a) Reassignment to another position at the same grade and pay, if such a position is available;

(b) Demotion to a lower graded position with the appropriate reduction in salary; or

(c) Separation from the University.

1143.6 The supervisor shall seek guidance from the personnel director and shall issue the employee a notice of proposed demotion or separation within five (5) workdays of assigning a rating of "Failed Expectations".
The employee, with or without representation, shall have the right to respond, orally or in writing, to a proposal to the appropriate University Vice President or the Senior Administrator for University Services within five (5) workdays of the date of the notice of proposed demotion or separation.

The appropriate University Vice President or the Senior Administrator for University Services will issue a written decision on the demotion or separation within five (5) workdays of receipt of the employee's response.

Within five (5) workdays of receipt of the written decision of the appropriate University Vice President or the Senior Administrator for University Services, the employee may appeal the decision on demotion or separation to the University's Performance Action Appeals Committee (PAAC). The members of the PAAC are three senior-level staff appointed by the University President. Within five (5) workdays of the employee's appeal, the PAAC will conduct a hearing on the proposed demotion or separation.

Within five (5) workdays, thereafter, the PAAC will issue its written decision to the employee.

Decisions of the PAAC shall be the final agency decision.

Demotions and separations approved by the PAAC shall be effective at the end of the next full pay period following the PAAC's decision.

During the notice, appeal and decision period, the supervisor may, in consultation with the personnel director, place the employee on administrative leave with pay. Such a decision will not prejudice the outcome of the employee's appeal.

SOURCE: Final Rulemaking published at 37 DCR 5083 (August 3, 1990); as amended by Final Rulemaking published at 46 DCR 6145 (July 23, 1999).

1199 Definitions

When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Acting appointment** - assignment to a greater or lesser position for a period of one (1) year or less with the right to return to the former or a similar position without loss of pay or rank.

**Administrative employee** - a professional, technical, or para-professional employee of the University who has responsibilities associated with planning, development, implementation, and managing the educational or administrative functions of the University.

**Appraisal** - Comparison under an appraisal system of an employee's performance of duties and responsibilities with performance standards.
**Appraisal period** - The period of time established by an appraisal system for which an employee's performance will be reviewed.

**Approving Official** - The second level supervisor of the employee whose performance is to be appraised.

**Conversion** - the voluntary movement of an employee who occupies a position in one employment service to another position in a different employment service, or a change from Tier II to Tier I in the Educational Service.

**Critical Function** - Any component of an employee's job that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase, and may be the basis for removing or reducing the grade level of that employee. Such action may be taken without regard to performance on other components of the job.

**Demotion** - the reduction of an employee's classification level, pay level, or both due to unsatisfactory performance, decreased workload, abolishment of position, or change in organizational structure.

**Detail** - the temporary assignment of an employee to a different position for a specified period, with the employee returning to regular duties at the end of the detail.

**Full University furlough** — The temporary involuntary placement of all employees in the educational service (including those positions in the education service designated as excepted service), in a non-duty, non-pay status for an equitable period of time not to exceed seventy-two (72) hours within a leave year for the reason set forth in §1234.1.

**Job Function** - Any component of a position, such as a task, duty, or responsibility, the performance of which contributes meaningfully to success and failure in the position.

**Performance** - An employee's accomplishment of assigned duties and responsibilities.

**Performance Plan** — Document developed through the collaborative efforts of the employee and the supervisor at the beginning of the appraisal period which defines the critical functions against which the employee's performance will be appraised, establishes performance standards for those functions, and indicates potential ratings for specific levels of achievement.

**Performance standards** — The expressed measure of level of achievement established by management for the duties and responsibilities of a position or group of positions. Performance standards may include, but are not limited to, elements such as quantity, quality and timeliness.

**Promotion** - the movement of a staff member from one position to another position with greater duties and responsibilities or for which a higher salary grade or rate of pay is designated; or the assignment of duties and responsibilities to the staff member's current position which results in the formal reclassification of the position to a classification for which a higher salary grade or rate is designated.

**Rating Official** - The supervisor of the employee whose performance is to be appraised.

**Reassignment** - the movement of an employee in the same position to a new work location or to a new position within the same pay grade but not necessarily within the same job classification or the same work location.
Reclassification - an official change in a position classification due to a change in the duties and responsibilities of the position.

Regular appointment - an appointment made to fill a position on a permanent basis. An employee who receives an initial regular appointment serves a probationary period of one (1) year.

Sponsored program appointment - an appointment that is made for employees hired on non-appropriated funds that are subject to special terms and conditions in accordance with chapter 17 of this subtitle.

Temporary appointment - an appointment that is limited to, and does not exceed, three hundred and sixty-four (364) days.

SOURCE: Final Rulemaking published at 37 DCR 5083 (August 3, 1990); as amended by Final Rulemaking published at 38 DCR 2150 (April 12, 1991); as amended by Final Rulemaking published at 40 DCR 3353 (May 21, 1993).