

# BUREAU OF INDIAN EDUCATION

## Human Resources Office

Writing Effective & Measurable Performance  
Standards

Summer Institute 2012

Building a Brighter Tomorrow through Positive & Progressive  
Leadership

# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS



Why are performance standards important?

# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Introductions:

- Glenn Himebaugh
  - 505-563-5323
  - [Glenn.himebaugh@bie.edu](mailto:Glenn.himebaugh@bie.edu)
- Edie Benson, Human Resources Specialist
  - 505-563-5302
  - [edie.benson@bie.edu](mailto:edie.benson@bie.edu)
- Jodi Tomhave, Human Resources Specialist (ER/LR)
  - 505-563-5327
  - [jodi.tomhave@bie.edu](mailto:jodi.tomhave@bie.edu)
- Participants





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Distinguish between performance and conduct.
- Identify critical elements.
- Develop performance standards.
- Identify methods for tracking the standards you have developed.





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Conduct versus performance
  - Attendance or reporting to work on-time.
  - Well-written correspondence.





# BIE SUMMER INSTITUTE 2012

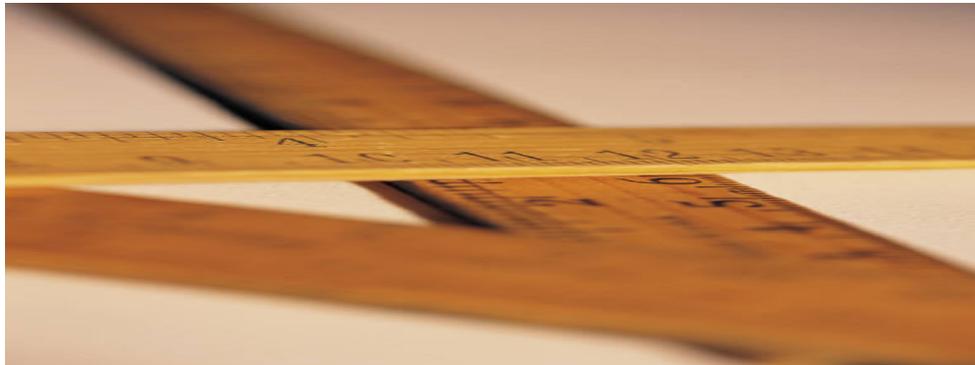
## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Critical elements
    - Work that is essential to the position
    - If performed at an unsatisfactory level the position may as well be vacant.
    - Based upon duties within the position description not cut and pasted from it.
    - Must have at least 1 critical element and no more than 5.
    - At least 1 critical element must be linked to GPRA goals.
- 

# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Performance standards
  - Five different levels
    - Differentiation between the performance at each level of performance.
  - Standards must be measurable and should be objective, to the greatest practicable extent.
    - Any reader should be able to glance at them and understand the specific performance necessary for each level.





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Performance standards

- Must be reasonable.
  - Identify the requisite level of performance required to attain an appraisal at a particular level.
  - Must identify the level of performance to be attained not the performance that is unacceptable, must be avoided and/or should not be done.
  - Specificity is inverse to the amount of independence and discretion which is expected of the incumbent of the position.
  - Must describe work assignments and responsibilities within the employee's control., except for supervisors(. (Page 5, [370 DM 430](#))
  - Must be sufficient to withstand legal challenge.
- 

# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Consequences

- If employee cannot improve performance he must be:
  - Terminated (if probationary);
  - Removed;
  - Demoted to a position previously held and which they performed successfully ; or
  - Contract non-renewed.
- Employee can contest the matter in the grievance process, EEO complaint process, or MSPB appeal procedure, as applicable.





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Proof elements
    - The agency must show by substantial evidence that ::
      - The employee fails to meet the established performance standards in 1 or more critical elements;
      - Critical elements and standards communicated to employee;
      - Employee warned about deficient performance and provided an opportunity to improve; and
      - Despite opportunity to improve employee's performance is still unacceptable.
- 



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Quantum of proof

- Substantial evidence is defined in [5 CFR 1201.56](#) as:
    - The degree of relevant evidence that a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion even though other reasonable persons might disagree. This is a lower standard of proof than preponderance of the evidence
  - Lower standard of proof than the preponderance of evidence required in a disciplinary action.
  - Penalty cannot be mitigated.
  - Must prepare and do work up front.
- 



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Consequences

- If employee cannot improve performance he must be:
  - Terminated (if probationary);
  - Removed;
  - Demoted to a position previously held and which they performed successfully ; or
  - Contract non-renewed.
- Employee can contest the matter in the grievance process, EEO complaint process, or MSPB appeal procedure, as applicable.





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Performance standards
  - Start with the minimally successful standard.
    - This defines the minimum level of performance that can be achieved for the employee to retain his employment.
    - Work up from there.
  - Let's look at some examples of deficient EPAPs





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- EPAPs
  - Let's look at an example of a decent EPAP.



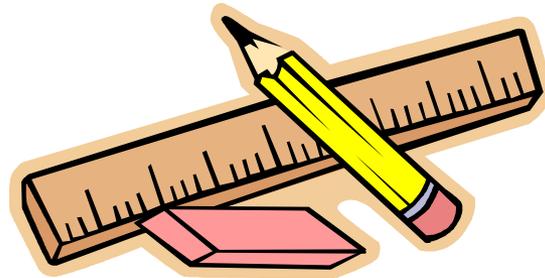
# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ EPAPs

Start with the minimally successful standard.

- This defines the minimum level of performance that can be achieved for the employee to retain his employment.
- Work up from there
- Critical element = task
- The standard measures how the task is performed.





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- EPAPs
  - How can student achievement be utilized in a teacher evaluation?
  - What is a reasonable standard?
  - What is a reliable method of measurement?
- 



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- EPAPs
- Common core standards





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Definitions

- Appraisal Period
  - Coincides with the school year: July 1 – June 30
- Maximum Time to Finalize Performance Standards
  - Timeframe in which performance standards are finalized and approved. The maximum time a rating official has to put an employee under elements and standards, i.e., establish an Employee Performance Appraisal Plan (EPAP)
- Minimum Appraisal Period
  - The length of time, 90 calendar days, that the employee must be performing under an approved EPAP in a given position in order to be eligible for an interim or annual rating





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Progress Review
  - Discussion with the employee at least once during the appraisal period to review the employee's progress and communicate performance as compared to the established standards; to make any recommended revisions to critical elements/performance standards; and to consider/identify any developmental needs or performance improvement required

Article 21 section 3 requires that you advise an employee of deficient performance if you're aware of it prior to a progress review.





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Rating Critical Elements
  - Compile performance data from various sources
  - Ask employees to keep track of their own progress
  - Should also talk to customers and peers
  - Review documentation
  - Incorporate other feedback if available
- Goal: to ensure a complete picture of the employee's performance





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- The rating assigned reflects the level of the employee's performance as compared to the standards established.
  - If an employee does not have an opportunity to perform a critical element during the rating period, no rating will be assigned and the words "Not Rated" should be written on the EPAP for that element
- 

# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

### ○ Narrative Summary

- Required for ratings of Exceptional, Minimally Successful, or Unsatisfactory
  - Must contain examples of the employee's performance that substantiate and explain how the performance falls within the level assigned. Narrative must be recorded on the EPAP
- Encouraged, but not required, for ratings of Superior and Fully Successful



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Review by Reviewing Official
  - Required for ratings of Exceptional, Minimally Successful and Unsatisfactory
  - Required prior to delivering the completed EPAP to the employee





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Discussion with Employee
  - Rating official should ensure:
    - All necessary approvals of the rating of record have been completed
    - Employee performance on each critical element during the rating period has been reviewed and noted, including tasks that were completed well and any areas needing improvement.
    - Specific examples should be noted when possible or available



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- After the meeting
  - Supervisor provides a copy of the EPAP to the employee
  - Supervisor retains a copy of the EPAP for their files
  - Supervisor forwards the original EPAP to the Human Resources Office
    - School Year Employees: with contract renewal paperwork
    - Year-Long and Title V employees: within 60 days



# BIE SUMMER INSTITUTE

## 2012

### WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- What if the employee refuses to sign?
  - Annotate that the employee refused to sign in the employee space, and sign your name in the rating official space





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Exceptional (Level 5) – eligible for:
  - Individual cash award up to 5% of base pay;
  - Quality Step Increase (QSI)
  - Time-Off Award
- Superior (Level 4) – eligible for:
  - Individual cash award up to 3% of base pay;
  - Time-Off Award





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Links to other personnel actions
    - Within-grade pay increases
    - Increments (contract educators)
    - Promotions (non-competitive career ladder positions)
    - Probationary/Trial Periods
    - Probationary Period for Supervisors and Managers
    - Determining additional retention service credit in a RIF
    - Determining eligibility to participate in Telework
- 



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Opportunity to improve
  - Performance improvement plan
  - Increase to minimally successful
  - At least 30 days
  - Don't obligate yourself to do something that you cannot do





# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Performance improvement plan
  - Agency must prove that we provided a fair opportunity to improve.
  - PIP cannot change the level of performance required of employee but can flesh out ambiguous standard, if necessary.
  - At least 30 days.
  - Must advise of exactly what is expected of him during the PIP.
  - Don't obligate yourself to do something that you cannot do
  - If employee successfully completes the PIP, they are held to that standard for one year from the date of completion.



# BIE SUMMER INSTITUTE 2012

## WRITING EFFECTIVE & MEASURABLE PERFORMANCE STANDARDS

- Glenn Himebaugh
  - 505-563-5323
  - [Glenn.himebaugh@bie.edu](mailto:Glenn.himebaugh@bie.edu)
- Jodi Tomhave, Human Resources Specialist (ER/LR)
  - 505-563-5327
  - [jodi.tomhave@bie.edu](mailto:jodi.tomhave@bie.edu)
- Bernadine Padilla, Human Resources Specialist (ER/LR)
  - 505-563-5321
  - [Bernadine.padilla@bie.edu](mailto:Bernadine.padilla@bie.edu)
- Edie Benson, Human Resources Specialist
  - 505-563-5302
  - [edie.benson@bie.edu](mailto:edie.benson@bie.edu)

