

**MEMORANDUM OF UNDERSTANDING
BETWEEN
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES LOCAL 2367
AND
WEST POINT**

I. Introduction

This Memorandum of Understanding (MOU) is hereby entered into by West Point, (hereinafter referred to as the Employer) and the American Federation of Government Employees (AFGE) Local 2367 (hereinafter referred to as the Union).

II. Agreement and Administration

This MOU is in accordance with the Agreement Section of the Negotiated Agreement between the United States Military Academy and American Federation of Government Employees West Point Local 2367 (CBA) between the Employer and the Union dated 03 May 2001. Article 34 of the current CBA dated 03 May 2001 will remain in effect for the purposes of the legacy performance management program (Total Army Performance Evaluation System) which officially closes out 31 March 2017 with an appraisal effective date of 01 June 2017. This MOU will supersede Article 34 of the CBA dated 03 May 2001 for the purposes of the new civilian Defense Performance Management and Appraisal Program (DPMAP) which becomes effective upon agency head approval. All necessary actions to implement the new DPMAP will be accomplished in accordance with this MOU.

III. This agreement will become effective upon the date approved by the Head of the Agency. If the Head of the Agency neither approves nor disapproves the agreement within 30 days after receipt, the agreement will become effective on the 31st day.

IV. This agreement may only be revised upon the mutual concurrence of both parties.



ROBERT L. CASLEN, JR.
Lieutenant General, US Army
Superintendent

Date: _____
MAR 22 2017



DONALD P. HALE
President
AFGE Local 2367

Date: 22 March 2017

ARTICLE 34

PERFORMANCE MANAGEMENT PROGRAM

SECTION 1. General

a. The Union and the Employer recognize and endorse that performance management is a continuous, systematic process by which managers and supervisors integrate the planning, directing, and executing of organizational work with the civilian personnel performance appraisal, pay, awards, promotion, employee development, and other programs. The Employer organize work, make specific assignments, assign duties and tasks, and establish standards to follow when accomplishing the work.

b. The main emphasis of this program is day-to-day interaction among employees and supervisors which includes the implementation of modern and flexible work practices. Informal performance discussions are a standard part of the performance management program and are encouraged throughout the appraisal cycle. Discussions may consist of verbal feedback sessions, regular one-on-one meetings, impromptu feedback/recognition, etc. Discussions may be initiated by the employer or employee.

c. This Article is to be used in conjunction with DoD Instruction 1400.25, Volume 431 and Army Instructions except as supplemented by the Article .

SECTION 2. Training. New supervisors and employees to DOD who have not received New Beginnings training are responsible for completing available training on the performance management program within 30 days of assignment.

SECTION 3. Performance plan development. Individual employee work requirements and performance expectations will be documented in writing and communicated to the employee. The purpose of this discussion/communication is to ensure there is a clear and common understanding between the employee and the rating official of what is expected of the employee concerning his/her duties, responsibilities, and performance expectations.

a. Rating Official's Responsibilities.

(1) Rating Official will provide work requirements and performance expectations to their employees within 30 calendar days of: (1) assignment, (2) new rating official, or (3) the commencement of a new appraisal period.

(2) The rating official shall assure the employee is apprised of DoD Core Values and the organization's mission and goals. The rating official will initiate a dialogue with the employee to discuss the employee's duties and responsibilities in relation to the mission and organizational objectives (this includes the approved Performance Assistance Plan).

(3) The rating official shall encourage employee participation/dialogue/feedback in establishing/revising performance plans with the goal of reaching a clear and common

understanding concerning performance expectations.

(4) While the rating official is responsible for considering the employee's input into the work requirements and performance expectations, the rating official will ultimately develop and approve the performance elements and standards.

(5) The rating official will document the work requirements and performance expectations in writing in accordance with the Performance Plan.

(6) The next level rating official shall review the performance plan for employees and sign the form in accordance with the Performance Plan.

(7) If, in determining the work requirements and/or performance expectations (also known as "elements" and "standards") which are based on the duties of the position it is determined by the rating official that it is necessary to update the position description, then the rating official should contact the Civilian Personnel Advisory Center (CPAC). See Article 36, Position Classification.

b. Employee's Responsibilities.

(1) Employees should provide input to the rating official concerning work requirements and performance expectations, recognizing the supervisor ultimately develops and approves the performance elements and standards.

(2) Employees should carefully review performance expectations provided by the rating official and ask questions, seek clarification, and attempt to reach a clear and common understanding concerning performance expectations. Employees are expected and should keep all documentation provided to them regarding performance.

(3) If the employee feels uncomfortable during the process they can consult with the union.

c. Performance Expectations. Performance elements describe the expectations related to the work to be performed. All performance elements must be critical and clearly aligned with organizational goals. A critical element is a work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is rated as "unacceptable."

(1) Performance standards describe how the requirements and expectations provided in the performance elements are to be evaluated.

(2) Performance standards articulate how an employee is to accomplish the duties of their position, usually described in terms of quality, quantity, timeliness, and manner of performance.

(3) Performance standards can identify specific goals/objectives, measurements, and/or timeframes.

(4) Performance standards should be achievable, realistic, yet challenging and can be accomplished with the resources, personnel and time available.

(5) Performance standards identify how well an employee must perform his/her job to achieve performance at the "fully successful" level.

(6) Performance expectations should be fair and applied specifically to employee(s) so

that individual job performance can be properly evaluated.

(7) Changes in performance expectations are permitted and expected in order to adequately reflect the work and standards to be done. If there is disagreement between rating official and ratee on changes, then the senior rater shall mediate the disagreement. Performance standards and elements should be in place no less than ninety (90) days before a person can be rated on that element.

d. Developing and Delivering Performance Plan with Performance Expectations.

(1) The rating official must solicit input/comments/feedback from the employee(s) and provide adequate time for the employee to respond (should not be less than three working days).

(2) When the employee provides input to the rating official, the rating official and employee shall engage in meaningful dialogue for the purpose of reaching a clear and common understanding concerning performance expectations.

(3) The employee shall be considered to have provided input if the employee does not respond to the rating official's request for input/comments/feedback.

(4) Formal performance meetings will normally be held between the rating official and the employee. If performance review is going to be negative or unacceptable see Sections 6 and 7.

e. Documentation

(1) The individual work requirements and performance expectations shall be documented in accordance with DoD Instructions.

(2) The Rating Official will provide those employees with intermittent or limited computer access a copy of any necessary documentation.

SECTION 4. Progress reviews. Formal feedback for on the job performance will be documented in writing and communicated to the employee. The purpose of this discussion/communication is to ensure there is a clear and common understanding between the employee and the rating official of how the employee is performing in relation to the expected duties and responsibilities and will include feedback on the employee's performance in relation to the criteria. Performance discussions will be held in a private venue and will normally be between the rating official and the employee. If progress review is going to be negative or unacceptable see Sections 6 and 7.

a. Employees will be at a minimum provided three documented performance discussions per rating period. These required discussions will include the initial performance plan meeting, mid-point progress review, and the final performance appraisal discussion to communicate the rating of record. An additional progress review is highly encouraged.

b. Mandatory progress reviews will normally occur during the middle of the rating cycle. This does not preclude additional progress reviews.

c. Informal discussions are a standard part of supervision and should occur throughout the annual assessment period. Discussions may be initiated by the supervisor, rating official (if not the immediate supervisor) or employee. If the employee is requesting an informal performance discussion, it should be in writing or email. If management does not meet with employee within

seven working days of that request, the employee should contact the union.

d. Discussions should be professional, candid, forthright dialogues between the supervisor or rating official and employee aimed at improving the work process or product and developing the employee. The discussion will provide the opportunity to assess accomplishments and progress as well as identify and resolve any problems in the employee's or work team's work product.

e. Where indicated, the supervisor or rating official should provide additional guidance aimed at developing the employee, removing obstacles and improving the work product or outcome. Discussions will provide the employee the opportunity to seek further guidance and understanding of his/her work performance and offer suggestions for improving processes.

SECTION 5. Performance appraisals. Performance shall be evaluated annually and will be documented in the DPMAP writing and communicated to the employee. The purpose of this discussion/communication is to provide the rating official's assessment of job performance to the employee in relation to work requirements and performance expectations previously discussed with the employee. All performance plans and evaluations shall be maintained for a period of four (4) years.

a. Training. All bargaining unit employees will be trained in the Performance Management Tool use prior to implementation. This training will include at a minimum such things as understanding how it works, what information is being kept, accessing information about oneself and entering information about oneself into the system.

b. Rating Officials will provide an assessment of performance in relation to work requirements and performance expectations to their employees at the end of the appraisal period.

c. Rating Officials must solicit input from employees for the annual assessment and will consider any input/comments/feedback provided by the employee. The employee will be provided adequate time to provide input to their rating official, i.e. not less than three working days.

d. Once the performance appraisal has been properly routed and all applicable signatures obtained, the rating official shall initiate a dialogue with the employee to discuss the employee's performance and provide the employee the appraisal.

e. The rating official must hold a meeting with the employee to discuss the performance appraisal and provide the performance appraisal in writing. The meeting should be in person (preferred). When a face to face meeting is not possible other forms of verbal communication should be considered.

f. Formal performance meetings will normally be held between the rating official and the employee. If performance review is going to be negative or unacceptable see Sections 6 and 7.

g. Self-Assessments

(1) Employee self-assessments should be given serious consideration in developing the performance rating for that employee. If information provided by the employee is disputed or disregarded, the employee will be informed reason at final evaluation discussion.

(2) Choosing not to provide the voluntary self-assessment will not disadvantage an employee relative to those who do provide such assessments, in and of itself. However, it is the performance

of the employee with regard to the performance plan that should determine the rating and the rating official remains responsible for adequately and accurately observing, fostering, innovating, and evaluating that performance throughout the entire rating period. See DODI Section 1400.25, 3.5(a) I.

h. The purpose of performance narratives is to provide feedback on each elements as a means of recognition all levels of accomplishments and contributions to mission.

i. At the point when the element is established, the methodology for measuring that standard must be agreed upon between the Rater and Ratee. If there is disagreement, the Senior Rater serves as an arbitrator.

SECTION 6. Unacceptable Performance

a. At any point during the appraisal cycle, when a Rating Official detects a decline in performance, early intervention is imperative. Assistance should be provided to the underperforming employee as soon as there is a need for improvement or any time there is a decline in performance. The rating official should take the following actions, as appropriate:

(1) At a meeting held for this purpose, clearly communicate to the employee that current performance fails to meet the performance standards described in the performance plan; provide clear guidance as to what is needed in order for the employee to improve; and provide specific examples of what and how work has not met expectations, as well as examples of work that would meet expectations. The employee has the opportunity to have a Union Representative attend this meeting if desired.

(2) Offer appropriate assistance.

(a) Provide ideas of where the employee may go to obtain additional assistance or training, if applicable.

(b) Provide closer supervision and feedback. This might include more frequent reporting, special assignments, or on-the-job training.

(c) If performance issues persist, use a more formal approach to help employees improve and seek assistance from the CPAC.

b. The Employer will insure that employees are not statistically advantaged or disadvantaged by downtime that is beyond their control when evaluating their performance.

c. It is the responsibility of the Agency to monitor employee performance throughout the rating period. If at any time during the rating period the rating official determines that an employee is performing at an unsuccessful level in one or more critical elements, the rating official will call for a meeting with the employee to discuss the employee's performance

d. Prior to the issuance of a Performance Improvement Plan, the rating official, employee, and if requested, a Union Representative will meet to identify the specific problem, determine the root cause, and discuss possible solutions to the problem.

SECTION 7. Improvement Plans

a. Management will comply with 5 CFR 432 in the execution, implementation and process for following performance based action to include Performance Improvement Plans (PIPs) and shall

adhere to the policy as stated in the DODI 1400.25, Section 3.0.

b. The improvement plan will identify the critical element(s) for which performance is unacceptable and inform the employee of the performance requirement(s) or standard(s) that must be attained in order to demonstrate acceptable performance. It will state which assigned tasks reflect the unacceptable performance and how they relate to an identified job requirement(s), element(s), and standard(s), as applicable. The plan will state that unless performance in a critical element(s) improves and is sustained at an acceptable level for a minimum period of one year, the employee may be reduced in grade, reassigned or removed from Federal service.

c. The improvement plan will afford the employee a reasonable opportunity of at least 90 days to resolve the identified performance-related problem. During this period any performance-related personnel action, e.g. Within Grade Increase (WIGI)/Career Ladder Promotion, will be delayed until such time as the employee meets the fully-successful level of performance or at the conclusion of the 90-day period and a determination has been made that the employee is performing at the fully successful level.

d. The improvement plan will be tailored to the specific needs of the employee and may include formal training, on-the-job training, counseling, assignment of a journeyman mentor, or other assistance as appropriate.

e. The improvement plan will state the mentor will be available to guide, coach, and otherwise assist the employee in reaching "Fully Successful" performance, what specific assistance will be provided, and when. Employees may recommend additional assistance which they believe will assist them in reaching the fully successful level.

f. The employee will be informed in writing that personnel-related actions (WIGI, awards) may be withheld while this level of performance continues.

g. The purpose of the performance improvement period is to help the employee improve, rather than for the rater official to accumulate documentation as the basis for a future performance-related adverse action. Placing the employee on 100 percent review of work products does not equate to appropriate assistance.

h. At any time during the performance improvement period, the rating official may conclude that assistance is no longer necessary because the employee's performance has improved to at least "Fully Successful." The rating official will notify the employee of this determination in writing.

i. If, following the performance improvement period, the rating official is unable to make an assessment that the employee is successfully performing his/her critical job duties and responsibilities, the rating official will give the employee a documented performance interview communicating this determination. In that case, the assistance period will be extended until an assessment can be made.

j. If the employee has chosen to be represented by the Union, a Union representative has the right to be present at all performance improvement meetings with the employee.

k. An employee whose reduction in grade or removal is proposed for unacceptable performance is entitled to:

(1) 30 days advance written notice of the proposed action, which identifies the specific basis (i.e., the critical job duties and responsibilities) for the proposed action including specific instances of

unacceptable performance.

(2) A representative.

(3) A reasonable time to answer orally and in writing, and to provide witnesses and work product or other evidence to challenge the proposed action.

l. A decision whether to retain, reduce in grade, or remove an employee will be made by a deciding official at a higher management level than the proposing official. The decision will:

(1) Specify the instances of unacceptable performance and the critical element(s) for which the employee did not achieve "fully successful" performance, and on what the decision is based;

(2) Specify the action to be taken, the effective date, and the employee's right to appeal the decision.

m. The goal of a PIP is to return the employee to a Fully Successful level.

Performance Management Documentation Worksheet

Employee's Name: _____ Date Employee Assigned: _____

Supervisor's Name: _____ Date Supervisor Assigned: _____

Performance Step	Date	Supervisor's Initials	Employee's Initials	Comment
Performance Plan				The employee was given the opportunity to provide input/comments/feedback previously on [date, i.e., 4 Apr] and discussed on [date, i.e., 12 Apr]. Supervisor and employee reviewed/signed performance plan outlining expectations on [date, i.e., 25 Apr].
Mid Point Review				Reviewed performance feedback with the employee on [date, i.e., 20 Aug]. Employee was provided the opportunity to provide input/comments/feedback.
Optional				Reviewed performance feedback with the employee on [date, i.e., 20 Dec]. Employee was provided the opportunity to provide input/comments/feedback.
Annual Appraisal				Reviewed performance appraisal with the employee on [date, i.e., 20 Apr]. Employee was provided the opportunity to provide input/comments/feedback.

Notes:

1. This worksheet is intended as a tool and is not required to be used.
2. This worksheet is intended to be used for one appraisal cycle only.
3. Worksheets may be kept in the Employee Performance Folder (commonly kept with the Supervisor's Employee Work Folder) for a period of four years.