
CHAPTER 2. ADDRESSING UNACCEPTABLE PERFORMANCE

2-1 Performance Counseling/Assistance

- A. Supervisors are responsible for assisting employees in achieving and maintaining acceptable performance levels. Towards this end, supervisors should communicate with employees regularly about performance expectations, and provide counseling about specific performance problems as they arise. If performance problems continue, supervisors must consult with the servicing human resources staff as soon as possible to obtain advice and assistance in initiating a performance-based action. This consultation is necessary to ensure technical and procedural consistency of the action.
- B. Supervisors should contact the servicing human resources staff and refer employees to one of the Department's Employee Assistance Program (EAP) Counselors for counseling and assistance if the employee indicates, or the supervisor suspects, that the performance problems exhibited are caused by alcoholism, drug dependency, or other personal problems.

2-2 Procedures for Addressing Unacceptable Performance.

If, at any time during the appraisal cycle, an employee's performance reaches the unacceptable performance level in one or more critical elements, the supervisor must notify the employee of the critical element(s) involved. This written notification of unacceptable performance constitutes the opportunity to improve performance (OIP) notice. The employee must be afforded:

- A. **Communication.** Prior to, or at the time of, giving an OIP notice, the supervisor should inform the employee of the performance requirement(s) that must be met and/or standard(s) that must be attained in order to demonstrate acceptable performance and be retained in the position.
- B. **Opportunity to Improve.** Supervisors must give an employee whose performance has reached the unacceptable performance level in one or more critical elements, a reasonable period of time (not less than 30 days) to demonstrate acceptable performance on each critical element at issue. The time period established must be specified in the OIP notice and it must be adequate--commensurate with the duties and responsibilities of the position--to allow the employee an appropriate amount of time to demonstrate acceptable performance. The OIP notice shall include the following information:
 - 1. Each critical element on which performance is at an unacceptable level;

2. A statement and description of the marginally successful performance standard and/or requirements that the employee must attain in order to demonstrate acceptable performance on each critical element at issue by the conclusion of the opportunity to improve; and
 3. A reasonable period of time, commensurate with the duties and responsibilities of the employee's position, to demonstrate marginally successful or better performance;
 4. Offer of assistance to the employee in attaining marginally successful or better performance;
- C. **Assistance.** An employee whose performance has reached the unacceptable performance level must be offered assistance to aid him/her in demonstrating acceptable performance as part of the opportunity to improve. Such assistance may include training (classroom or on-the-job) and/or clarification of performance requirements in any one or combination of counseling sessions or discussions, memoranda, written instructions, or other means which convey the nature and level of performance required of the employee.
- D. Supervisor counseling sessions or discussions with employees and memoranda should critique the employee's work, cite specific errors or performance problems, and suggest specific ways on "how to" correct the errors and performance problems. Samples of acceptable work could be provided as a model or guide. A record should be made to document any oral discussions held and the results achieved.

2-3 Completion of the Opportunity to Improve

At the earliest practicable date following expiration of the opportunity to improve, the HUD manager or supervisor shall obtain advice and assistance from the servicing human resources staff before making an acceptable level of performance determination and shall complete one of the following steps:

- A. If a determination is made that the employee's performance reached the **marginally successful** performance level on any critical element at issue by the end of the opportunity to improve and there were no critical elements on which the employee's performance remained at the unacceptable level, issue a performance improvement plan (PIP). The PIP shall identify each critical element on which employee's performance reached the marginally successful

level, describe the employee's actual performance, and offer suggestions for reaching a higher performance level. The proposing official shall continue to provide counseling and assistance for each critical element rated marginally successful in an effort to help the employee sustain acceptable performance or reach a higher performance level.

- B. If a determination is made that the employee's performance reached the **fully successful** performance level or higher on each critical element at issue by the end of the opportunity to improve, the HUD manager or supervisor shall issue a written notice informing the employee of the performance level reached on each critical element.
- C. Any written notice issued to an employee as a result of improved performance by the end of the opportunity to improve, shall also inform the employee that failure to sustain acceptable performance on each critical element for one year from the date of the notice of opportunity to improve could result in a reduction in grade or removal action, without another opportunity to improve in the critical elements at issue.
- D. If a determination is made that the employee's performance remained at the **unacceptable** performance level on any critical element at issue by the end of the opportunity to improve, a written notice of proposal to remove or reduce-in-grade must be issued to employee as soon as practicable.

2-4 **Extending the Opportunity to Demonstrate Acceptable Performance**

The time frame for the opportunity to demonstrate acceptable performance may be extended if the employee's performance has not reached an acceptable performance level, or the HUD supervisor or manager is unable to make a determination that the employee's performance has improved to an acceptable level. Examples of situations where a supervisor or manager may be unable to make an acceptable level of performance determination include:

- A. Employee illness during a significant portion of the period of opportunity to improve because the employee cannot be held accountable for work not completed during the period of approved leave; or
- B. Administratively uncontrollable reasons for which the employee cannot be held responsible, such as lack of sufficient work or inadequate supervisory assistance during the opportunity to improve.