

Implementation of Changes to Agency Performance Management

MEMORANDUM of UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING (MOU) is between the United States Department of Agriculture, Forest Service (Management), and the National Federation of Federal Employees, Forest Service Council (Union), hereafter referred to collectively as “the Parties.” This MOU is a Supplemental Agreement under Article 11 of the 2019 Master Agreement between the Parties, and it documents the Parties’ full and final agreement on the negotiable arrangements and procedures which apply to the Agency’s implementation of the updates to the Performance Management provisions of USDA DR 4040-430 “Employee Performance and Awards” dated June 24, 2020.

The Parties agree:

1. Effective performance management is critical to the success of the Agency and its employees. Frequent and effective communication between the supervisor and the employee eliminates surprises at the end of the rating period.
2. Communication of Agency Direction:
 - a. Management will provide any final Agency-wide direction or policy addressing the development and implementation of changes to elements and standards to the Union at the National level at the same time that it is communicated to supervisors.
 - b. An HRM Update will be sent to all employees which summarizes the mandatory elements, generic standards, and where more details can be found on performance management generally.
3. Normally, for positions in like circumstances, performance standards will be applied uniformly throughout a Reviewing Official’s respective organizations.
4. Final authority for establishing the performance plan rests with management. However, if the employee has any concerns regarding the performance plan or the application of standards to positions in like circumstances, the employee may raise those concerns to the Reviewing Official.
5. Rating Officials should identify and document potential issues with any employee meeting their performance expectations, and address the issues with the employee, before performance falls below the standards defined at the Fully Successful level for any element defined in the employee’s performance plan.” Management may assist the employee through such methods as formal training, on-the-job training, details, and work process improvement.
6. The timeline for filing a grievance related to a notice of unacceptable performance, as permitted by Article 9 of the Parties’ 2019 Master Agreement, begins when the employee receives a signed copy of the performance appraisal.
7. An informational fact sheet addressing the Special Situations contained in Section 5.h.(1)(h) of USDA DR 4040-430 will be shared with all employees and posted to the HRM web page.
8. Employees will be notified of the option of preparing an individual accomplishment report to be taken into consideration during their performance evaluation. Employees will be notified of this option at least 14 days in advance of finalizing their year-end performance review.
9. Management will provide information to all employees on where Performance Management training related to the updated USDA DR 4040-430 can be accessed.

10. Employees will be given a copy of their final and official performance appraisal within 15 days of their final performance evaluation. If the employee does not receive their copy within 15 days, they may request a copy of their supervisor. Such request will normally be fulfilled within 3 days of Management's receipt of the request.
11. In the event that a delay in the processing of a within-grade increase (WGI) for a fully successful employee is legally unjustified or unwarranted, to include clerical or administrative errors, the WGI will be made retroactive to the date that it should have been made effective under existing government-wide law, rule or regulation.
12. Effective Date, Termination, or Modification

This MOU becomes effective on the date of final approval by the Agency Head, or that date on which the thirty (30) day time limit for Agency Head review expires, whichever is earlier. Either Party may request, consistent with Article 11 of the Master Agreement, to reopen or renegotiate this Agreement. This MOU and its terms will remain in effect until such time as either party elects to renegotiate its terms, or a regulation, rule, policy or new Master Agreement language render it null.

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