

PERFORMANCE APPRAISAL SYSTEM — ALERT #4

Assistance Due to Marginal & Failing Performance

If your performance is considered marginal or failing, then a manager should meet with you to discuss the problem in accordance with Article 21, Section 7 of the national contract.

This meeting will address:

- Expectations for improvement
- Employee responsibilities
- Assistance that may be needed to improve performance, including training, mentoring or other support

Employee/Management discussions over individual performance are not considered formal meetings (see 29 FLRA 584, *FCI Raybrook*). However, if you talk about general performance expectations, then the meeting is formal and management is required to invite the union to attend.

You can also ask for union representation at any meeting during which 1) an agency representative is questioning you; 2) you reasonably believe this examination may result in disciplinary action; and 3) you request representation. These *Weingarten rights* (*National Labor Relations Board v. J. Weingarten, 420 U.S. 251*) are important to remember because SSA has shown a willingness to suspend employees for not reaching performance goals.

Any agreements reached during performance discussions will be documented in writing and placed in your SF-7B file. Be careful about what you agree to accomplish during this improvement period.

You will be considered *Successful* during this Performance Assistance period and will be eligible for WIGIs, awards and career ladder promotions. However, you will be given only thirty (30) days to improve, although this time period may be extended if you demonstrate significant progress.

If performance is not successful following the Performance Assistance period, the manager will initiate a formal process for performance improvement called the OPS—Opportunity to Perform Successfully.

Visit www.AFGEC220.org for more information and background about the PACS.