Memorandum of Understanding (MOU)
International Federation of Professional and Technical Employees (IFPTE), Local 28
And
NASA Glenn Research Center

Article 31 in the negotiated agreement dated August 10, 1984, is hereby replaced by the provisions of this MOU. The Parties agree that the provisions in this MOU will be incorporated into the future collective bargaining agreement. If necessary, the Article Number may be changed.

Section 31.01. The performance appraisal system for bargaining unit employees is outlined in NPR 3430.1, NASA Employee Performance Communication System. It is recognized by the parties that the provisions of GLPD 3430.1 and GLPR 3430.1 will implement the provisions of the EPCS at the Glenn Research Center. NPR 3430.1, GLPD 3430.1 and GLPG 3430.1 are supplemented by the provisions in this article.

Section 31.02. Performance Standards (requirements) shall be expressed in terms of quantity, quality, timeliness, process, product, or other manner of performance measurement such as cost effectiveness. The performance standards will be written at the "meets expectation" level, leaving room for the possibility of significantly exceeding the requirements. The rating official's responsibility under this system shall not be delegated to a non-supervisory employee. The reviewing official and the rating official shall not be the same person.

Section 31.03. Performance Elements (critical and non-critical elements) and standards will be written so they can be objectively measured, are directly related to one or more of the officially assigned duties and responsibilities contained in a current position description, and is important during a given rating period. Performance elements will define the expectations in order to communicate what an employee has to do or achieve to meet the standard.

Section 31.04. Performance plans and appraisals will be fair, reasonable and based solely on actual performance against the performance requirements as specified in the performance plan. There will be no pre-established forced distribution of expected levels of performance.

Section 31.05. The performance of federally-protected labor relations activities shall be given due consideration by the supervisory official, but in no way reflect a negative impact on appraisal results. Nothing in the EPCS, its administration or its' operation, shall limit the lawful activities of bargaining employees in a representational capacity. Bargaining unit employees shall not be denied access to the benefits of the EPCS because

of such federally protected labor relations activities. The performance appraisal of any bargaining unit employee performing federally protected labor relations activities 100% of the time for the entire rating cycle will be annotated with the following statement in the Narrative Summary section of the appraisal. "The performance elements cannot be rated because the employee performed federally protected labor relations activities 100% of the time for the entire rating cycle." In such cases, no summary rating will be given.

Section 31.06. If a bargaining unit employee disagrees with any portion of the performance plan, he/she may indicate on the plan or on a separate sheet to be attached to the plan.

Section 31.07. Performance ratings given under the EPCS will be based on performance compared to the performance elements and standards for each critical and non-critical element on which the bargaining unit employee has an opportunity to perform for the minimum period. Performance appraisal decisions shall include allowance for factors beyond the control of the employee which may have caused the employee not to achieve the minimum "meets or exceeds expectations" performance level.

Section 31.08. Performance Improvement Efforts

a. No performance based action will be proposed under Title 5, Chapter 432, until the bargaining unit employee is provided a reasonable opportunity to demonstrate performance at the "meets expectations" performance level and placed on a performance improvement plan.
b. A performance improvement plan will, at a minimum, include a warning in writing that outlines (1) the critical job element(s) the employee is failing to meet; (2) what the employee must do to meet the minimum performance expectations for the critical element(s); and (3) what assistance will be provided to the employee to improve his/her performance to the "meets expectations" level.
c. The employee will be provided a reasonable amount of time to demonstrate performance at the "meets expectations" performance level. Normally, a reasonable amount of time will be not less than 90 calendar days.
d. A union representative may be present, at the employee's request, at any meetings involving the employee's performance when a performance improvement plan has been issued.
e. Prior to the initiation of any performance based action under Title 5, Chapter 432, the Center shall consider the full range of corrective or remedial action. Any action by the Employer based on unsuccessful performance shall not be unreasonable.

Section 31.09. Unit employees are encouraged to keep abreast of current and projected state-of-the-art developments in their particular disciplines. Center management recognizes that the success of the Center lies in the technical excellence and dedication of its employees and accordingly will use the EPCS as a means to provide professional growth and to provide improved performance incentives through proper recognition of any achievements and through earned participation in awards, promotions and benefits.

The performance appraisal for each employee will be used by Center management in accordance with Title 5, USC, Section 4302(a)(3), and as the principal performance criterion, except where government-wide regulations provide for other performance considerations, for training, rewarding, reassigning, granting or denying within-grade increases, "career ladder" promotions, reducing in grade, retraining, or taking removal action, and any other personnel action which performance is a criteria. There will be no quotas established for the distribution of the various ratings among employees covered by the EPCS.

Section 31.10. Rating Dissatisfaction

a. An employee who is dissatisfied with an element or summary rating received under the EPCS, must request reconsideration as follows:

    (1) Reconsideration requests must be submitted within15 calendar days of receipt of the rating. To request reconsideration, an employee must submit a written reconsideration request (e-mail can be used for this purpose) and written information in support of the reconsideration request including, at a minimum, the changes to the appraisal being requested, the basis and justification for the change, and the name of the union representative, if any, representing the employee in this matter.
    (2) Bargaining unit employees will be given a reasonable amount of official time for preparation of a reconsideration request.
    (3) Reconsideration requests shall be submitted to the reviewing/rating official with a copy to the Labor Relations Officer. The Reviewing/Rating Official shall be the deciding official on all reconsideration requests and should consider what the employee provided, and if necessary, obtain additional information from appropriate sources including the rating official. A written decision will normally be provided to the employee within 15 work days.

b. An employee who is dissatisfied with a reconsideration decision may initiate a grievance as follows:

    (1) Submit a grievance within 15 work days of the receipt of the reconsideration decision.
    (2) The grievance will be submitted at the Step 3 level of the negotiated grievance procedure. Such grievances must be filed in writing (e-mail is acceptable) with the basis for the grievance and the remedy requested. For grievances arguing performance at the accomplished or distinguished level, the employee is responsible for providing evidence to demonstrate how he/she exceeded or significantly exceeded the performance elements and standards in the performance plan.

(3) Bargaining unit employees will be given a reasonable amount of official time for preparation of a performance appraisal grievance.

c. An employee may grieve a performance appraisal rating without first filing a reconsideration request. The grievance will be filed in accordance with the provisions set forth in Article 16.

Section 31.11. The results of the Agency EPCS evaluation will be made available to the Union upon request.

Section 31.12. Performance appraisal records and employee access to them shall be in accordance with Article 33, Official Personnel Folders. Except for general administrative purposes where the identification of an individual employee is not important, a check out record will be maintained that lists to whom the performance appraisal file was revealed and when. These records shall be available to the employee for review upon request.

Section 31.13. Prior to conducting any general training of employees specifically relative to the performance appraisal system, the Union will be provided a copy of all training handouts and the outline of the training program. If practical, a session will be held for Union officials and representatives prior to training employees. Union comments, suggestions, and recommendations will be given serious consideration. At performance appraisal training sessions directed by the employer, the Union will be given the opportunity to orally present a fifteen (15) minute written statement (approved by the employer in advance) regarding implementation of the performance appraisal system.

Section 31.14. Matrixed Employees and Other Miscellaneous Issues.

(1) In the case of matrixed employees (employees whose work on independent projects not directly supervised or controlled by the employee's supervisor of record), the development of performance elements (critical and non-critical elements) and standards shall be the responsibility of the employee's supervisor of record.
(2) The employee's supervisor of record must consult with the independent project manager(s) or others as appropriate for input on the development of the performance elements and standards relative to the matrixed assignments.
(3) The supervisor of record must consult with the independent project manager(s) or others as appropriate for feedback to be considered in appraising the employee's performance on the elements and standards relative to the matrixed assignment established in the employee's performance plan.
(4) Each employee must be appraised on each element in the performance plan on which the employee has had an opportunity to perform. An element shall be left unrated (i.e., Not Rated) only if the employee has had an insufficient opportunity to demonstrate performance on the element in which case the appraisal form shall be so annotated.

(5) Each employee will be given an opportunity to participate in training on the writing of performance elements and standards.

Agreed to by:

/s/ 8/15/07	**/s/ 8/15/07**
Lori O. Pietravoia Labor Relations	Virginia Cantwell President, Local 28

Date: