

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Registrar of the Department of Health, pursuant to the authority set forth in sections 21(d) and 27 of the Vital Records Act of 1981 ("Act"), effective October 8, 1981 (D.C. Law 4-34, D.C. Official Code §§ 7-220(2) and 7-226 (2001), hereby gives notice of his intent to adopt the following amendments to § 2821.8 of Title 29 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The rules would permit government agencies to use information provided for medical and health use on a birth certificate to provide health care services.

Subsection 2821.7 of Title 29 DCMR (Public Welfare) (May 1987) is amended to read as follows:

2821.7 Disclosures of information contained in the "Information for Medical and Health Use Only" section of a birth certificate or the "Information for Statistical Purposes Only" section of a marriage record or record of divorce dissolution of marriage or annulment may be made in electronic or another format according to the following requirements:

- (a) The information contained in the "Information for Statistical Purposes Only" section of a marriage record or record of divorce dissolution of marriage or annulment shall not be disclosed unless specifically authorized by the Registrar for statistical or research purposes; and
- (b) The information contained in the "Information for Medical and Health Use Only" section of a birth certificate may be disclosed as follows:
 - (1) When the Registrar specifically authorizes the disclosure for statistical, research, or administrative purposes related to an official use or the conduct of official duties;
 - (2) If a person requests disclosure for administrative purposes related to an official use or the conduct of official duties and not for commercial solicitation or private gain, the disclosure shall be limited to a federal, state, District, or other public or private agency for the purpose of providing, or making referrals for, a health-related service to a person to whom the birth certificate relates; and
 - (3) For a disclosure for administrative purposes related to an official use or the conduct of official duties, a person identified as a parent on the birth certificate has granted written informed consent on his or her behalf, or on behalf of the child named on the birth certificate to be contacted for the purpose of determining eligibility for a health-related service or referral.

- (c) A person receiving information under this subsection shall return or destroy the information after the purpose for which the information was requested has been satisfied.
- (d) A person receiving information under this subsection shall not re-disclose the information to a third party unless the re-disclosure is for health-related administrative purpose. A third party receiving information under this paragraph shall return or destroy the information after it is no longer needed.

Persons desiring to comment on these proposed rules should submit comments in writing to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules and related information may be obtained between 8:30 A.M. and 5:00 P.M. Monday through Friday, excluding holidays, at the address stated above.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director, D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Mayor's Order 2008-92, dated June 26, 2008, and in accordance with sections 1351 through 1353 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, (D.C. Law 2-139; D.C. Official Code § 1-613.51 *et seq.*) (2006 Repl.), hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, the following rules. The purpose of these rules is to amend Chapter 14, Performance Management, of Title 6 of the District of Columbia Municipal Regulations (DCMR), in its entirety. Upon adoption, these rules will amend Chapter 14, Performance Management, of Title 6 of the DCMR, published at 47 DCR 5560 (July 7, 2000), and amended at 48 DCR 301 (January 12, 2001), 49 DCR 1862 (March 1, 2002), 50 DCR 2851 (April 11, 2003), and 52 DCR 1302 (February 11, 2005).

CHAPTER 14**PERFORMANCE MANAGEMENT**

Chapter 14 of the D.C. Personnel Regulations is amended to read as follows:

1400 APPLICABILITY

1400.1 The provisions of this chapter apply to all of the following:

- (a) Employees in the Career Service under the authority of sections 801 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01) (2006 Repl.);
- (b) Uniformed members of the Metropolitan Police Department at the ranks of Lieutenant, Captain, Inspector, Commander, and Assistant Chief; and uniformed members of the Fire and Emergency Medical Services Department in the positions of Deputy Fire Chief, Battalion Fire Chief, Assistant Fire Chief (Operations), and Assistant Fire Chief (Services);
- (c) Employees in the Excepted Service appointed under the authority of section 903 of the CMPA (D.C. Official Code § 609.03) (2006 Repl.);
- (d) Employees in the Excepted Service appointed as Capital City Fellows, as specified in section 1419 of this chapter;

- (e) Employees in the Management Supervisory Service appointed under the authority of sections 951 through 958 of the CMPA (D.C. Official Code §§ 1-609.51 through 1-609.58) (2006 Repl.), except for the provisions of section 1414 of this chapter;
- (f) Employees in the Legal Service appointed under the authority of sections 851 through 863 of the CMPA (D.C. Official Code §§ 1-608.51 through 1-608.62) (2006 Repl.) as supervisory attorneys in the Office of the Attorney General for the District of Columbia, non-supervisory attorneys who report directly to either the Attorney General for the District of Columbia or the Principal Deputy Attorney General, subordinate agency General Counsel, and other subordinate agency supervisory attorneys in the Legal Service.

1401 EXCLUSIONS

- 1401.1 The provisions of this chapter shall not apply to the following employees:
- (a) Uniformed members of the Metropolitan Police Department at the ranks of Officer, Master Patrol Officer, Detective, Investigator, and Sergeant, who continue to be covered under the performance evaluation system in effect as of the effective date of these regulations;
 - (b) Uniformed members of the Fire and Emergency Medical Services Department in positions other than those listed in 1400.1 (b); and
 - (c) Unionized employees in the Legal Service.

1402 PURPOSE

- 1402.1 The purpose of this chapter is to set forth the rules for the District government's performance management program.
- 1402.2 Performance management integrates the processes District government agencies use to do all of the following:
- (a) Communicate and clarify organizational and individual work goals to all employees;
 - (b) Identify individual and, where applicable, team responsibilities and accountability for accomplishing work unit, agency, and organizational goals;
 - (c) Identify and address developmental needs for individuals and, where applicable, teams;
 - (d) Provide feedback to employees about performance expectations and work accountability;
 - (e) Assess and improve individual, team, and organizational performance;

- (f) Use appropriate measures of performance as the basis for recognizing and rewarding accomplishments; and
- (g) Use the results of the annual performance evaluation as a basis for appropriate human resources' actions, including training, promotion, demotion, administrative action, or other types of human resources' actions.

1402.3 The performance management program implemented by this chapter shall accomplish all of the following:

- (a) Create and set forth work expectations in relation to the strategic goals of a work unit, an agency and, where applicable, the District government as a whole;
- (b) Hold supervisors and employees accountable for performance, which shall include a direct relationship between the performance evaluation received pursuant to this chapter and the receipt of any periodic salary increases (including salary increases on both step and merit-based salary plans);
- (c) Objectively evaluate employees' work performance based on criteria that have been made known to the employees prior to the performance evaluation;
- (d) Improve employee performance through developmental plan and continuous employee skill development;
- (e) Recognize employees' accomplishments and identify employees' deficiencies so that appropriate rewards or assistance can be provided; and
- (f) Tie employee performance to work unit, agency, and where applicable, District government-wide outcomes.

1403 PERFORMANCE MANAGEMENT PERIOD

1403.1 Except as provided in section 1419 of this chapter, the performance management period for all covered employees shall be from the beginning of each fiscal year (October 1st) to the end of the fiscal year (September 30th).

1404 PERFORMANCE PLANS

1404.1 A Performance Plan shall set forth the performance expectations and development objectives that each covered employee is expected to accomplish during the performance management period.

1404.2 Only the Director, D.C. Department of Human Resources (or designee), or independent personnel authority, as applicable, may approve an agency's request for an extension of the annual Performance Plan submittal period.

1404.3 Except as otherwise provided in this chapter, each supervisor shall complete a Performance Plan outlining what is expected of each covered employee, as follows:

- (a) Within thirty (30) days of the beginning of each performance management period;
- (b) Within thirty (30) days of the date an employee is promoted, appointed, transferred, reassigned, or demoted to a new position or a position with significantly different duties and responsibilities;
- (c) Within thirty (30) days of the date an employee is officially detailed when the detail is for a period of more than ninety (90) days;
- (d) An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the position to which reassigned; or
- (e) An employee who has been promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive a Performance Plan for the following fiscal year within thirty (30) days of commencing the duties of the new position.

1404.4 A Performance Plan shall include all of the following:

- (a) Competencies;
- (b) S.M.A.R.T (*Specific, Measurable, Attainable, Realistic, Time-Related*) Goals; and
- (c) An Individual Development Plan.

1404.5 Modifications to the Performance Plan can only be made up to June 30th (ninety (90) calendar days before the end of the performance management period).

1405 COMPETENCIES

1405.1 Competencies are a type of performance expectation that consists of the critical knowledge, abilities, skills, and personal characteristics necessary for satisfactory performance in a particular position. Competencies are linked to the specific duties performed in a particular work unit, but focus strongly on each employee individually.

1405.2 At the beginning of each performance management period, a supervisor or a reviewer, in the absence of the supervisor, shall discuss with the employee how each

competency relates to the employee's job. At the end of the performance management period, the supervisor or a reviewer, in the absence of the supervisor, shall evaluate each competency based on the employee's performance during the period.

- 1405.3 There are five (5) core competencies for all employees covered by this chapter:
- (a) Accountability;
 - (b) Communication;
 - (c) Customer Service;
 - (d) Goal Attainment; and
 - (e) Job Knowledge.
- 1405.4 There are three (3) additional core competencies applicable to supervisors:
- (a) Leadership;
 - (b) Management of Others; and
 - (c) Operational and Strategic Planning.
- 1405.5 The supervisor may choose up to three (3) additional competencies, or develop an additional three (3) competencies in collaboration with the employee. The recommended additional competencies include but are not limited to the following:
- (a) Flexibility/Adaptability;
 - (b) Initiative;
 - (c) Innovation;
 - (d) Mechanical Ability;
 - (e) Negotiation;
 - (f) Problem Solving;
 - (g) Productivity;
 - (h) Teamwork;
 - (i) Technical Ability; and
 - (j) Use of Technology;

1406 S.M.A.R.T GOALS

- 1406.1 S.M.A.R.T Goals are a type of performance expectation that consists of goals that are “Specific, Measurable, Attainable, Realistic, and Time-Related.” A Performance Plan shall include at least three (3) and not more than five (5) S.M.A.R.T Goals.
- 1406.2 The use of S.M.A.R.T Goals may augment the use of performance standards for agencies to document performance objectives for employees. Wherever possible, and as applicable, agencies should incorporate the text normally found in performance standards in the employee’s S.M.A.R.T Goals.
- 1406.3 S.M.A.R.T Goals set in the Performance Plan shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%).
- 1406.4 S.M.A.R.T Goals set in the performance plan shall include a timeframe for the accomplishment of each goal.
- 1406.5 At the beginning of each performance management period, a supervisor or the reviewer, in the absence of the supervisor, shall discuss with the employee how each S.M.A.R.T Goal relates to the employee’s job. At the end of a performance management period, the supervisor or the reviewer, in the absence of the supervisor, shall evaluate each S.M.A.R.T Goal based on the employee’s performance during the period.

1407 INDIVIDUAL DEVELOPMENT PLAN

- 1407.1 At the beginning of the performance management period, a supervisor, or the reviewer in the absence of the supervisor, shall prepare an Individual Development Plan for an employee, identifying areas for growth and development. The Individual Development Plan shall be prepared in collaboration with the employee. The Individual Performance Plan shall include at least one (1) and no more than three (3) objectives.
- 1407.2 Each Individual Development Plan is for developmental purposes only, and shall not be part of the evaluation at the end of the performance management period.
- 1407.3 Each Individual Development Plan may include but is not limited to the following objectives:
- (a) Specific objectives designed to improve the knowledge, skills, and abilities of the employee;
 - (b) Specific objectives for areas of ongoing professional development; or
 - (c) Objectives that address areas in which the employee received a review of “Promising Performer” or below during the preceding review year.

1407.4 Each Individual Development Plan shall include a timeframe for the accomplishment of each objective.

1408 MID-YEAR PROGRESS DISCUSSION

1408.1 Each employee entitled to an annual performance evaluation under section 1409 of this chapter may participate in a mid-year progress discussion no less than three (3) months prior to the end of the performance management period. The mid-year progress discussion is initiated by the employee's immediate supervisor or the reviewer, in the absence of the immediate supervisor; and serves as a mechanism for providing feedback to an employee and identifying areas that need improvement.

1408.2 The mid-year progress discussion shall be mandatory in the case of probationary employees. The mid-year progress discussion shall not impinge on a recommendation to terminate the probationary employee during his or her probationary period.

1408.3 An annual performance evaluation shall not be based solely on a mid-year progress discussion. An employee's performance during the entire review period must be used to determine how well the employee performed each performance expectation and the overall performance rating.

1409 ELIGIBILITY TO RECEIVE AN ANNUAL PERFORMANCE EVALUATION

1409.1 In order to be eligible to receive an annual performance evaluation, a Performance Plan shall be in place for at least ninety (90) calendar days prior to conducting an annual performance evaluation based on that performance plan at the end of the performance management period.

1409.2 An employee who has been reassigned to a position with different duties and responsibilities within ninety (90) days of the end of the performance management period shall receive an annual performance evaluation not later than thirty (30) days after commencing the duties of the new position.

1409.3 An employee promoted or demoted during the ninety (90) days prior to the end of the performance management period shall receive an annual performance evaluation not later than thirty (30) days after commencing the duties of the new position.

1409.4 The performance evaluation pursuant to sections 1409.2 and 1409.3 of this section shall be issued by the employee's supervisor for the position from which reassigned, promoted, or demoted as specified in those sections.

- 1409.5 An employee who was reinstated or restored to duty during the ninety (90) days prior to the end of the performance management period shall be rated at the end of the next performance management period.
- 1409.6 An employee who transfers to an agency under the Mayor's personnel authority from an independent personnel authority, or who is newly appointed during the ninety (90) days prior to the end of the performance management period, shall be rated at the end of the next performance management period.
- 1409.7 An employee reinstated, restored, newly appointed, or transferred shall automatically be considered as having been assigned a rating of Valued Performer, which shall remain the official rating of record until such time as replaced by another official rating.

1410 ANNUAL PERFORMANCE EVALUATION

- 1410.1 An annual Performance Evaluation shall be issued to each eligible employee during the first (1st) month of each performance management period for the preceding performance management period.
- 1410.2 The annual Performance Evaluation shall be based on the employee's Performance Plan for that performance management period.
- 1410.3 Except as provided in section 1410.5 of this section, each employee entitled to be rated under section 1409 of this chapter shall be rated, based on his or her position of record, by his or her immediate supervisor or the reviewer, in the absence of the supervisor. In the absence of both the immediate supervisor and the reviewer, the agency head shall designate a higher-level official to complete the Performance Evaluation.
- 1410.4 A supervisor leaving his or her position at any time within the last ninety (90) calendar days of the performance management period shall conduct a Performance Evaluation for each employee covered by this chapter prior to his or her departure.
- 1410.5 An employee serving on detail for more than ninety (90) days at the end of the performance management period shall be rated by the employee's immediate supervisor of the position to which detailed, with input from the supervisor of the employee's position of record.
- 1410.6 An agency may use multi-source feedback in conjunction with the performance planning and evaluation system described in this chapter. The feedback may be used by a supervisor or the reviewer, in the absence of the supervisor, to determine an employee's overall performance rating. The supervisor or the reviewer, in the absence of the supervisor, must notify the employee that he or she intends to use multi-source feedback to determine the employee's overall performance rating ninety (90) calendar days prior to the end of the review period.

- 1410.7 Agencies with employees performing “shift work” who have multiple supervisors during the year do not have to notify the personnel authority in order to utilize multi-source feedback to determine the overall performance rating of this category of employees.
- 1410.8 When an employee is evaluated on performance in his or her position of record in accordance with section 1410.3 of this section, appropriate consideration shall be given to work performed outside the position of record.
- 1410.9 Except when the agency head is the rating official, a Performance Evaluation issued by a rating official shall be subject to the review and approval of a reviewer prior to the supervisor’s year-end discussion with an employee.
- 1410.10 The annual Performance Evaluation for an employee who is on approved extended leave at the end of the performance management period (during the period in which performance evaluations are finalized) shall be postponed until the employee returns to his or her official position of record.
- 1410.11 A signature on the annual Performance Evaluation is considered official when submitted electronically using an electronic system used to facilitate the performance planning and evaluation process outlined in this chapter.
- 1410.12 The personnel authority may approve an agency’s request for an extension of the annual Performance Evaluation submittal period.

1411 SELF-EVALUATION

- 1411.1 At his or her discretion, each employee eligible to receive an evaluation may submit a self-evaluation to his or her supervisor as input into the performance evaluation process.

1412 PERFORMANCE RATINGS

- 1412.1 An overall performance rating shall be a culmination of the ratings assigned to each performance expectation. The overall performance rating indicates the level of an employee’s actual performance of assigned competencies and S.M.A.R.T Goals during the performance management period.
- 1412.2 The overall performance rating shall be derived from the score on competencies for fifty percent (50%); and S.M.A.R.T Goals for fifty percent (50%).
- 1412.3 The rating levels for the performance management program shall be as follows:
- (a) *Level 5, Role Model* – Performance serves as a benchmark for other employees in the workplace. Regarded by colleagues as a person with great depth and breadth of knowledge in area of expertise, ideas and is willing to share it with

others. Contributions, initiatives, and productivity reflect the highest degree of performance.

- (b) Level 4, *Highly Effective Performer* – Performance consistently exceeds expectations in most areas and meets expectations in all other areas. Consistently adds value to the work of the agency. Demonstrates willingness to offer sound recommendations for improvement and is involved in the implementation of them.
- (c) Level 3, *Valued Performer* – Performance expectations consistently meet and may occasionally exceed expectations, and therefore, meets the minimum requirements of the position. Contributions are essential to ensuring that agency goals are met.
- (d) Level 2, *Promising Performer* – Performance of most expectations needs improvement. Adequate performance of the expectations for the position requires further development of skills. Potential to improve is evident and demonstrates a willingness to improve skills. Formal action shall be taken to ensure improved performance and growth.
- (e) Level 1, *Inadequate Performer* – Performance of expectations is consistently inadequate, and therefore fails to meet the minimum requirements of the position. Potential to improve is not evident. Formal action shall be taken to remedy the performance level.

1413 SALARY INCREASES

- 1413.1 An annual overall performance rating of *Valued Performer* or higher shall constitute performance at an acceptable level of competence for purposes of eligibility for a periodic step increase or a merit-based salary increase (for employees paid from open range salary schedules), as applicable, under Chapter 11 of these regulations.
- 1413.2 Each time an employee fails to receive a rating of *Valued Performer* or higher shall result in the due date for the next scheduled periodic step increase or merit-based salary increase being delayed for an additional year.

1414 PERFORMANCE IMPROVEMENT PLAN

- 1414.1 A Performance Improvement Plan (PIP) is a performance management tool designed to offer the employee placed on it an opportunity to demonstrate improvement in his or her performance.
- 1414.2 The provisions of this section shall apply only to Career Service (Permanent) employees. Career Service probationary employees and employees described in subsection 1400.1 (b) through (f) of this chapter shall not be subject to a PIP.

- 1414.3 A supervisor or, in the absence of that individual, the reviewer, shall complete a PIP as follows:
- (a) At any time during the performance management period that an employee's performance becomes deficient; or
 - (b) When a rating of "Inadequate Performer" (Level 1) or "*Promising Performer*" (Level 2) is given pursuant to section 1412 of this chapter.
- 1414.3 A PIP shall last a minimum of thirty (30) calendar days, and shall not exceed ninety (90) calendar days.
- 1414.4 A PIP shall:
- (a) Identify specific performance areas in which an employee is deficient; and
 - (b) Provide concrete, measurable action steps which the employee needs to take to improve his or her performance in those areas.
- 1414.5 At the end of the PIP, the employee's immediate supervisor or, in the absence of that individual, a higher-level official designated by the agency head, shall make a determination as to whether the employee has met the requirements of the PIP. If the determination is that the employee has met the requirements of the PIP, the employee's immediate supervisor or higher-level agency official, as appropriate, shall so inform the employee, in writing. If the determination is that the employee failed to meet the requirements of the PIP, the employee's immediate supervisor or higher-level agency official, as appropriate, shall issue a written decision to the employee to:
- (a) Extend the PIP for an additional thirty (30) to ninety (90) day period to further observe the employee's performance; or
 - (b) Reassign, reduce in grade, or remove the employee if he or she has failed to meet the requirements of the PIP.
- 1414.6 Any reduction in grade or termination action as specified in section 1414.5 (b) of this section taken against a Career Service permanent employee shall be taken pursuant to Chapter 16 of these regulations.
- 1414.7 Any reduction in grade or termination action as specified in section 1414.5 (b) of this section taken against a Legal Service employee as described in section 1400.1 (f) of this chapter who is not "at-will" shall be taken pursuant to Chapter 36 of these regulations.
- 1414.9 The Chief of Police may elect not to use a PIP for officials above the rank of Captain.

1415 REQUESTS FOR REVIEW FROM CAREER SERVICE EMPLOYEES

- 1415.1 Career Service employees in subordinate agencies who have received an official overall performance rating of *Inadequate Performer* (Level 1) may request a review of that rating within fifteen (15) calendar days of receipt of the rating. An employee's request for review is first submitted to the subordinate agency head (or designee), as specified in section 1415.3 of this section. If the request for review cannot be resolved at the agency level, the request will be reviewed by the Reconsideration and Resolution Committee (RRC) established within the D.C. Department of Human Resources (DCHR).
- 1415.2 Only an official overall performance rating of *Inadequate Performer* is eligible for review by the RRC within the DCHR.
- 1415.3 The employee's request for review of the performance rating shall be in writing, and shall be submitted in accordance with procedures issued by the appropriate personnel authority.
- 1415.4 Upon receipt of a request for review, the subordinate agency head (or designee) shall take either of the following actions:
- (a) Dismiss the employee's request for review on technical grounds (i.e., procedural or regulatory violation) and sustain the performance rating of *Inadequate Performer*;
 - (b) Accept the employee's request for review, and refer the request to the appropriate parties within the agency for resolution with employee and the employee's supervisor or, in the absence of the supervisor the reviewer; or
 - (c) If the matter cannot be resolved, refer it to the RRC.
- 1415.5 The RRC will determine if a formal hearing will be held, or if the rating review decision will be made based on an administrative review of the record.
- 1415.6 If the determination is to hold a formal hearing, the hearing will be scheduled within twenty (20) calendar days of receipt of the request for review.
- 1415.7 The DCHR shall issue procedures explaining the criteria to be used to determine if a formal hearing is needed.
- 1415.8 The decision of the RRC is final and shall not be grievable or appealable.
- 1415.9 Agencies may develop agency RRC in consultation with and approval by the DCHR, to review official performance ratings above *Inadequate Performer*.
- 1415.10 Independent personnel authorities may establish a review process for its employees.

1416 REQUESTS FOR REVIEW FROM LEGAL SERVICE, EXCEPTED SERVICE, AND MANAGEMENT SUPERVISORY SERVICE EMPLOYEES

- 1416.1 A Legal Service, Excepted Service, or Management Supervisory Service employee who has received an official performance evaluation of *Inadequate Performer* may request a review of the evaluation within fifteen (15) calendar days of receipt of the evaluation. The request for review of the evaluation shall be submitted to the agency head (or designee).
- 1416.2 An employee's request for review of an annual overall performance rating under this section shall be in writing, and shall be submitted in accordance with procedures issued by the personnel authority.
- 1416.3 Any review conducted under this section shall consist of a review of the record. The burden of proof shall rest with the employee.
- 1416.4 The reviewer must process the employee's request and issue a written final decision to the employee within twenty (20) calendar days of receipt of the request. The final decision issued by the reviewer will either:
- (a) Sustain the rating; or
 - (b) Reverse the rating to increase it.
- 1416.5 Requests for review submitted by Legal Service, Excepted Service and Management Supervisory Service employees shall not be subject to any further administrative review beyond the review conducted by the employing agency in accordance with this section.

1417 REQUESTS FOR REVIEW FROM METROPOLITAN POLICE DEPARTMENT EMPLOYEES

- 1417.1 The rating appeal rights of Metropolitan Police Department employees shall be in accordance with procedures developed by the Chief of Police.

1418 PROBATIONARY EMPLOYEE

- 1418.1 An employee serving a probationary period shall be subject to the performance management program established by this chapter. A Performance Plan shall be provided to each probationary employee, on which the probationer shall be evaluated.
- 1418.2 An acceptable performance rating during a probationary period in and of itself does not constitute passing of the probationary period or automatic movement to a permanent status.

1418.3 Neither the mid-year progress discussion nor the annual performance evaluation received by the probationary employee is appealable.

1419 CAPITAL CITY FELLOWS

1419.1 A Performance Plan as described in section 1404 of this chapter shall be completed for each Capital City Fellow, not later than thirty (30) calendar days after the beginning of each six-month (6-month) placement. Each Performance Plan shall outline what is expected from the Capital City Fellow.

1419.2 The goals for each six-month (6-month) placement shall be weighted, with the sum of all goal weightings equal to one hundred percent (100%) for each rating. Goals shall be set as follows:

- (a) Twenty five (25%) of the overall goals assigned to program-related activities and participation, to be set by the Director, D.C. Department of Human Resources (or designee); and
- (b) Seventy five percent (75%) of the overall goals assigned to on-site performance, to be set by each agency supervisor to whom the Capital City Fellow is assigned.

1419.3 The performance of each Capital City Fellow shall be evaluated at the end of each six-month (6-month) placement as specified in this section, for a total of four (4) individual performance ratings during the two-year (2-year) program.

1419.4 Each Capital City Fellow may, at his or her discretion, submit a self-evaluation as input into the annual performance evaluation process.

1419.5 A rating of *Valued Performer* or higher shall constitute performance at an acceptable level of competence for purposes of salary adjustment.

1419.6 The provisions in section 1416 of this chapter shall apply to Capital City Fellows.

1419.7 Capital City Fellows' annual performance evaluations are not appealable.

1499 DEFINITIONS

When used in this chapter, the following terms shall have the meaning ascribed:

Annual performance evaluation – a process for determining how well an individual employee has performed the performance expectations established in the performance plan for the review period.

Competency – a type of performance expectation that consists of the critical knowledge, abilities, skills and personal characteristics necessary for satisfactory performance. They are

linked to the specific duties performed in a particular work unit but focus strongly on the individual employee.

Electronic signature – a technologically neutral term indicating various methods of signing an electronic message that: (a) identifies and authenticates a particular person as a source of the electronic message; and (b) indicates such person’s approval of the information contained in the electronic message. Examples of electronic signature include: Personal Information Numbers or “PINs,” user identifications and passwords, digital signatures, and hardware and biometric tokens.

Individual development plan (IDP) – a development tool that identifies training and learning activities that will help an employee enhance the knowledge, skills, and abilities needed to perform work duties and prepare the employee for future career advancement.

Mid-year progress discussion – a formal meeting between a supervisor and employee to discuss the employee’s performance and development at the midpoint of the review period.

Multi-source feedback – a tool used to assess employee performance that involves several sources (i.e., peers, employees, supervisors, customers) that have reliable information of an employee services or work products. This is commonly known as “*360 degree feedback*.”

Performance expectations – S.M.A.R.T. goals and competencies that describe what and how work is to be performed. Performance expectations are established by the supervisor and employee at the beginning of a review period.

Performance improvement plan (PIP) – A performance management tool designed to offer the employee an opportunity to demonstrate improvement in his or her performance.

Performance management – the systematic process by which an agency involves its employees, as individuals and members of a group, to ensure the accomplishment of agency mission and goals.

Performance management period – the length of time covering the performance planning and evaluation process. It goes from the beginning to the end of the fiscal year.

Performance plan – the formalized process of identifying and communicating the organizational, work unit, and individual goals expected of the employee. The Performance Plan consists of the following: Competencies, S.M.A.R.T Goals, and an Individual Development Plan.

Performance rating – the value assigned to each performance expectation and the employee’s overall performance based on a supervisor’s or, in the absence of the supervisor the reviewer’s, assessment of an employee’s performance during the review period.

Rating official – the final rating authority in the annual performance evaluation process, who is either the employee’s supervisor, or, in the absence of the supervisor the reviewer.

Request for review – the process in which an employee requests a formal review of the overall performance rating received during the review period.

Reviewer – a supervisor, agency head, or agency head designee responsible for reviewing and approving the annual performance evaluation completed by a rating official.

Self-evaluation – the process in which the employee provides a self-assessment of the employee's performance based on the established performance expectations during the review period.

S.M.A.R.T. goals – a type of performance expectation that consists of goals that are *Specific, Measurable, Attainable, Realistic, and Time-Related*.

Supervisor – an individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust employee grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. For the purposes of this policy, “supervisor” also means “manager”.

Comments on these proposed regulations should be submitted, in writing, to Ms. Brender L. Gregory, Director, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 330S, Washington, D.C. 20001, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these proposed rules are available from the above address.