
ARTICLE 12

Performance Based Actions

Section 1 – General

- A. This Article pertains to reduction in grade and removal based on unacceptable performance.
- B. The Department will administer actions based solely on unacceptable performance in accordance with law, applicable Government-wide and DOL regulation, and this Article.

Section 2 - Initial Procedure

- A. At any time during the performance appraisal cycle that an employee's performance becomes unacceptable in one or more critical elements, Management shall inform the employee as provided in Article 43 of this Agreement. Management should also inform the employee that unless his or her performance in the critical element(s) improves to and is sustained at an acceptable level, as defined in 5 CFR 432, the employee may be reduced in grade or removed.
- B. The employee will be afforded a reasonable opportunity to demonstrate acceptable performance in accordance with Article 43 of this Agreement.

Section 3 - Notice of Proposed Action

An employee will be given written notice of a proposed reduction in grade or removal based on unacceptable performance at least 30 calendar days in advance of the action. The employee has a right to representation and will be given the opportunity to respond orally and/or in writing to the proposed action prior to a decision.

Section 4 - Notice of Decision

Management shall make its final decision within 30 days after expiration of the advance notice period and shall issue written notice of the decision to the employee. An employee against whom the action is taken will be informed of any applicable appeal rights in writing in accordance with 4 CFR 432.