

DISCLOSURE STATEMENT: This information is personal. It must be appropriately safeguarded from improper disclosure and it should only be made available for review by appropriate management levels having a need to know.

PART A. EMPLOYEE INFORMATION

Name of Employee:

Organizational Unit:

Position Title: Board Member

Pay Plan, Series: SL-905

Rating Period (from/to):

PART B. ACKNOWLEDGEMENT OF DEVELOPMENT, DISCUSSION AND APPROVAL OF PERFORMANCE PLAN

| | | |
|-----------------------------|--------------------------------|----------------------|
| Rating Official's Signature | Reviewing Official's Signature | Employee's Signature |
| Date | Date | Date |

PART C. PROGRESS REVIEW

| | | |
|----------------------|-----------------------------|------|
| Employee's Signature | Rating Official's Signature | Date |
|----------------------|-----------------------------|------|

NOTE: If the employee's performance falls below Satisfactory on one or more elements at any time during the rating cycle, the supervisor should contact EOIR's Office of General Counsel, Labor/Employee Relations Group.

PART D. RATING OF RECORD OF INDIVIDUAL RATING ELEMENTS

| N O | Job Elements | Critical or Non- Critical | Weight (of critical element, if weighted) Total must equal 100% | Rating or Point Value | Sub- Total / Total for weighted elements |
|--------|---|---------------------------------|--|--------------------------------|---|
| 1 | Quality of Adjudications | Critical | N/A | | |
| 2 | Accountability for Organizational Results | Critical | N/A | | |
| 3 | Productivity | Critical | N/A | | |
| | | | | | |
| | | | | | |
| | | | | | |

PART E. OVERALL RATING OF RECORD

| | | |
|--------------|--------------------|----------------|
| Satisfactory | Improvement Needed | Unsatisfactory |
|--------------|--------------------|----------------|

PART F. COMMENTS Rating officials are encouraged to provide substantive comments about the performance of each adjudicative employee. Comments must accompany a rating of Unsatisfactory, and should document with concrete examples the reasons for a rating of Unsatisfactory. Additional sheets may be attached, if necessary.

Mid-Year Evaluation:

Final Evaluation:

PART G. APPRAISAL TYPE: ANNUAL ____ INTERIM ____

PART H. HIGHER LEVEL REVIEW AND APPROVAL

| | | |
|-----------------------------|--------------------------------|----------------------|
| Rating Official's Signature | Reviewing Official's Signature | Employee's Signature |
| Date | Date | Date |

NOTE: If you, as an employee, anticipate contesting any aspect of your rating, you are responsible for contacting EOIR's Office of General Counsel immediately for specific procedures to be followed. Your signature on this form is simply an acknowledgment of receipt, and does not remove your right to file an appeal.

EOIR PERFORMANCE PLAN
Adjudicative Employees

JOB ELEMENTS AND STANDARDS

Note: Subject to the governing standards set forth in the regulation (8 C.F.R.1003.1(d)(i)(ii)), Board Members are expected and tasked to exercise their independent judgment and discretion in considering and determining the cases coming before the Board, and their performance evaluation will not infringe upon the exercise of that discretion.

1. Job Element: Quality of Adjudications

| | | | |
|---|----------|--|--------------|
| X | Critical | | Non-critical |
|---|----------|--|--------------|

- 1.1 Decisions address dispositive appellate arguments presented, and apply governing law and regulations.
- 1.2 Decisions reflect fairness to all parties.
- 1.3 Decisions are clear and understandable.

Performance Standards:

Satisfactory

- Consistently issues decisions that address the dispositive appellate arguments presented and apply governing law and regulations.
- Issues decisions that reflect fairness to all parties.
- Consistently issues decisions that are clear and understandable.

Improvement Needed

Most of the standards are achieved at the Satisfactory level, but there is an important deficiency in one or more factors of this element that requires correction, such as:

- Usually issues decisions that address the significant issue(s) of a case. Periodically, however, decisions do not address dispositive arguments on appeal where called for by the nature of the decision. Generally applies regulatory guidance, except that occasional intervention from the Chairman is needed to ensure compliance.

EOIR PERFORMANCE PLAN

Adjudicative Employees

- Issues decisions that generally reflect fairness to all parties. Periodically, however, language in a decision could reasonably be interpreted as prejudice or partiality, based on an individual's race, nationality, religion, gender or other personal characteristics inconsistent with the fair application of governing law or regulation.
- Sometimes issues decisions that are confusing or disorganized, or that fail to provide appropriate analysis in an accurate or logical fashion.

Unsatisfactory:

One or more serious problems are noted in one or more factors of this element, such as:

- Repeatedly issues decisions that do not address the dispositive issues on appeal or repeatedly fails to apply statutory and regulatory guidance.
- Language in a decision manifests clear prejudice or partiality, based on an individual's race, nationality, religion, gender or other personal characteristic inconsistent with the fair application of governing law or regulation.
- Repeatedly issues decisions that are confusing or disorganized, or that fail to provide appropriate analysis in an accurate or logical fashion.

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Adjudicative Employees

2. Job Element: Accountability for Organizational Results

| | | | |
|---|----------|--|--------------|
| X | Critical | | Non-critical |
|---|----------|--|--------------|

- 2.1. Meets the regulatory deadlines for adjudication of cases that are timely assigned.
- 2.2. Assists Board panel(s) and the Board en banc in meeting regulatory deadlines for adjudication of three-member cases by reviewing and providing essential feedback in a timely fashion on records and proposed orders.
- 2.3. Adjudicates detained and other cases in accordance with agency priorities and goals, as set forth in the Chairman's operating procedures.

Performance Standards:

Satisfactory:

- Meets on a consistent basis the regulatory deadlines for adjudication of cases that are timely assigned.
- Assists Board panel(s) and the Board en banc on a consistent basis in meeting regulatory deadlines for adjudication of three-member cases by reviewing and providing essential feedback in a timely fashion on records and proposed orders.
- Consistently meets agency priorities and goals in the adjudication of detained and other cases.

Improvement Needed:

Most of the standards are achieved at the Satisfactory level, but there is an important deficiency in one or more factors of this element that requires correction, such as:

- Meets the regulatory deadlines in the vast majority of cases, but occasionally requests extensions of the regulatory deadlines as a result of avoidable delay attributable to the Board Member.
- Assists the Board panel and the Board en banc in meeting regulatory deadlines for adjudication of three-member cases by reviewing and providing essential feedback in a timely fashion on records and proposed orders. Delays or disruption in the flow or timeliness of the panel's processing occurs occasionally due to an avoidable delay on the Board Member's part, such as failure to decide or properly prioritize cases.
- Generally meets agency priorities and goals in the adjudication of detained and other cases, but occasional delays, due to an avoidable delay on the Board Member's part, such as improper prioritization or slow adjudication, result in instances of missed case completion goals or other agency productivity targets.

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Adjudicative Employees

Unsatisfactory:

One or more serious problems are noted in one or more factors of this element, such as:

- Frequently misses regulatory deadlines for adjudicating cases, even after an extension is granted, or frequently asks the Chairman to extend case deadlines, due to the Board Member's poor prioritization or other avoidable delays attributable to the Board Member.
- Regulatory deadlines for adjudication of three-member cases are missed and/or significant delays or disruption in the flow or timeliness of the panel's or Board's case processing is frequently experienced due to an avoidable delay on the Board Member's part, such as inadequate review or untimely feedback from the Board Member on records and proposed orders.
- Agency priorities, case completion goals, or other agency adjudication targets on detained and other cases are repeatedly missed due to an avoidable delay on the Board Member's part, such as inappropriately slow adjudication or poor prioritization.

EOIR PERFORMANCE PLAN
Adjudicative Employees

3. Job Element: Productivity

| | | | |
|---|----------|--|--------------|
| X | Critical | | Non-critical |
|---|----------|--|--------------|

- 3.1 Screens cases in an efficient manner to determine whether they should be referred for three-member review.
- 3.2 Issues a sufficient number of one-member orders to promote the panel's productivity goals.
- 3.3 Assists other Board Members in meeting productivity expectations.

Performance Standards:

Satisfactory:

- Consistently screens cases in an efficient manner to determine whether they should be referred for three-member review.
- Consistently issues a sufficient number of one-member orders to ensure that the panel's productivity goals are achieved.
- Usually takes the initiative to assist other Board Members in meeting productivity expectations.

Improvement Needed:

Most of the standards are achieved at the Satisfactory level, but there is an important deficiency in one or more factors of this element that requires correction, such as:

- Most often screens cases in an efficient manner to determine whether they should be referred for three-member review. Occasionally causes unwarranted delay in case assignment, case adjudication, or referral to a three-member panel by failing to follow established guidelines.
- Generally issues a sufficient number of one-member orders to help achieve the panel's productivity goals, but in a few instances the number of orders produced is insufficient to assist the panel in achieving its productivity goals.
- Generally assists other Board Members in meeting productivity expectations where there is a need, but in some instances, the supervisor must request that assistance be provided.

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Unsatisfactory:

One or more serious problems are noted in one or more factors of this element, such as:

- Does not screen cases in accordance with established guidelines, often resulting in incorrect referral for three-member review, thus causing significant delays in case assignment and case adjudication.
- Repeatedly misses the panel's monthly productivity goals.
- Tends not to cooperate with other Board Members, causing a negative effect on productivity.

PERFORMANCE PLAN AND APPRAISAL FORM FOR EOIR ADJUDICATIVE POSITIONS

INSTRUCTIONS FOR DETERMINING THE FINAL SUMMARY RATING

The summary rating is determined in one of two ways:

- A. When "weighting" is not applied to critical elements, a rating is determined according to the instructions in Block A, "Calculating the Summary Rating (When Critical Elements are not Weighted)," or
- B. When "weights" apply to critical elements, the rating will be derived using the instructions in Block B, "Calculating the Summary Rating When Using "Weighted" Critical Elements."

A. Calculating the Summary Rating (When Critical Elements are not Weighted)

Each element is given a rating (unless the employee has had insufficient opportunity to demonstrate performance on the element). The supervisor will assign individual element ratings as follows:

Satisfactory. Performance on an individual critical or other element of the job which completely meets the performance requirements of satisfactory, as established at the beginning of, or modified during, the rating period.

Improvement Needed. Performance on an individual critical or other element which falls short of the performance requirements for satisfactory. Performance at this level shows important deficiencies which require correction.

Unsatisfactory. Performance on an individual critical or other element which is substantially below the performance requirements for Satisfactory. Performance shows serious deficiencies.

DETERMINING THE SUMMARY RATING

The overall rating level assigned may be Satisfactory, Improvement Needed, or Unsatisfactory when the applicable minimum requirements for the level selected are met:

Satisfactory. A majority of the critical elements must be rated Satisfactory, no more than one critical element can be rated Improvement Needed and no individual performance element may be rated Unsatisfactory.

Improvement Needed. More than one critical element is rated Improvement Needed, (and no critical element is rated Unsatisfactory). Performance is deficient in important aspects of the job and requires improvement.

Unsatisfactory. Overall performance is deemed unsatisfactory when performance in one or more critical elements is rated Unsatisfactory.

Example (Critical elements are not weighted):

PART D. RATING OF RECORD OF INDIVIDUAL RATING ELEMENTS

| No. | Job Elements | Critical or Non-Critical | Weight (of critical element, if weighted) Total must equal 100% | Rating or Point Value | Sub-total / Total for weighted elements |
|-----|---|--------------------------|---|-----------------------|---|
| 1 | Legal Ability | C | N/A | IN | N/A |
| 2 | Professionalism | C | N/A | S | N/A |
| 3 | Accountability for Organizational Results | C | N/A | S | N/A |
| | | | | | |

PART E. OVERALL RATING OF RECORD

| | | | | | |
|-------------------------------------|--------------|--------------------------|--------------------|--------------------------|----------------|
| <input checked="" type="checkbox"/> | Satisfactory | <input type="checkbox"/> | Improvement Needed | <input type="checkbox"/> | Unsatisfactory |
|-------------------------------------|--------------|--------------------------|--------------------|--------------------------|----------------|

INSTRUCTIONS FOR DETERMINING THE FINAL SUMMARY

RATING (continued)

EOIR PERFORMANCE PLAN

Adjudicative Employees

B. Calculating the Summary Rating When Using "Weighted" Critical Elements.

THE WEIGHTED ELEMENT SYSTEM

Each element is assigned a "weight." The sum of the "weights" assigned must equal 100. Use whole numbers only in increments of 5.

Performance on each element will be evaluated and assigned one of the following ratings and corresponding points:

"Satisfactory".....3
 "Improvement Needed".....2
 "Unsatisfactory".....0*

*Any individual critical element with a rating of unsatisfactory automatically results in an Unsatisfactory Summary Rating.

CALCULATING THE SUMMARY RATING

Calculate the sub-totals of each element by multiplying the weight of each element times the rating point value. (WEIGHT x Points)

Add the sub-totals for a TOTAL POINT SCORE.

On the summary Rating Conversion Chart, the total point score will fall within a point range. Use the Summary Rating Conversion Chart to derive the Summary Rating.

SUMMARY RATING CONVERSION CHART

Using the total point score, summary ratings are calculated as follows:

Satisfactory.....250-300 points
 Improvement Needed.....200-249 points
 Unsatisfactory.....0-199 points, OR,
 Any critical element is rated
 Unsatisfactory

Example (Critical Elements are Weighted):

PART D. RATING OF RECORD OF INDIVIDUAL RATING ELEMENTS

| No. | Job Elements | Critical or Non-Critical | Weight (of critical element, if weighted) Total must equal 100% | Rating or Point Value | Sub-total / Total for weighted elements |
|-----|---|--------------------------|--|-----------------------|---|
| 1 | Legal Ability | C | 60 | 2 | 120 |
| 2 | Professionalism | C | 20 | 3 | 60 |
| 3 | Accountability for Organizational Results | C | 20 | 3 | 60 |
| | | | 100 | | 240 |

PART E. OVERALL RATING OF RECORD

| | | | |
|--------------|---|--------------------|----------------|
| Satisfactory | x | Improvement Needed | Unsatisfactory |
|--------------|---|--------------------|----------------|