

EPPEs - Performance Appraisal (Non-Supervisory)

U.S. Department of Housing
and Urban Development

Employee Name: McMains,Randall A	Employee's SSN: XXX-XX-3349	Organizational Segment: OC, OFFICE OF COUNSEL	Organization Code: 8300010307
Position Title: Atty Advsr Gen	Series and Grade: GS/0905/13	Date of Appraisal Period: From 01-FEB-2008 To 30-SEP-2008	Date Rating Made:

GM (PMRS Term. Provisions)
 GS (General Schedule)
 WG (Wage Grade)
 GS-AFGE
 WG-AFGE

Rating Official (Signature & Date) x ,	Employee (Signature & Date) x ,
Reviewing Official (Signature & Date) x ,	<p>Note: Employee signature indicates only that the rating has been discussed with the employee and does not signify agreement or disagreement with the rating.</p>

Element Ratings:

Progress Review Employee's initials indicate only progress review meeting was held. They do not indicate agreement or disagreement with the results.

Critical Element No.	Outstanding	Excellent	Fully Successful	Minimally Satisfactory	Unsatisfactory	Date	Supervisor's initials	Employee's initials
1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17-JAN-2008	MA	RM
2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	17-JAN-2008		
8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

Summary Ratings

Outstanding
 Excellent
 Fully Successful
 Minimally Satisfactory
 Unsatisfactory

Employee Comments

Rating Official/Reviewing Official Comments

Sensitive Information: The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records to be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, or unfairness to any individual on whom the information is maintained.

Elements & Standards

U.S. Department of Housing
and Urban Development

Date Assigned: 17-JAN-2008	Reviewing Officials Initials: WD	Supervisors initials: MA	Employees Initials: RM	Rating Date:	Rating:	Element No.: 1
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Critical Element Description:
WORKLOAD MANAGEMENT

Assigned workload is completed within established timeframes, files are organized, and supervisors are appropriately notified about status of workload.

Employee initials indicate only that critical elements and performance standards were communicated to him/her. They do not signify agreement or disagreement.

Outstanding Performance Standards:

In addition to meeting the standard for Fully Successful Performance, the employee, with moderate assistance, meets one or more of the following measures in ten (10) or more instances cumulatively:

- a. High quality work product that is generated in less than normal timeframes.
- b. A timely, effective response to crisis or exigent situations that involve priority work assignments.
- c. Demonstrated capacity to accept and accomplish unanticipated work.
- d. Additional work product requests, when workload permits.

Fully Successful Performance Standards:

Absent exigent circumstances, with no more than three (3) exceptions cumulatively, the employee meets the following measures:

- a. Workload Management
 1. Effective management by employee, with moderate assistance, of work assignments, and demonstrated capacity to focus on highest priority tasks while maintaining progress on other work assignments.
 2. Timely submission of required workload reports, and timely notice to supervisor of status of assignments, including any issues involved in completing assignments, within sufficient time to allow the supervisor to proactively address any issues.
- b. Timeliness of submissions to supervisor
 1. Interim work products and, where appropriate, final work products are submitted for supervisory review within established timeframes.
 2. Extension requests are made to the supervisor well in advance of a deadline.
- c. File Management
 1. Files that are organized in a manner so that other attorneys, unfamiliar with a matter, can readily discern the status of the matter.
 2. Litigation files that are maintained in accordance with HUD and local requirements.

Unacceptable Performance Standards:

Absent exigent circumstances, in five (5) or more instances cumulatively, or in a significant instance that adversely impacts the outcome of a case, the attorney does not meet the following measures:

- a. Workload Management
 1. Effective management by employee, with moderate assistance, of work assignments, and demonstrated capacity to focus on highest

priority tasks while maintaining progress on other work assignments.

2. Timely submission of required workload reports, and timely notice to supervisor of status of assignments, including any issues involved in completing assignments, within sufficient time to allow the supervisor to proactively address any issues.

b. Timeliness of submissions to supervisor

1. Interim work products and, where appropriate, final work products are submitted for supervisory review within established timeframes.

2. Extension requests are made to the supervisor well in advance of a deadline.

c. File Management

1. Files that are organized in a manner so that other attorneys, unfamiliar with a matter, can readily discern the status of the matter.

2. Litigation files that are maintained in accordance with HUD and local requirements.

Elements & Standards

U.S. Department of Housing
and Urban Development

Date Assigned: 17-JAN-2008	Reviewing Officials Initials: WD	Supervisors initials: MA	Employees Initials: RM	Rating Date:	Rating:	Element No.: 2
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Critical Element Description:
LEGAL ADVICE/REPRESENTATION

Legal advice, counsel, and representation to clients that is prompt, thorough, organized, persuasive, and professional.

Employee initials indicate only that critical elements and performance standards were communicated to him/her. They do not signify agreement or disagreement.

Outstanding Performance Standards:

In addition to meeting the requirements for Fully Successful Performance, the employee, with moderate assistance, meets one or more of the following measures, in ten (10) or more instances cumulatively:

- a. Legal advice and related work products that reflect a recognition of potential issues for HUD, useful legal research, and analysis that can assist the client in addressing these potential issues.
- b. Legal advice and related work products that reflect a recognition of potential ramifications of a particular issue for other program areas and that the employee proactively brings to the attention of other program areas to seek their input and assistance.
- c. Legal advice and related work products that construct novel legal arguments to assist the client in meeting HUD policy goals.
- d. Legal advice and related work products that reflect identification of non-obvious factual and legal arguments and strategies which improve the government's position in a given situation.
- e. Proposals for statutory, regulatory, or policy improvements.
- f. Initiative taken by the employee in advancing HUD's interests with U.S. Attorneys.
- g. Proposals for improvements to policies and procedures of the office or to the processing of issues or cases by program offices.
- h. Significant assistance to other attorneys in the conduct of their work.
- i. Oral and written work that reflects a willingness to take novel approaches to providing advice to a program client (e.g., availability in client's offices to meet and provide informal legal counsel and advice).
- j. Work meets or exceeds the standard for fully success performance, and is produced independently or with only minimal assistance from the supervisor.

Fully Successful Performance Standards:

Absent exigent circumstances, with no more than three (3) exceptions* cumulatively (none of which impacts the outcome of a case), the employee, with moderate assistance, meets the following measures within timeframes established by the office or relevant legal authority:

- a. Legal advice and related work products that are accurate, well supported by the relevant fact and law, appropriate in breadth and scope, effective for the audience, persuasive, practical, and constructive. Input of supervisors is reflected in the final product. In the case of significant issues or proposed settlement, timely input of client and interested parties is obtained.
- b. Adherence to operating protocols between the Office of General Counsel and other HUD program offices as well as an adherence to Office of General Counsel instructions.
- c. A litigation strategy for each case that reflects consultation with supervisors, client offices, and other affected parties (e.g., the

Department of Justice) and that correctly analyzes factual, legal, and policy issues for each case. In each case, the strategy is implemented through a trial notebook, pleadings, discovery, and responses to pre-trial submissions that are timely and complete.

d. Oral advocacy that is highly persuasive and trial techniques that are skillful as demonstrated, in part, by having the employee's arguments adopted by a decision-maker.

e. Section 202/811 capital advance grant and insured multifamily loan closings that are completed within 60 days of the Department's issuance of the firm commitment for a given project, unless the firm commitment for that capital advance grant or insured loan is extended by the Department. The closing also meets other HUD requirements.

* The exceptions do not apply to court deadlines or statutory deadlines, which must be met in all instances, unless the attorney timely obtains permission to extend the deadline, or the meeting the deadline is outside the control of the attorney, as determined by the supervisor.

Unacceptable Performance Standards:

Absent exigent circumstances, in five (5) or more instances cumulatively, or in one or more instance which adversely impacts the outcome of a case, the employee does not meet the following measures within timeframes established by the office or relevant legal authority:

a. Legal advice and related work products that are accurate, well supported by the relevant fact and law, appropriate in breadth and scope, effective for the audience, persuasive, practical, and constructive. Input of supervisors is reflected in the final product. In the case of significant issues or proposed settlement, timely input of client and interested parties is obtained.

b. Adherence to operating protocols between the Office of General Counsel and other HUD program offices as well as an adherence to Office of General Counsel instructions.

c. A litigation strategy for each case that reflects consultation with supervisors, client offices, and other affected parties (e.g., the Department of Justice) and that correctly analyzes factual, legal, and policy issues for each case. . In each case, the strategy is implemented through a trial notebook, pleadings, discovery, and responses to pre-trial submissions that are timely and complete.

d. Oral advocacy that is highly persuasive and trial techniques that are skillful as demonstrated, in part, by having the employee's arguments adopted by a decision-maker.

e. Section 202/811 capital advance grant and insured multifamily loan closings that are completed within 60 days of the Department's issuance of the firm commitment for a given project, unless the firm commitment for that capital advance grant or insured loan is extended by the Department. The closing also meets other HUD requirements.

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Critical Element Description:

WRITTEN WORK

Reliable written work.

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Outstanding Performance Standards:

In addition to meeting the requirements for Fully Successful Performance, the employee, with moderate supervision, meets one or more of the following measures, in ten (10) or more instances cumulatively:

- a. Written work that reflects an exceptional high quality, including insightful legal analysis and fully developed, structured reasoning.
- b. Significant assistance is provided to other attorneys in the drafting or research of their assignments.
- c. Written work product meets or exceeds the standard for fully successful performance, and is produced independently or with only minimal supervision from the supervisor.

Fully Successful Performance Standards:

Absent exigent circumstances, with no more than three (3) exceptions cumulatively, the employee, with moderate supervision, meets the following measures:

- a. Written work products that contain legal citations, when required, that are substantively correct and proper in form.
- b. Written work products that comply with established legal procedures and HUD policy (e.g., attorney obtained required concurrences for settlement of litigation).
- c. Written work products that are properly formatted, grammatically correct, and rarely contain typographical errors.
- d. Written work products that are clear, concise, well-organized, require no further clarification, and contain diction and tone appropriate to a law office.

Unacceptable Performance Standards:

Absent exigent circumstances, in five (5) or more instances cumulatively, or in one instance which adversely impacts the outcome of a matter, the employee fails to meet the following measures:

- a. Written work products that contain legal citations, when required, that are substantively correct and proper in form.
- b. Written work products that comply with established legal procedures and HUD policy (e.g., attorney obtained required concurrences for settlement of litigation).
- c. Written work products that are properly formatted, grammatically correct, and rarely contain typographical errors.
- d. Written work products that are clear, concise, well-organized, require no further clarification, and contain diction and tone appropriate to a law office.

Elements & Standards

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Critical Element Description:
REPORTING

Weekly reports are submitted in a timely manner. The workload tracking systems and Enterprise Tracking System are used appropriately; data are entered accurately and timely and reflect current workload. TEAM data is entered and verified to ensure that the time reported accurately reflects the program activities entered in the workload tracking system for the reporting period

Employee initials indicate only that critical elements and performance standards were communicated to him/her. They do not signify agreement or disagreement.

Outstanding Performance Standards:

In addition to meeting the requirements for Fully Successful standard, the employee ensures that:

- a. Weekly reports, as requested, are submitted by the due date and are accurate and comprehensive with no more than five (5) exceptions.
- b. New work items that require more than 15 minutes of staff time are accurately entered into workload tracking systems within 10 business days of receipt, with no more than ten (10) exceptions.
- c. Completed work items are closed in the workload tracking systems within 10 business days of completion, with no more than ten (10) exceptions.
- d. Open work items are timely updated to include Notes that accurately and appropriately reflect the current status of the work item (e.g., the date of the issuance of the commitment), with no more than ten (10) exceptions.
- e. Quarterly entries into TEAM accurately reflect the work performed by the employee during the reporting period as entered in the workload tracking systems, with no more than five (5) exceptions.

Fully Successful Performance Standards:

Absent exigent circumstances, the employee ensures that:

- a. Weekly reports, as requested, are submitted by the due date and are accurate and comprehensive with no more than twelve (12) exceptions.
- b. New work items that require more than 15 minutes of staff time are accurately entered into workload tracking systems within 10 business days of receipt, with no more than twenty (20) exceptions.
- c. Completed work items are closed in the workload tracking systems within 10 business days of completion, with no more than twenty (20) exceptions.
- d. Open work items are timely updated to include Notes that accurately and appropriately reflect the current status of the work item (e.g., the date of the issuance of the commitment), with no more than ten (10) exceptions.
- e. Quarterly entries into TEAM accurately reflect the work performed by the employee during the reporting period as entered in the workload tracking systems, with no more than twenty (20) exceptions.

Unacceptable Performance Standards:

Absent exigent circumstances, the employee does not ensure that:

- a. Weekly reports, as requested, are submitted by the due date or are accurate and comprehensive, in more than twenty (20) instances, or
- b. New work items that require more than 15 minutes of staff time are entered accurately into workload tracking systems within 10 business days of receipt, in more than thirty (30) instances, or
- c. Notes and closed dates for completed work items are entered into workload tracking systems within 10 business days of completion, in more than thirty (30) instances, or
- d. Notes for open work items into workload tracking systems are timely updated to accurately and appropriately reflect the current status of the work item (e.g., the date of the issuance of the commitment), in more than thirty (30) instances, or
- e. Quarterly entries into TEAM accurately reflect the work performed by the employee during the reporting period as entered in the workload tracking systems, in more than thirty (30) instances.

Elements & Standards

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Critical Element Description:
WORKING RELATIONSHIPS

Interactions with customers (internal and external) reflect high standards of professionalism and promote realistic expectations by the customers. Supervisors are timely advised of significant issues. Communications with colleagues are timely, responsive, and clearly describe expectations. Attorney interactions promote constructive working relationships.

Employee initials indicate only that critical elements and performance standards were communicated to him/her. They do not signify agreement or disagreement.

Outstanding Performance Standards:

In addition to meeting the standard for Fully Successful Performance, the employee, with moderate assistance, meets one or more of the following measures in ten (10) or more instances cumulatively:

- a. Proactive notification to customers of potential legal problems that may have an adverse effect on program objectives and work with customers to resolve those issues.
- b. Expertise is shared with colleagues and customers, which results in improved product from that person.
- c. Employee's advice is considered authoritative by the client, as demonstrated by the client seeking out the employee for advice and by following employee advice.
- c. Participation in teamwork and coordination within the office or between the office and outside parties that also improves office functions.
- d. Representation of HUD in public forums that advance management, strategic, and performance plan goals; training and outreach products to customers; participation on OGC/HUD committees.

Fully Successful Performance Standards:

Absent exigent circumstances, with no more than three (3) exceptions cumulatively, the employee, with moderate assistance, meets the following measures.

- a. Customer Service
Attorney conduct toward customers is professional and courteous, and demonstrates an understanding of, and sensitivity to, the customer's concerns.
- b. Teamwork/Coordination
Teamwork and coordination is demonstrated by sharing expertise as requested, and by seeking input as needed from other customers and other organizations having an interest in the matter. Attorney interaction with colleagues, supervisors, and others is professional and courteous.
- c. Accountability
Information is provided by attorney to a supervisor on issues within sufficient time to allow the supervisor to address the issues proactively.

Unacceptable Performance Standards:

Absent exigent circumstances, in five (5) or more instances cumulatively, or in a significant instance requiring limitation in participation by the employee in the matter, the attorney fails to meet the following measures:

- a. Customer Service

Attorney conduct toward customers is professional and courteous, and demonstrates an understanding of, and sensitivity to, the customer's concerns.

b. Teamwork/Coordination

Teamwork and coordination is demonstrated by sharing expertise as requested, and by seeking input as needed from other customers and other organizations having an interest in the matter. Attorney interaction with colleagues, supervisors, and others is professional and courteous.

c. Accountability

Information is provided by attorney to a supervisor on issues within sufficient time to allow the supervisor to address the issues proactively.