

## **PERFORMANCE IMPROVEMENT PERIOD (PIP)**

**Declining Work Performance.** Declining work performance occurs when the employee is not performing all requirements of the position in a manner acceptable to the supervisor. Prior to assigning a less than satisfactory performance evaluation, the supervisor must advise the employee with a written warning regarding his or her work performance deficiencies. The supervisor must also provide reasonable assistance to help the employee improve.

After discussion with the employee (periodic performance review), if the employee's performance still does not improve, the supervisor must inform him/her of the performance standards in which performance is unacceptable, in what way it is unacceptable, and exactly what is required to bring it up to an acceptable level. The employee must be provided a reasonable opportunity period to demonstrate acceptable performance, commonly referred to as a PIP. The specific time needed to demonstrate acceptable performance is a judgment made by the supervisor based on such considerations as:

- the employee's position,
- the extent of the performance problem,
- the nature of the problem, and
- a reasonable period to improve performance.

**Written Warning.** The written warning is prepared by the supervisor, reviewed by the next level supervisor, and coordinated through the HRO before issuing to the employee. The written notice includes:

- a statement explaining the employee's deficiencies. Relate the performance deficiencies to the performance standards of the position, and be specific.
- a statement explaining the expected level of performance.
- a statement explaining that assistance will be provided to help the employee meet his or her performance standards. State the specific assistance, which will be provided (e.g., training, if appropriate).
- a statement that the employee will be given a performance improvement period of not less than 30 days (in the case of a regular employee), or not less than 7 days (in the case of a flexible employee) to meet his or her reassigned, demoted, or separated if he or she fails to meet the performance standards within the applicable PIP.

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**Management Actions During the PIP:**

- Closer supervision and counseling
- Personal task accomplishment, demonstration or on-the-job training
- Supervisory coaching
- Frequent feedback
- Special assignments
- Formal training
- Referral for fitness-for-duty medical examinations

**Expiration of the PIP.** If, after the PIP expires, the employee's performance remains unacceptable, the supervisor must take appropriate action to either:

- Reassign the employee (regular or flexible) to another position within the organization.
- Terminate the employee (flexible only).
- Prepare a notice of proposed demotion or a notice of proposed removal (regular only).

**Frequently Asked Questions:**

**Q:** If the employee demonstrates acceptable performance during the PIP, can the supervisor still affect a performance based action like removal?

**A:** If the employee demonstrates acceptable performance during the improvement period, the supervisor is thereby precluded from removing or demoting the employee solely on the basis of the deficiencies, which preceded and triggered the PIP.

**Q:** If the employee is unable to reach an acceptable level of performance during the PIP, what should the supervisor base the performance action on?

**A:** The supervisor should base the performance action on the performance failures that triggered the PIP, in addition to those occurring during the PIP. The supervisor may wish to present a more complete picture of the employee's unacceptable performance by supplementing proof of failure during the PIP with evidence of the employee's pre-PIP performance deficiencies during the preceding year. An assessment of performance during the PIP is only a partial picture of the employee's overall performance under the established standards.

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**Q:** If the employee is unable to demonstrate acceptable performance during the PIP can the supervisor elect to reduce the performance standards, and /or the reverse circumstances: the employee demonstrates some performance improvement during the PIP; can the supervisor elect to increase the performance standards?

**A:** The supervisor may not use a PIP either to reduce or increase the standards of performance established in the position guide.

**Q:** If the employee demonstrates some improvement in performance during the PIP, can the supervisor elect to initiate a second PIP?

**A:** If, at the conclusion of the PIP, the employee's performance is "unacceptable," the supervisor must initiate reassignment, reduction in grade or pay band, or removal. When an employee's performance improves significantly during the PIP, if not reassigned, the employee may be required to undergo an additional PIP in order to demonstrate an acceptable level of performance of all standards. An example of this is when the employee is failing in six performance standards at the initiation of the PIP. During the course of the initial PIP, the employee demonstrates acceptable performance in all but one or two of the performance standards. The supervisor may elect to initiate a second PIP.

**Q:** Can the supervisor change the standards of performance during the course of the performance cycle?

**A:** The supervisor may modify performance requirements so long as he/she does so according to a reasonable standard and makes the employee aware of the modifications. The supervisor is required to alter the employee's position guide to reflect changed requirements. If the supervisor makes acceptable material changes in the performance standards, the employee must be given an opportunity to perform under those standards before being rated and placed on a PIP, assuming the supervisor desires ultimately to use the changed standards to support what may become an unacceptable performance action.

**Q:** Is it necessary to place an employee on a PIP in order to take a performance based action?

**A:** An employee must be informed that his performance falls below minimum standards. Informal discussions about performance problems are not the same as a specific written warning. Lacking proper notice, the first notice to the employee cannot be the removal proposal. Specific written notices of poor performance may include documented counseling sessions, but may not rely solely on them to support a performance removal action.

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**Q:** What if an employee performs unacceptably during a PIP, but improves his performance thereafter during the advance notice period of a removal action, (thereby clouding the performance failure evidence supporting the removal.) Can the supervisor continue to pursue the removal action?

**A:** Generally, if the removal action is based on both the unacceptable performance prior to the PIP and during the PIP, the removal action MAY be pursued. The rationale; the employee is required to demonstrate acceptable performance during the (1 year) performance appraisal cycle. Failure to demonstrate performance for periods of 1 year, absent any changes to the performance standards, provides the basis for the specific written warning or PIP leading to the performance based action.