



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600

Falls Church, Virginia 22041

September 29, 2010

Professor Jacqueline Stevens
Department of Political Science
Northwestern University
601 University Place
Evanston, IL 60208

RE: Freedom of Information Act Request for Executive Office for Immigration Review
(EOIR) Performance Awards for Fiscal Years 2009 and 2010, Including Awards
Received, Procedures for Determining Awards, and Attorney General Awards

Dear Professor Stevens:

This letter is in response to your Freedom of Information Act (FOIA) request regarding awards, which the Executive Office for Immigration Review (EOIR) received on July 14, 2010. Upon receipt of your FOIA request, EOIR contacted you twice to scope your request. At the conclusion of those discussions, EOIR offered to provide, and you agreed to accept, a response that included the awards information with the names of the recipients of the awards redacted.

Pursuant to that agreement, enclosed is a computer disk, which contains the following information: 1) reports regarding the awards as of August 14, 2010; 2) the EOIR Administrative Manual regarding awards; and 3) the Memoranda of Understanding between the Board and Local 3525, which establishes guidelines for making awards to bargaining unit members at the Board. Please note that because the fiscal year does not end until September 30, 2010, the information may not include all fiscal year 2010 awards.

To view the contents on the disk, you will need to use computer software such as Adobe Acrobat. Additionally, you can find information regarding the Department of Justice (DOJ) salary tables necessary to calculate quality step increases on the Office of Personnel Management's website: <http://www.opm.gov/oca/10tables/index.asp>. Furthermore, you can access information about Department level awards, including Attorney General awards, at the following address on the DOJ website: <http://www.justice.gov/jmd/ps/guiawards.htm#general>.

If you are not satisfied with this decision, you may file an appeal with the Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., N.W., Suite 11050, Washington, D.C. 20530. OIP must receive your appeal within 60 days of the date of this letter. The procedures for appeal are stated at 28 C.F.R. § 16.9.

Sincerely,


Crystal Souza
Supervisory Program Specialist

Enclosure
FOIA Control Number 2010-13,786

Human Resources	EOIR Administrative Manual
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Awards

Policy

The Executive Office for Immigration Review acknowledges the importance of recognizing those employees who perform in an exemplary manner and, in so doing, make significant contributions to the efficiency and effectiveness of Government operations. Employee recognition and award decisions should provide incentives, demonstrate a direct relationship between organizational goal attainment or results and performance recognition, and be made in a timely manner so as to maximize the meaningfulness of recognition. Awards must be distributed fairly without regard to race, national origin, sex, or other non-merit factors.

Coverage and Exclusions

All EOIR employees are eligible for certain awards under this program, except that adjudicative employees may not receive awards for contributions involving the exercise of their judicial responsibilities. Administrative Law Judges are excluded by regulation.

Responsibility and Authority

EOIR component heads have responsibility for ensuring that awards recommended and/or approved for EOIR employees adhere to policy, are approved by an official to whom specific authority has been delegated, and that funds are available for the awards.

Authority to grant awards to SES and Senior Level employees is retained by the Deputy Attorney General or the Attorney General. Awards in excess of \$7,500 also require the approval of the Attorney General, consistent with 28 CFR 0.11. Awards above \$10,000 require the approval of the Office of Personnel Management. EOIR's Director retains authority to approve awards for non-supervisory Immigration Judges. EOIR component heads otherwise have (and may redelegate) authority to approve awards for employees in their organizations in amounts up to \$7,500. Supervisors below that level must have a specific delegation of authority to approve awards.

Types of Awards

[Special Achievement Awards for Sustained Superior Performance](#)

[Special Achievement Awards for Special Act or Service](#)

[Quality Step Increases](#)

[Time Off Awards](#)

[On-the-Spot Cash Awards](#)

A. Special Achievement Awards

Overview

Special Achievement Awards are designed to reward employee efforts in improving Government efficiency, effectiveness, and economy. Recognizing outstanding performance and achievements is an essential management responsibility critical to stimulating and sustaining high levels of proficiency and

productivity.

a. **Sustained Superior Performance Awards** - are lump sum cash awards generally with a minimum of \$250.00 intended to recognize sustained levels of performance that clearly exceed normal requirements.

Eligibility/Coverage

This guidance covers performance awards for employees in the General Schedule pay system only. Immigration Judges, Board Members and Administrative Law Judges are not eligible for incentive awards for performance of their adjudicative responsibilities. Separate policy/guidance covers performance awards for SES employees and for Senior Level employees who perform non-adjudicative functions.

Approval Levels

Component heads have authority to approve awards up to \$7,500 for subordinates, and may redelegate that authority. Supervisors below that level must have a specific delegation of authority to approve awards. Awards above \$7,500 - up to \$10,000 - are approved by the Attorney General. Awards in amounts above \$10,000 must be approved by the Office of Personnel Management.

Criteria

1. Special Achievement Awards based on sustained superior performance can only be made on an individual basis;
2. One or more critical job elements must be performed for a period of at least six months in a manner which clearly exceeded normal requirements;
3. The employee must not have received another cash performance award within the six months preceding the date of nomination (except that a special achievement award for a Special Act or Service during the six month period is not disqualifying).
4. A current performance rating at the successful level or higher is required.

The amount of the award may be determined according to the grade level of the employee and the overall rating received. Guidance for award amounts is reflected in the yearly award amounts chart. An award based on sustained superior performance may be submitted using a recommendation sheet and attaching a copy of the performance appraisal which serves as the justification for the award.

b. **Special Act or Service Awards** - are lump sum cash awards that recognize specific accomplishments which are in the public interest and which have exceeded normal job requirements. The minimum award amount for a special act or service award is generally \$250.00.

Eligibility

All EOIR employees are eligible for Special Act or Service Awards, except for Administrative Law Judges, who, by regulation, may not receive incentive awards. Adjudicative employees (Board Members and Immigration Judges) may not receive incentive awards for actions associated with performance of their adjudicative work.

Approval Levels

Awards for SES and Senior Level employees must be approved by the Deputy Attorney General. Awards for non-supervisory Immigration Judges require the Director's approval. Component heads otherwise have the authority to approve awards up to \$7,500 for subordinates. Supervisors below that level must have a specific delegation of authority to approve awards. Awards above \$7,500 - up to \$10,000 - require approval of the Attorney General. Awards in amounts above \$10,000 must be approved by the Office of Personnel Management.

Criteria

1. Awards can be granted to individuals or groups.
2. Special act or service contributions are of a one-time, non-recurring nature, connected with, or related to, official employment, such as:
 - performance which has involved overcoming unusual difficulties;
 - creative efforts that make important contributions;
 - performance of assigned duties with special effort or innovation that results in increased productivity, economy, or other highly desirable benefits; or,
 - exemplary or courageous handling of an emergency situation related to official employment.
3. A performance rating is **not** used to justify this award. A separate, written justification is required (see example).

B. Quality Step Increases

Overview

A Quality Step Increase (QSI) is an increase in an employee's rate of basic pay from one step or rate of the grade of his or her position to the next higher step of that grade. The QSI provides faster than normal progression through the step rates of the General Schedule. Unlike other forms of monetary recognition, a QSI permanently increases an employee's rate of basic pay by one step. By law, no more than one QSI may be granted to an employee in the same 52-week period. In order to be eligible for a QSI, the employee's most recent rating of record must be at the outstanding level. The employee must have been performing at that grade for a minimum of six months and there is an expectation that the performance will continue at that level for a minimum of an additional six months. A QSI is not appropriate when an employee has already been rewarded by means of a promotion or a performance award based in whole or in part upon essentially the same period of high level performance.

The QSI *normally* does not change the employee's waiting period for the next regular within-grade increase, except when the QSI moves the employee into the fourth or seventh step of his/her grade. This is because of the longer waiting period between steps 4 and 5 (two years) and steps 7 and 8 (three years), respectively.

Eligibility

Only General Schedule employees are eligible for this award.

Approval Levels

EOIR component heads and subordinates to whom authority has been specifically delegated.

Criteria

1. To be eligible for a QSI, an employee's current rating of record must be outstanding or level 5. In most performance programs, this means outstanding performance in the majority of critical elements of an employee's position.
2. The recommending official must anticipate that the employee's performance will continue at this level into the future.
3. The employee must have been performing at that grade for a minimum of six months and there is an expectation that the performance will continue at that level for a minimum of an additional six months.
4. A QSI may NOT be granted to an employee who has received a QSI within the preceding 52 consecutive calendar weeks.

RELATIONSHIP OF QSIs TO PROMOTIONS. Department policy indicates QSIs are not appropriate when an employee has already been rewarded by means of a promotion or a performance award based in whole or in part upon essentially the same period of high level performance.

RELATIONSHIP OF QSIs TO OTHER AWARDS. This performance award consists of an additional within grade pay increase for General Schedule employees. Because the quality increase requires a considerably higher level of performance and the anticipation that it will continue, the monetary benefits to the employee are greater than those of a sustained superior performance award.

RELATIONSHIP OF QSIs TO REGULAR WITHIN-GRADE INCREASES. The QSI is reflected as an additional within-grade increase (WGI) which permanently raises the employee's rate of basic pay, normally without changing the employee's waiting period for the next regular WGI. (NOTE, however, that a QSI will affect the waiting period if the QSI moves the employee into the fourth or seventh step of his or her grade. This is due to the change in the length of the waiting period which occurs at these steps.)

Procedure

The official supervisor generally initiates the recommendation for the award. For Quality Step Increase Awards, supervisors may submit a recommendation sheet, and attach a copy of the performance appraisal which serves as the justification for the award.

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C. Time-Off Awards

1. Overview

Time-off awards are intended to recognize superior accomplishments or other personal efforts that contribute to the quality, efficiency, or economy of Government operations. They are used principally to recognize contributions that are of a one-time, non recurring nature, and may also be used to recognize sustained high level performance. However, if recognizing sustained high level performance, supervisors must ensure that time-off awards are not being used as a substitute for performance awards or to circumvent statutory limits of 5 USC 5384 on performance awards for SES employees.

2. Eligibility

Those who meet the definition of "employee" found in 5 U.S.C. 2105 are eligible for time-off awards, with the exception of Administrative Law Judges. (Note: Immigration Judges and Board Members may not receive awards for performance of their adjudicatory functions.) A covered employee may be granted a time-off award regardless of his/her length of service with the Department, and the receipt of a prior cash, - honor, or other incentive award is not disqualifying.

3. Approval Levels

For Senior Executive Service employees and Senior Level (SL) employees, time off awards must be recommended by the Director, EOIR; authority to approve them is retained by the Deputy Attorney General. Authority to approve time-off awards for Immigration Judges is retained by EOIR's Director. Component heads have authority to approve awards for other subordinates.

Each determination to grant a time-off award, including the amount of such award, shall be reviewed and approved by an official of the organization who is at a higher level than the official who made the initial nomination, unless there is no official at a higher level in the organization. In cases where the component head is the recommending official for a time-off award of more than one workday, the reviewing and deciding official shall be the Director, EOIR.

4. Criteria

The following are the types of contributions an employee must make in order to be eligible for a time-off award:

- Making a high quality contribution involving a difficult or important project or assignment;
- Displaying special initiative and skill in completing an assignment or project before a deadline;
- Using initiative and creativity in making improvements in a product, activity, program, or service;
- Ensuring the mission of an organization is accomplished during a difficult period by successfully completing additional work or a project assignment while still maintaining one's own workload;
- Producing additional benefits to the Government as the result of especially effective and timely evaluation of an employee suggestion; and
- Sustained high level performance.

5. Supervisors and Managers

Supervisors and managers are responsible for ensuring that employee requests for use of time-off awards are granted, denied, or canceled in an appropriate and consistent manner based solely on the operational needs of their respective organizations. The use of time-off awards must be planned and scheduled in order to avoid (to the greatest extent possible) forfeiture. Supervisors and managers must also ensure that time-off award usage is properly documented and recorded.

6. Amount of Award and Limitations

A full-time employee may be granted a maximum of 40 hours of time off from duty as an incentive award for any single contribution that meets the criteria. Time-off granted to an employee must be scheduled and used within one year after the award is made. However, supervisors should encourage employees to use the time-off within 120 calendar days after approval. The total amount of time-off a full-time employee may be

granted during any one leave year is 120 hours. The maximum amount of time-off that can be granted during any one leave year to a part-time employee or employee with an uncommon tour of duty is the average number of hours of work in the employee's biweekly scheduled tour of duty, and the maximum amount that can be granted for any single contribution is one-half of the total leave year maximum. The average number of hours of work in the biweekly scheduled tour of duty for such employees should be calculated, if possible, upon their work schedules during one year preceding the granting of the time-off award.

The minimum time-off award that can be granted is four hours, and time-off awards can only be used in increments of four hours or more, with the exception of ending balances of less than four hours -- which must be used in their entirety.

If the total amount of time-off award is not used within one year after its approval, any unused time off is forfeited and is not eligible for restoration. A time-off award cannot be converted to cash under any circumstances, and therefore cannot be converted to a lump-sum payment upon separation of an employee. A time-off award is not transferable to another Federal agency if an employee has unused time-off to his/her credit at the time of separation from the Department. Also, time-off cannot be re-credited to an employee's account if an employee separates and returns to the Department after a break in service of more than three calendar days. Time-off award balances are transferable between organizations of the Department. In such cases, the timekeeper's file must be furnished by the losing component to the gaining component within one pay period after the employee's transfer.

7. Relationship to other Awards

The receipt of a time-off award is not disqualifying for the subsequent granting of any other cash or honorary incentive award and vice versa. However, the same contribution should not be used as the basis for a time-off award and another award, unless the time-off award or other award is deemed clearly not adequate to recognize the value of the employee's contribution. In such rare cases, it may be appropriate to couple a time-off award with a cash or honorary award. Time-off awards should not be granted to employees in positions or organizations where the workload is so heavy or demanding that requests for approved absences are frequently denied or the absence of an employee could adversely affect efficient operations. The granting of monetary or honorary awards may be more appropriate in such circumstances. If monetary awards are granted in lieu of time-off awards for these reasons, the amount of the monetary awards should equal the value of the time-off which would have been granted.

8. Relationship to Leave Program

Time-off awards are not annual leave and are not subject to the general forfeiture rule which applies at the end of a leave year to annual leave in excess of an employee's annual leave ceiling. The use of time-off awards after a cancelled period of scheduled annual leave (unless the annual leave has been rescheduled and approved) shall be considered rescheduled and used annual leave, or as available time for annual leave usage.

Time-off awards to an employee's credit will affect an employee's eligibility to receive donated annual leave under the Department's Voluntary Leave Transfer Program (VLTP). Annual leave cannot be transferred to an approved leave recipient under the VLTP until his/her time-off award balance has been exhausted. Since time-off awards are not annual leave, time-off award balances cannot be transferred to approved leave recipients under the VLTP.

9. Documentation Requirements

Time-off awards will be documented through the use of the "Time-Off Award Approval Form." The form is designed for use by: supervisors in recommending time-off awards; approving official; the Human

Resources Office, EOIR, for eligibility review, data entry, and personnel record keeping purposes; and the award recipient's timekeeper for recording, by pay period, award hours used and remaining award hour balances.

Upon completion of Parts I and II (including action by approving official) the Time-Off Award Approval form must be submitted to the Human Resources Staff.

The Human Resources Staff will notify the approving official of the effective date of the award. The effective date will be the first day of the following pay period from receipt and approval by the Human Resources Staff on Part III of the award form. The effective date will be used as a suspense date for tracking the one-year period in which the time-off may be used. **Note:** If the Human Resources Staff finds that the employee is not eligible or the proposed award is otherwise deficient, the proposed award will be returned without action with a note of explanation.

"Time-off" shall be scheduled and approved before used. Usage of time-off without prior approval shall be considered absence without leave (AWOL). The award recipient shall request use of time-off by way of submitting a OPM-71, Request for Leave or Approved Absence. The leave slip should be annotated to clearly show that the absence is for "time-off" rather than annual leave.

10. Recording and Reporting Requirements

The timekeeper should maintain a manual account of how many time-off hours have been awarded to an individual, how many have been taken, how many remain, etc., on the Time-Off Award Approval Form so that this information is readily available if requested by the employee, his or her supervisor, or the Human Resources Office. Further, when preparing the award recipient's time and attendance (T&A) each pay period, the timekeeper shall complete the T&A in the following fashion:

If the award recipient has 16 hours of "time-off" award hours approved, and the employee takes 4 hours, the T&A (in STAR WEB) should reflect 4.0 hours taken (in the appropriate weekly column) with a code of Prefix 61 and TC 66, with the remaining time for that day documented appropriately. In STAR WEB it is imperative that the timekeeper add the 16 hours of time-off award in the employee's Leave Account before any of those hours are charged to that employee. To do so, the timekeeper must go to the employee's Leave Account section of StarWeb, place the cursor on the 'Select' icon (of a blank leave category) and click. On the bottom of the list of 'Leave Types' click 'Select' next to TOFF (time off award). Back on the Leave Account section, type in how many time-off award hours the employee has been granted and click on 'SAVE' to officially add those hours to the employee's balance. That procedure will now allow the timekeeper to properly document time-off award hours taken by using the instructions given above.

Questions on how to properly document an employee taking 'time-off' hours may be directed to the STAR Coordinator (in EOIR's Human Resources Office), on 703-605-0373. Questions regarding the time-off awards program may be directed to the Human Resources Staff, on 703-605-0377.

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D. On-The-Spot Cash Award

1. Overview

On-the-spot awards are "Special Act or Service" awards which are intended to promptly recognize one-time or short-term outstanding efforts by employees of a nature which might otherwise go unrecognized. They are designed to provide quick feedback and special recognition (with minimal documentation requirements) to employees who make extra efforts to perform duties or special assignments in an exemplary manner. If possible, on-the-spot awards should be granted within two weeks after the date of the special act or service.

2. Eligibility

All employees who meet the definition of 5 U.S.C. 2105 are eligible for on-the-spot awards, with the exception of members of the Senior Executive Service, Senior Level employees, Administrative Law Judges, and Immigration Judges. A covered employee may be granted an on-the-spot award regardless of his/her length of service with the Department, and the receipt of a prior cash, honor, or other incentive award is not disqualifying.

3. Approval Levels

Each determination to grant an on-the-spot award, including the amount of such award, shall be reviewed and approved by an official of the organization who is at a higher level than the official who made the initial nomination, unless there is no official at a higher level in the organization.

4. Criteria

The following are types of contributions an employee could make in order to be eligible for an on-the-spot award:

- Making a high-quality contribution to a difficult or important project or assignment;
- Producing exceptionally high quality work under a tight deadline;
- Performing added or emergency assignments in addition to regular duties;
- Demonstrating exceptional courtesy or responsiveness in dealing with the public, client agencies, or colleagues; and
- Exercising extraordinary initiative or creativity in addressing a critical need or difficult problem.

5. Amount of Award and Limitations

On-the-spot awards are based upon the nature and value of the special act or service and can be for net amounts of \$50 up to \$500 (in increments of \$50 only). When the employee's pay records are updated to reflect the award, withholding for deductions will be added to arrive at the gross amount for W-2 purposes. An employee cannot be granted more than four on-the-spot cash awards in a calendar year.

6. Relationship to other Awards

On-the-spot awards are not intended to replace existing incentive and performance awards. The receipt of an on-the-spot award is not disqualifying for the subsequent granting of any other cash or honorary incentive award. However, the same contribution should not be used as the sole basis for an on-the-spot award and another award, unless the on-the-spot award is subsequently deemed clearly not adequate to recognize the value of the employee's contribution. In such rare cases, it may be appropriate to grant a subsequent cash or honorary award.

7. Effective Date and Receipt of Awards

The effective date of the award will be the first day of the following pay period from receipt of approved On-The-Spot Award Form by Human Resources. (For example, an approved On-The-Spot Award Form received in pay period 10 will be effective in pay period 11.) Employees will receive the award payment through the National Finance Center (NFC) along with their salary payment and it will be reflected on their earnings and leave statement.

8. Documentation Requirements

An on-the-spot award must be supported by an On-the-Spot Award Form which contains a short statement that indicates the employee's contribution met one of the criteria for the granting of this award and merits the amount of the money approved.

Instructions for Completion of the Form:

Part I: Employee/Award Data -- on the On-the-Spot Award Form is to be completed by the individual requesting the award, normally the employee's immediate supervisor. Note that an award justification must be attached to the form at this time. Approval Level -- on the form must be signed by an official to whom approval authority has been delegated. The approving official is responsible for assuring that the on-the-spot award criteria has been met and that the form is submitted to the Human Resources Staff.

Part II: Personnel Data -- of the form will be completed and the award will be processed by the Human Resources Staff.

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Page last updated July, 2010.



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

5107 Leesburg Pike, Suite 2400
Falls Church, Virginia 22041

September 30, 1998

MEMORANDUM OF UNDERSTANDING

**AGREEMENT ON PERFORMANCE AWARDS AT THE
BOARD OF IMMIGRATION APPEALS**

I. INTRODUCTORY NOTES AND GUIDELINES

- A. This document represents a memorandum of understanding between the Management of the Board of Immigration Appeals (Board) and members of the American Federation of Government Employees Local 3525 (Union), pursuant to Article 20.1 in the contract.
- B. This document is applicable to all bargaining unit members at the Board.
- C. This document does not disturb the parties' statutory, regulatory and contractual entitlements and duties.
- D. The guidelines for award amounts published by the EOIR Office of Personnel (attached), as well as the Department of Justice (Department) DOJ Order 1451.1A (Incentive Award Program) will be used to determine the award amounts in this document. Amounts reflected for "Excellent" ratings, do not apply to BIA performance appraisals, which do not currently include the "excellent" performance rating.

**II. THE PERFORMANCE APPRAISAL SYSTEM AND ITS RELATIONSHIP TO
PERFORMANCE AWARDS**

The Board currently operates on a three-tiered performance appraisal system, where the evaluation of an employee's performance is rated as either outstanding, fully successful, or unsatisfactory. The rating designation is derived from the combination of ratings for performance in specific key functional areas called "elements." These elements vary in number, depending on the position held, and are designated either critical or non-critical. This performance appraisal system is discussed in greater detail in each employee's performance work plan (PWP).

This document addresses the following two award schemes used to recognize sustained superior performance: Special Achievement Awards and Quality Step Increases (QSI). Other award programs currently in effect at the Department, EOIR, and the Board, such as Special Act of Service Awards, will continue under separate rules and regulations.

Sustained superior performance, as defined in DOJ Order 1451.1A is the "...performance of assigned tasks so that one or more important job elements are performed in a manner substantially exceeding normal requirements over a period of time." For the purposes of this document, "performance...substantially exceeding normal requirements" will be that which is rated "outstanding."

The awards addressed in this document are specifically tied to the rating process and will be based upon the employee's current rating of record. To the extent practicable, performance awards shall be presented within a reasonable period of time after the employee receives his or her rating of record. To maintain the incentive which awards are intended to represent, typically, they should be presented within 60 days.

III. AWARD BUDGET

The Union will be notified, at the completion of the budget appropriation process, of the amount of funds in the Board's award budget. Each quarter, the Union will be notified of any change to the amount of funds available for awards.

A. Special Achievement Award (SAA) for Sustained Superior Performance

Special Achievement awards are one-time lump sum cash awards.

Criteria

- (1) An employee must receive a summary rating of outstanding

Awards

Since the number of elements on an individual's performance appraisal varies, awards will be based on a ratio of critical elements rated outstanding for a given evaluation. The critical elements which are rated outstanding will be weighed in proportion to all the critical elements on the performance work plan. This proportion will determine the award amount in the following way:

Percentage of critical elements rated outstanding = XX%

XX%, multiplied by the available award range, and added to the base award amount at the appropriate grade...

For a GS-7 with 4 critical elements:

Three critical elements rated outstanding = 75%

The range for a GS-7 is \$600-\$800 = \$200

75% X \$200 = \$150

The award amount is the base (\$600) + the percentage multiplier (\$150)
= \$750.00

B. Quality Step Increases (QSI)

QSIs represent a separate type of award. QSIs, however, are not lump sums. Rather, QSIs are distributed as increases in employees' bi-weekly salary and benefits (retirement, Thrift Savings Plan, life insurance). To calculate a QSI's effect on an employee's overall income, the bi-weekly increase is multiplied by the number of pay periods over which that employee receives the increased pay. The attached DOJ Order 1451.1A (Attachment 2: Guide for Comparison of Awards) estimates the effect of a QSI for specific grade levels over a full salary year. A key component which must be considered in evaluating the effect of a QSI is the overriding effect an increase in grade will have on the ability to sustain the salary increase a QSI represents. In other words, when a QSI is not collected for a sustained period of time (due to the effects of progression to a higher grade) the economic benefit may be eroded to a point lower than the benefit a lump sum would have otherwise provided.

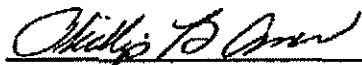
When an employee receives an overall performance rating of "outstanding," with all critical elements rated outstanding, he or she will be eligible to be considered for a QSI. Given the erosion of the economic benefit created by career ladder promotions however, QSIs will be considered only for those employees at the top of their current career ladder.

Management has used some general guidelines to consider employees for a QSI. These guidelines can be characterized both as regular occurrences at the Board, and in some cases specific to certain events or time periods at the Board. In general, the regularly occurring achievements (those which tend to be achieved year after year) characterizing QSI recipients have been: working at the Board (not on detail or other prolonged absence effecting presence to the Board's work) for the entire year under consideration; producing a monthly average of at least 20 cases; while absorbing additional duties demonstrating organizational commitment (such as, but not limited to, participation in training initiatives, or drafting or implementing regulations). Further, as QSIs represent the largest monetary award, the QSI will not be awarded to an employee who has been awarded a QSI from the previous rating period.

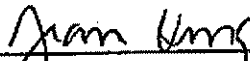
In addition, as the Board evolves over time, events and initiatives generate new and unique levels of performance which are not characterized as recurring year after year. These accomplishments, due to the nature of their specialized evolution, cannot

be defined in advance. Instead, Management reserves its discretion in recognizing them with QSIs as appropriate. In the interest of further informing employees and clarifying the QSI process, upon request, Management will specify the achievements which warranted the granting of an individual's QSI, after that QSI is formally approved. The parties agree this enhanced information process should help employees and the Union, through informal means, to understand and evaluate the award program's effectiveness.

Using these guidelines, Management will continue to determine eligibility for QSIs. Once Management has decided to recommend a QSI, Management may consult with employees who are eligible for a QSI to determine which award (lump sum or QSI) will serve as the most effective incentive into the future, and recommend one or the other appropriately.



For Management



For the Union

AWARD AMOUNTS

Special Achievement Award
for Sustained Superior Performance
EXCELLENT RATING OUTSTANDING RATING
(Supervisors may recommend the appropriate
Award amount from within the ranges specified:)

GRADES

GS-1	\$100-\$400	\$300-\$500
GS-2	\$100-\$400	\$300-\$500
GS-3	\$200-\$400	\$400-\$500
GS-4	\$200-\$500	\$400-\$600
GS-5	\$300-\$500	\$500-\$700
GS-6	\$400-\$600	\$500-\$700
GS-7	\$400-\$600	\$600-\$800
GS-8	\$500-\$800	\$700-\$900
GS-9	\$600-\$800	\$800-\$1,000
GS-10	\$600-\$800	\$900-\$1,100
GS-11	\$700-\$1,100	\$1,000-\$1,200
GS-12	\$900-\$1,100	\$1,200-\$1,500
GS-13	\$1,100-\$1,300	\$1,400-\$1,700
GS-14	\$1,300-\$1,500	\$1,800-\$2,100
GS-15	\$1,500-\$1,800	\$2,100-\$2,400

February, 1998



AWARD AMOUNTS

GRADES	Special Achievement Award for Sustained Superior Performance		Special Achievement Award for Special Act	Quality Step Increase*
	EXCELLENT RATING	OUTSTANDING RATING		
	(Supervisors may recommend the appropriate Award amount from within the ranges specified:)			
GS-1	\$100-\$400	\$300-\$500	Amount depends on tangible or intangible benefit realized by	Varies
GS-2	\$100-\$400	\$300-\$500		Varies
GS-3	\$200-\$400	\$400-\$500		\$530
GS-4	\$200-\$500	\$400-\$600	the Government. If	\$595
GS-5	\$300-\$500	\$500-\$700	you are considering	\$666
GS-6	\$400-\$600	\$500-\$700	this type of award,	\$742
GS-7	\$400-\$600	\$600-\$800	you should contact the	\$824
GS-8	\$500-\$800	\$700-\$900	Personnel Staff, OAD,	\$913
GS-9	\$600-\$800	\$800-\$1,000	for guidance in	\$1,009
GS-10	\$600-\$800	\$900-\$1,100	determining the amount.	\$1,111
GS-11	\$700-\$1,100	\$1,000-\$1,200		\$1,220
GS-12	\$900-\$1,100	\$1,200-\$1,500		\$1,463
GS-13	\$1,100-\$1,300	\$1,400-\$1,700		\$1,739
GS-14	\$1,300-\$1,500	\$1,800-\$2,100		\$2,055
GS-15	\$1,500-\$1,800	\$2,100-\$2,400		\$2,418

*THIS IS NOT A LUMP SUM AWARD.
THIS CHART MERELY REFLECTS
THE AMOUNT OF INCREASE TO
THE EMPLOYEE'S ANNUAL SALARY.
(There are minor variances where the
employee occupies a position covered by a
special salary rate or a locality pay.)

February, 1998

ards.wpd

MEMORANDUM OF UNDERSTANDING
FY 2010 PERFORMANCE AWARDS

Through this Memorandum of Understanding (MOU) the Management of the Board of Immigration Appeals (hereinafter "Management") and the American Federation of Government Employees Local 3525 (hereinafter "The Union") agree that a cash award and time off award will be granted to each individual who has achieved an overall outstanding in his or her performance evaluation for FY 2010.

Cash awards will be calculated by first determining the amount of cash award that each individual would have received under the standards set forth in the Memorandum of Understanding -- Agreement on Performance Awards at the Board of Immigration Appeals, which was signed by the Union and Management on September 30, 1998 (hereinafter "the 1998 MOU"). Management will then determine the total amount of money actually available for performance awards for FY 2010. The amount of money actually available will be divided by the total amount of money that would have been needed to fulfill the requirements under the 1998 MOU. This calculation results in the percentage of the total money that would have been needed under the 1998 MOU that is actually available for FY 2010 performance awards. That percentage will then be multiplied by the amount that each individual should have received under the 1998 MOU to determine the amount of each individual cash award for FY 2010. Cash awards for individuals hired during FY 2010, and cash awards for part-time employees, will be pro-rated according to the percentage of annual full-time employment that such employees worked during FY 2010.

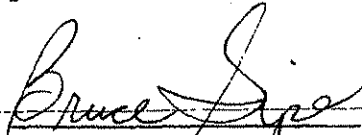
Time off awards will be determined by awarding any individual who received an "outstanding" rating in all of his or her critical elements 16 hours of time off and by awarding any individual who achieved an overall "outstanding" rating but who received a "fully successful" in one or more of his or her critical elements 8 hours of time off.

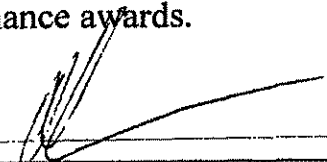
Management agrees to actively consider giving Quality Step Increases (QSIs) for outstanding performance under the existing guidelines as set forth in the 1998 MOU. The parties agree that the salary differences for individuals who receive a QSI will not be allocated from the performance awards budget for FY 2010.

The parties further agree that no individual can be awarded a QSI, and a time off/cash award for the same performance award year.

Management agrees to provide the Union with the budgetary amounts available for awards for FY 2011 when such information is provided to Management. Should the 1998 MOU not be fully funded in FY 2011, Management will negotiate a new awards agreement with the Union regarding performance awards for that fiscal year.

With the exception of the above provisions, the 1998 MOU is still binding. The present MOU is effective only for the FY 2010 performance awards.


For Management


For the Union

DATE OF SIGNING: 8/11/10
