

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4440.1

8/6/18

ENFORCEMENT INVESTIGATION AND ANALYSIS OFFICER ASSESSMENTS

I. PURPOSE

This directive provides procedures for supervisors in the Office of Field Operations (OFO) who conduct, document, and report on Enforcement Investigation and Analysis Officer (EIAO) assessments.

KEY POINTS

- *Introduces the EIAO Assessment Form*
- *Introduces guidance on conducting an EIAO assessment*

II. BACKGROUND

A. The EIAO assessment provides a firsthand observation of how well EIAOs conduct Public Health Risk Evaluations (PHREs), Food Safety Assessments (FSAs), and Recall effectiveness checks and outreach activities. Additionally, it assesses employees' demonstrated knowledge of job requirements, and appropriate regulatory decision-making.

B. OFO supervisors who rate the performance of EIAOs are to follow this directive. OFO supervisors who have direct supervision of EIAOs are required to conduct EIAO assessments. Those supervisory positions include:

1. Deputy District Manager (DDM); and
2. Supervisory Enforcement Investigation and Analysis Officer (SEIAO)

C. Benefits of the EIAO assessments include:

1. Encouraging effective communication between supervisors and subordinates through the assessment and feedback process;
2. Identifying and addressing the need to improve employees' knowledge of their job requirements;
3. Encouraging correlation with employees to ensure consistency in inspection methods and applications;
4. Recognizing on-target or noteworthy employee performance;

5. Assisting in measuring organizational performance through OFO's performance standards; and
6. Linking EIAO assessment results and correlation meeting topics to address common or group needs that are discovered during assessments.

III. GENERAL SUPERVISORY RESPONSIBILITIES

Supervisors are to conduct a minimum of one in-person EIAO assessment for each subordinate EIAO during the performance rating cycle. Supervisors have flexibility in determining when to conduct the assessment and whether to assess all elements and sub-elements during one assessment or multiple over the course of the rating cycle.

IV. EIAO ASSESSMENT OVERSIGHT

A. To ensure consistency and effectiveness in performing FSAs, PHREs, recall effectiveness checks and outreach activities, OFO executives and managers are to conduct oversight reviews of EIAO assessments and provide appropriate feedback.

B. To carry out this oversight, review of assessment results are to be as follows:

1. The District Management Team is to review 5 percent of the EIAO assessments conducted by SEIAOs during the rating cycle; and
2. The Executive Associate for Regulatory Operations is to review 5 percent of the district management reviews.

V. EIAO ASSESSMENTS AND THE PERFORMANCE MANAGEMENT SYSTEM

A. EIAO assessments do not replace the Agency's performance management system. OFO uses the EIAO assessment, which applies to EIAOs, to assess employees' knowledge of their job requirements. The EIAO assessment:

1. Is designed to provide supervisors with a structured process to look at specific elements of the job;
2. Is used to provide feedback to employees to identify, address, and correct areas where there is a need for improvement in performance; and
3. Does not provide or assign a performance rating. EIAO assessment data can be used, along with other data and information about an employee's performance, to determine performance rating.

B. Performance management is mandated by 5 U.S.C. Chapter 43 and is a statutory requirement for Federal agencies. Every Federal agency is required to have a performance management system under which supervisors identify and set performance expectations and monitor performance. FSIS monitors performance by way of a midyear progress review and rates performance annually by assigning a summary level rating. Summary level ratings are expressed as Outstanding, Superior, Fully Successful, Marginal, or Unacceptable.

C. Supervisors are to use their judgement when combining data from assessments that are completed during the rating period and other information regarding an employee's performance. The performance rating is to reflect the employee's performance for the entire rating cycle.

D. The EIAO Assessment Form does not replace any existing performance appraisal processes or FSIS forms. Supervisors are to continue using AD-435E and the Performance Rating Tool (PRT) to set performance expectations, conduct progress reviews, and rate employees annually on their performance.

VI. EIAO ASSESSMENT PROCESS

A. When conducting EIAO assessments, supervisors are engaged in fulfilling their critical **Supervision** performance element. In addition, supervisors are to fulfill requirements related to the critical **Mission Results** performance element, as the EIAO assessment is a means by which supervisors ensure EIAOs are carrying out their critical mission-related work activities. To receive a Fully Successful rating in these critical elements, supervisors are to successfully fulfill their responsibilities related to the EIAO assessment.

B. The supervisor plays a key role in ensuring that:

1. Decisions made by EIAOs are uniform, consistent, and in accordance with applicable statutes, regulations, issuances, and other Agency policies; and
2. Duties performed by EIAOs are in accordance with statutes, regulations, issuances, and other Agency policies.

C. Supervisors also are to ensure that EIAOs are applying the appropriate EIAO methodology, using effective regulatory decision-making, documenting findings appropriately, recommending enforcement actions and verifying corrective actions.

VII. ASSESSMENT CRITERIA

A. OFO supervisory personnel are to use the following steps to assess subordinate field-level supervisory personnel on their job requirements.

B. **Assess the Performance Elements in Performance Plans.** The critical performance elements are tailored to supervisory in-plant inspection program occupations. The performance elements include:

1. Mission Results (Critical);
2. Communication (Critical); and
3. Research and Analytical Thinking (Critical)

C. **Plan and Prepare for an EIAO Assessment.** Preparation is an important aspect of any assessment. Before conducting the assessment, the supervisor is to review for the individual EIAO during the current

performance rating cycle:

1. Past Food Safety Assessments (FSAs) and Public Health Risk Evaluations (PHREs) conducted by the employee;
2. Review Recall Effectiveness Checks;
3. Consumer Complaints in the Consumer Compliant Monitoring System (CCMS);
4. Any relevant administrative actions in the Administrative Enforcement Reporting (AER) module to evaluate whether the employee is collecting evidence appropriately; and
5. Memorandum of Interviews (MOIs) in the Public Health Information System (PHIS) to see if outreach activities are being adequately documented.

D. When completing the EIAO Assessment Form, a supervisor is to document very briefly how she or he prepared for the assessment, including information on the data sources that he or she used.

VIII. METHODS FOR CONDUCTING AN EIAO ASSESSMENT

A. In general, supervisors are to use the following methods singularly or in combination when conducting EIAO assessments:

1. Observe the employee performing and documenting a PHRE or FSA;
2. Review documentation, reports, and correspondence; and
3. Ask questions about EIAO methodology, regulatory decision-making, documentation, and recommendations for enforcement actions. Provide hypothetical situations or scenarios to get the employee to describe what she or he would do in response to the situation.

B. Supervisors are to properly plan, prepare, and execute the plan to document an effective assessment.

C. When conducting an EIAO assessment, a supervisor is to verify that the employee is:

1. Applying the appropriate EIAO methodology;
2. Utilizing effective decision-making to determine whether a HACCP system meets regulatory requirements;
3. Documenting his or her findings appropriately, if required;
4. Recommending enforcement actions and verifying corrective actions properly;
5. Implementing regulatory control actions; and
6. Following the District's outreach plan

D. The supervisor is to meet with the employee at the end of the assessment and provide verbal feedback on performance.

E. The supervisor is to complete the EIAO Assessment Form. The supervisor is to state whether the employee's understanding and ability to verify regulatory requirements was satisfactory using Yes or No. A

supervisor can document positive performance briefly in the narrative boxes. If the supervisor finds that performance of a sub-element (See Attachment1 for the list of sub-elements under each main element) is unsatisfactory, he or she is to clearly describe the deficiencies observed and discussed in the comment boxes.

F. The supervisor is to provide a copy of the assessment to the employee within 2 weeks of the assessment, by either printing a hard copy for the employee or emailing a PDF copy.

G. In case of finding an unsatisfactory sub-element, the supervisor is to include recommended actions that the employee is to take to improve her or his knowledge and execution of inspection methods (e.g., review relevant directives) and a timeframe for completing action.

H. The supervisor is to follow the directions outlined in DR-4040-430, *Performance Management*, when an employee's performance is unacceptable in one or more critical elements at any time during the performance appraisal cycle.

I. The supervisor is to monitor follow-up items to ensure that they are accomplished.

J. The supervisor is to follow up on any sub-elements for which performance was found to be unsatisfactory during the next EIAO assessment or within the current rating period.

K. EIAO assessments and follow-up assessments are to be entered directly into the AssuranceNet application.

IX. ADDITIONAL INFORMATION

An electronic version of the EIAO Assessment Form is available on InsideFSIS at: [FSIS Form 4430-16, EIAO Assessment Form](#) (Level 2 eAuthentication is needed to access this page).

X. QUESTIONS

Refer questions on conducting EIAO assessments to the appropriate District Management Team.



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