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U· S· DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT

DIRECTIVES SYSTEM

Subject Number: PER 14-1
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Date: MAR 26 1991

Subject: Performance Management System

Approval: [signature] **Title:** Director

This Change Notice is issued to update the directive. Changes are identified by an asterisk at the change.

a. Remove page 3 and insert the revised page 3 which deletes the requirement of a rating of record whenever an opportunity to improve period is necessary for GM employees.

b. Remove page 8 and insert the revised page 8 which adds to the section on Performance Planning the requirement for GM employees to participate in that planning.

c. Remove page 12 and insert the revised page 12 which explains how an employee may provide input to his/her appraisal.

d. Remove page 17 and insert the revised page 17 which:

(1) deletes the use of the agency reconsideration review procedure for bargaining unit employees since they must use the negotiated grievance procedure;

(2) changes the reconsideration review procedure so that the rating and reviewing officials forward their responses to the SPO who forwards both the request for review and the responses to the deciding official. The time-frames are also changed; and

(3) adds a sentence indicating that changes to an appraisal as a result of reconsideration review will be made by the official who determines that change is required.

Contact for this change is the Division of Personnel, Branch of Employee Management Relations, FTS 268-2848 or 202-208-2848.

CHANGE NOTICE

quantity, timeliness, and manner of performance.

l. "Progress review" means a review of the employee's progress toward achieving the performance standards. It is not a rating.

m. "Rating": see Summary rating.

n. "Rating Official" means the person who evaluates the performance of an employee and who assigns the rating of record. Usually, this will be the rated employee's immediate supervisor.

o. "Rating of record" means the summary rating required at the time specified in this plan or at such other times as the plan specifies for * special circumstances. This would consider all summary ratings on the employee during the rating period.

p. "Required Element" means a component of an employee's position which does not meet the definition of a critical element, but is of sufficient importance to warrant written appraisal. More weight is given to a critical element than to a required element.

q. "Reviewing Official" means the official who is designated to review and approve the performance plan, ratings of record and performance-based personnel actions made by a rating official. Usually this will be the rating official's immediate supervisor. The Bureau Director may act as the rating and reviewing official for personnel on his/her immediate staff.

r. "Summary Rating" means the written record of the appraisal of each critical and required element and the assignment of a summary rating level (as specified in paragraph 4.c.(9)).

4. Policy/Procedures.

a. General.

(1) Written performance standards will be based on the duties of an employee's position; formal written appraisals of performance of those duties will be made at least annually. Rating officials will assure participation of GM employees and encourage participation of non-GM employees in the development and revision of performance plans. Performance standards will be communicated to an employee and documented within 30 days of the beginning of a rating period or within 30 days of placement or position change. Ratings of record derived from these performance plans will be the basis for various personnel actions.

(2) The establishment and content of performance standards and the identification of critical and required elements as well as the determination of definitions of summary rating levels are retained management rights under 5 USC 7106(a)(2)(A) and (B) and are not negotiable. Exclusive representatives of bargaining unit employees may bargain on the impact and implementation of performance management decisions.

b. Responsibilities

(1) The Director of OSMRE through the Deputy Director and Assistant Director, Budget and Administration, is responsible for:

(a) assuring the establishment, implementation, and monitoring of OSMRE's Performance Management System consistent with governing Departmental directives and OPM regulations.

(b) assuring statutory and regulatory compliance throughout OSMRE.

(c) assuring full management commitment to the goals and objectives of OSMRE's Performance Management System.

(2) The Division of Personnel is responsible for developing policy and guidance on the provisions and administration of the Performance Management System and gathering and compiling rating data for general and merit increase payouts and ratings of record files.

(3) The Servicing Personnel Offices (SPO) are responsible for:

(a) providing advice and assistance to supervisors and managers in carrying out their performance management responsibilities.

(b) providing supervisors and managers adequate performance appraisal training opportunities, technical advice in performance appraisal policies and procedures, notification of annual performance appraisal due dates, and necessary assistance to follow-up on delinquent performance ratings and to conduct procedural review and maintain record copies of performance ratings in the Employee Performance File (see 4.c.(12)(e)).

(c) assuring that the provisions of the performance appraisal system are communicated to employees.

(f) becoming familiar with OSMRE's Performance Management System.

(g) requesting clarification from supervisor when questions arise regarding the Performance Management System.

(7) Performance Standard Review Board (reserve)

c. Procedures.

(1) Eligibility for Appraisal.

(a) An employee must have worked under elements and standards in his or her present position for a minimum period of at least 90 calendar days before being eligible to receive a rating of record.

(b) Within the first 30 days of an employee's assignment, the rating official must have worked with that employee to identify elements, establish performance standards and communicate the same to the employee in writing on the performance plan. A copy of the performance plan must be provided to the employee.

(c) The rating official for performance appraisal purposes will generally be considered to be the last official to have supervised the employee at the time the rating of record is due. (See paragraphs 4.c.(4)(e) and (5)(e) for variances.)

(d) If an employee is on detail or temporary assignment for a period of less than 90 days at the due date of the rating of record, the rating official will be considered to be the last official to have supervised the employee for 90 days prior to the detail or temporary assignment, providing the above requirements in (a) and (b) are met.

(e) An employee who is detailed or temporarily assigned to a different position (within the Department) for a period of 120 days or more must be provided with the performance elements and standards of the assigned position within 30 days of the beginning of the detail or temporary assignment. Development and communication of these elements and standards must follow the guidelines established by the Office of Personnel Management (OPM), the Department and OSMRE.

(f) When an employee is or has been detailed or temporarily assigned outside of the Department, a rating of record must be prepared if the employee has served for the minimum

appraisal period within the Department. If an employee has not served in the Department for the established minimum appraisal period, but has served for the minimum appraisal period in another organization, the rating official must make a reasonable effort to obtain appraisal information from the other organization sufficient to prepare a rating of record.

(g) A summary rating will be completed when an employee changes positions during the appraisal period, if the employee has served for the minimum appraisal period in the position from which he/she has changed. See paragraph 4.c.(12) for distribution of rating forms. As well, rating officials will prepare summary ratings or annual ratings of record as appropriate before leaving the supervisory positions (see 4.b.(4)(i)).

(h) In the event that an employee receives more than one written summary rating during the appraisal cycle, the results of all such appraisals will be considered. The final rating official will be responsible for combining all such information to form the rating of record for that period, subject to the approval of the reviewing official.

(2) Performance Planning

(a) A written performance plan will be prepared for each employee covered by this directive within 30 days of the start of the rating period. These plans should be reviewed periodically to assure they accurately reflect the duties and responsibilities of the position to which the employee is assigned. They must be documented in writing with a copy provided to the employee and must be reviewed and approved by the reviewing official before application. The original of the form will be retained by the supervisor for use in the evaluation process; a signed copy will be provided to the Servicing Personnel Office for review and retention in the Employee Performance File.

* (b) Supervisors should encourage non-GM employees to participate in establishing elements and standards for their position, whereas GM employees must be allowed to participate in the planning process. As employees participate in this process, they will receive a clearer understanding of the level of performance required. Employee participation may be achieved as follows:

1 The employee and supervisor jointly develop the performance plan; or

2 The employee provides the supervisor with a draft plan; or

*revised 03/26/91

(c) At the time a supervisor identifies performance which fails to meet performance standards for a critical or required element, the supervisor will inform the employee of his or her performance deficiencies. Timely counseling sessions should be held to identify corrective actions and assist the employee to improve performance. If an employee's job performance appears to be affected by a personal problem, the supervisor should seek advice and assistance from the Servicing Personnel Office or Employee Assistance Program Counselor. When an employee alleges that a performance problem is due to alcohol or drug abuse, management must offer rehabilitation assistance to the employee. Managers should contact the employee relations specialist for further guidance.

(d) Rating supervisors will discuss changes to performance plans with employees when changes occur (see 4.b.(4)(c)). Changes will be developed with employee participation in the same manner as initial development of performance plans. Changes in mission, organization, technology, or program emphasis; revisions to position descriptions; or changes to performance standards which were set too high or too low may require revised performance plans. Any such changes must be introduced far enough before the end of the rating period to give employees an opportunity to meet revised performance standards. The length of time needed will depend on the nature of the job and the extent of the changes.

(4) Employee Performance Ratings

(a) After the rating period ends, the rating supervisor will prepare a written appraisal on the performance rating form. The supervisor will consider performance during the entire rating period to include performance compared to the employee's current performance plan and performance under other plans (e.g., special ratings and summary ratings transferred with employees from other Federal agencies.) Consideration will give due weight to such factors as, length of time covered by special ratings and summary ratings, similarity between job elements and performance standards, and explanations of employee strengths and/or weaknesses. Appropriate narrative justification must be prepared to show how standards are met, exceeded, or not met. Specific examples should be provided.

(b) Performance ratings and performance-based personnel actions will be reviewed and approved by officials at a higher level in the organization than the rating supervisor. Rating officials will discuss proposed performance ratings with others who have supervised the employee during the rating period before discussion with employees. Mutual agreement among rating

officials will be sought but the reviewing official has final authority. When the Director is the rating supervisor, higher level review/approval is not required.

(c) The rating of record will not be communicated to an employee before approval of the reviewing official. This does not preclude communication about appraisal of performance between a supervisor and an employee prior to
* determination of a rating of record. The employee will be given the opportunity to provide input to the appraisal. The supervisor's and employee's initials in the Cumulative Narrative Appraisal, item 14, of OSM-46A will signify that this has occurred. Employees may also attach written comments for the reviewing official's consideration. The employee's right to reconsideration review at a later time remains unchanged. Employees will sign and date performance ratings after approval and signing by the reviewing official. If an employee refuses to sign and date a performance rating, such will be noted in the signature block and the rating will stand as prepared.

(d) Completed performance rating forms are due in the Servicing Personnel Office within 45 days of the end of the rating period. If a rating official fails to complete a performance rating when due, the Servicing Personnel Office will conduct a follow-up and bring the tardiness to the attention of the rating officials involved who will complete the rating within 30 days. If the rating is still delinquent at the end of 30 days, the issue will be raised to the next higher level of supervision for action.

(e) When a rating official is not able to participate in the preparation of a performance rating (e.g., extended illness, death, reassignment, resignation, etc.), it will be done by the new or next-level supervisor(s) by the due date.

(f) Ratings of record are established and effective on the date the reviewing official signs the rating. It remains in effect until replaced by another rating of record.

(5) Employee Position Changes

(a) Promotions. New elements and standards should be prepared for an employee who is promoted to reflect his/her higher level responsibilities. The employee will be rated at the end of the rating period using the higher grade performance standards provided he/she has served under those performance standards the minimum appraisal period-90 days. Should the employee not have been issued standards or served the minimum appraisal period, the provisions of paragraph 4.c.(6)(a) apply.

(b) Details/Temporary Promotions. Employees detailed or temporarily promoted within or outside the agency for a period of 120 days or more should be issued performance standards and at the conclusion of their details or temporary assignments should be issued a summary rating on their temporary duties. These ratings will be considered when determining the final annual rating of record.

*revised 03/26/91

(c) Employees in exclusive bargaining units have rights through the negotiated grievance procedure. Applicable collective bargaining agreements should be checked in such cases for possible coverage.

(d) Employees will not be permitted to simultaneously pursue the same performance appraisal request for reconsideration through both the reconsideration review process and any applicable negotiated grievance
* procedure. An employee in an exclusive bargaining unit must use the negotiated grievance procedure.

(e) Equal employment opportunity and prohibited personnel practice complaint procedures apply to performance appraisal in the same manner as they apply to other matters.

(f) OSMRE's process for reconsideration review for all employees is as follows:

1 Employees should submit any formal request for reconsideration review as promptly as possible to the Servicing Personnel Office for a technical review, but not later than 10 working days after notification of the action or issue for which reconsideration is being requested. The employee, in the written request for reconsideration review, will identify the matter of concern or dissatisfaction, provide supporting documentation, and provide copies of the performance plan and performance rating.

2 The Servicing Personnel Office will promptly forward a copy of the request for reconsideration review with documentation to the rating and reviewing officials. These officials will provide a written
* response to the SPO within 10 working days of receipt. The SPO will then forward the reconsideration request and any responses to the next higher level official (or designee) above the reviewing official for resolution.

(g) The reconsideration review will be conducted by a person who has not been involved in the request submitted.

(h) The official conducting the reconsideration review will review the documents available and issue a written decision to the
* employee within 10 working days of receipt of the request for reconsideration review. There is no further level of review.

* (i) Changes to the appraisal will be made and initialed by the official who determines that changes are required.

(j) The deciding official will provide a copy of the written decision and any changes in the appraisal to the SPO after attaining written acknowledgement from the employee.

(11) Relationships of Performance Appraisal to other Personnel Actions.

(a) General. Supervisors and managers will use performance ratings of subordinate employees as a basis for adjusting base pay and determining performance awards, training, reassigning, promoting, reducing in grade, reduction-in-force, retaining, and removing employees. Such determinations will also be influenced by decisions made by the Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and the courts.

(b) Promotion. No employee will receive a career ladder promotion unless his or her current rating of record is Fully Successful or higher. In considering an employee under merit promotion procedures, due weight may be given to supervisory appraisals of past or present performance.

(c) Awards. Performance appraisals are to be used as a basis for rewarding employees.

1 GM employees receiving an Outstanding rating (level 5) must receive a performance award. GM employees rated as Highly Successful (level 4) or Fully Successful (level 3) may receive a performance award (See PER-17 and 370 DM 540), but only if the award is supported by full justification as to how performance exceeded the expectations of the position.

2 Non-GM employees who are rated at the Outstanding or Highly Successful level should be considered for a performance award (See PER-17 and 370 DM 430). They are not required to receive an award. There should be no automatic awards based solely on performance appraisal. The performance appraisal document may be used to justify an award but only if it supports the conclusion that overall performance was substantially above the exceeded fully successful level. Those attaining an Outstanding rating are eligible for a Quality Step Increase provided they have not received one in the preceding 52 weeks.

(d) Within-Grade Increase.

1 In order to earn a within-grade increase, a General Schedule employee must be performing at an "acceptable level of competence" (i.e., most recent rating of record at least Fully Successful) and have completed the required waiting period. An employee whose most recent rating of record is unacceptable or minimally successful is not performing at an acceptable level of competence and the within-grade increase must be withheld.