

INDIAN AFFAIRS MANUAL

Part 28

Human Capital Management

Chapter 430

Performance Appraisal – Reconsideration Process

Page 1

1.1 Purpose. This policy defines the process for requesting reconsideration of a performance appraisal rating. All other Indian Affairs (IA) memoranda, manuals, guidance, or personnel management notices regarding the performance appraisal reconsideration process are superseded by this document.

1.2 Scope. This policy applies to all programs and offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including AS-IA offices, the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE).

This policy does not apply to the Senior Executive Service (SES). The performance appraisal procedures for the SES are addressed in 5 Code of Federal Regulations (CFR) 430 Subpart C and in 370 Departmental Manual (DM) 430.

1.3 Policy. An employee may request a reconsideration of a rating given on a performance appraisal element, which, if changed, would affect the outcome of the overall rating of record.

1.4 Authority.

A. Statutes and Regulations.

- 1) 5 CFR 430, Performance Management

B. Guidance.

- 1) 370 DM 430, Performance Management System
- 2) Department of the Interior (DOI) Personnel Bulletin No.: 07-12, Exceptions to Performance Appraisal Review Procedures, December 20, 2007

C. Handbooks.

- 1) 370 DM 430, The Department of the Interior's Performance Appraisal Handbook: A Guide for Managers/Supervisors and Employees, 10/4/04 #370DM430HB-1 (Revised 09-10)

1.5 Responsibilities.

A. The Deputy Assistant Secretary – Indian Affairs (Management) is responsible for administering this policy across IA.

B. IA Office of Human Capital Management is responsible for providing information and guidance to supervisors, managers, and employees regarding this process.

1.6 Standards, Requirements, and Procedures.**A. Informal Reconsideration Procedure**

The employee and rating official should informally attempt to resolve any disagreement about the performance appraisal and/or rating. An employee must discuss their dissatisfaction with the rating official before requesting a formal reconsideration unless the employee requests in writing to move directly to the formal stage.

This informal discussion should take place within 7 calendar days of the employee's receipt of the Employee Performance Appraisal Plan (EPAP). The rating official's decision must be communicated to the employee in writing within 7 calendar days of the informal reconsideration discussion (14 calendar days after the employee received the appraisal).

If agreement cannot be reached informally, the employee may request a formal reconsideration of the rating through their servicing Human Resources Office (HRO).

B. Formal Reconsideration Procedure

To request a formal reconsideration, the employee should send a written request to their servicing HRO within 7 calendar days of receipt of decision of the informal meeting. This request should include the following:

- Employee organization and duty station;
- Copy of the annual appraisal for which a reconsideration is being requested;
- Specific area(s) or details of the annual appraisal for which the reconsideration is being requested;
- The identity of the employee's designated representative (name, title, address, and telephone number), if applicable;
- Why the employee believes the rating is in error, with supporting facts and documents;
- The action the employee requests of the reconsideration official; and
- A copy of the written decision of the informal reconsideration by the rating official, a statement confirming that the informal process was followed, and/or a written request to move directly to the formal stage.

The servicing HRO will review the formal request for reconsideration to determine if it is appropriate for acceptance under these procedures.

- If the request is not accepted, the request will be returned to the employee with an explanation of the reason(s) for non-acceptance.
- If the request is accepted, the request for reconsideration is referred within 14 calendar days of receipt to the reconsideration official.

INDIAN AFFAIRS MANUAL

The formal reconsideration process shall be carried out by a person who has not been involved in the reconsideration request. The servicing HRO will advise the reconsideration official of his/her responsibilities during this formal process.

An employee may be represented during the formal reconsideration process. However, Bureau management may disallow the employee's choice of representative for reasons of conflict of interest, position, or unreasonable cost to the Government.

The authority of the reconsideration official is limited to an impartial reconsideration of the employee's dissatisfaction with the rating given on a particular element that he/she believes may adversely affect the annual rating of record. The employee may not dispute:

- (1) The number or type of performance elements identified for their position, or
- (2) The substance or contents of performance standards, including the objective criteria against which performance will be measured.

The reconsideration official will be provided all the resources necessary to complete the impartial reconsideration and render the final decision. The reconsideration official is responsible for the following actions in considering an employee's formal reconsideration request:

- (1) Reviewing any evidence or information submitted by the employee, rating official, and/or HRO reviewing official;
- (2) Consulting with the employee, the employee's representative (if applicable), the rating official, the HRO reviewing official, and staff experts as necessary and appropriate;
- (3) Increasing the summary rating or an element rating; removing or modifying narrative comments, or leaving the summary rating, element ratings, or narrative comments unchanged; and
- (4) Issuing a final written decision within 20 calendar days of receipt of the request for reconsideration that includes documentation of the basis for the decision. This document must be given to the employee.

The decision rendered by the reconsideration official is final and binding, and becomes the official rating of record. There is no further right of review in the performance management process.

Timeframes outlined above may be extended on a case-by-case basis upon mutual consent of the parties and with concurrence of the servicing HRO.

INDIAN AFFAIRS MANUAL

Part 28

Human Capital Management

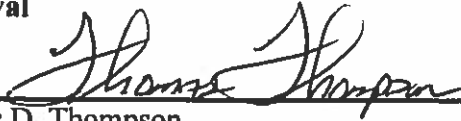
Chapter 430

Performance Appraisal – Reconsideration Process

Page 4

Employees covered by a Collective Bargaining Agreement that includes a reconsideration procedure will be governed by that procedure as the exclusive method to request reconsideration.

Approval



Thomas D. Thompson

Deputy Assistant Secretary – Indian Affairs (Management)

6/9/2015
Date