

# Reclamation Manual

## Directives and Standards

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- Subject:** Annual Performance Appraisal Period and Reconsideration Procedure
- Purpose:** To establish the 12-month appraisal period for employees covered by the Performance Management System of the Department of the Interior (Department), and the process by which employees may request reconsideration of their rating of record.
- Authority:** The Departmental Manual, 370 DM 430, Performance Management System, establishes the policy, procedures, and authority/responsibility for performance management within the Department.
- Contact:** Human Resources Division, D-7511
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1. **Introduction.** This Directive and Standard (D&S) provides supplemental performance management requirements concerning Reclamation's annual appraisal period and the process for reconsideration of rating of record (also called a summary rating) for employees covered by the Department's Performance Management System. Therefore, this D&S must be used in conjunction with Departmental Manual 370 DM 430. For definition of specific terms used in this D&S, refer to 370 DM 430, 1.4.
2. **Appraisal Period.**
  - A. **General.** The annual appraisal period is January 1 to December 31 for all Reclamation employees except Senior Executive Service (SES) members, Presidential appointees, Job Corps Center employees, and temporary employees whose employment is not expected to exceed 120 days.
  - B. **Job Corps.** The appraisal period for all employees in Reclamation's Job Corps Centers is July 1 to June 30.
  - C. **Extensions.** The appraisal period may be extended up to 90 days past December 31 (or June 30 for Job Corps employees) if an employee has not been under performance standards for at least 90 days at the end of the rating period, or is on a Performance Improvement Plan that will end within 90 days of the end of the rating period.

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### 3. Reconsideration Procedure.

#### A. General.

- (1) An employee who is dissatisfied with the numerical rating they received on one or more performance elements may request reconsideration of the element rating(s) only if the outcome of the overall summary rating (i.e., rating of record) is affected by changing the disputed element rating(s). An employee may not dispute the number or type of performance elements identified for their position, or the content of performance standards.
- (2) This reconsideration procedure is the exclusive procedure for review of a summary rating; therefore, in accordance with 370 DM 771, 3.5B(1), summary ratings or numerical element ratings may not be grieved through the Departmental grievance system inasmuch as this reconsideration procedure substitutes for the administrative grievance procedure.
- (3) Special Considerations:
  - (a) Employees in bargaining units represented by a union and covered by a Collective Bargaining Agreement (CBA) may have the right to grieve a summary/numerical element rating through the negotiated grievance procedure or request reconsideration through a negotiated reconsideration procedure. Where grievance or reconsideration rights are provided in a CBA, bargaining unit employees must use that procedure. Where grievance/reconsideration rights are not provided in a CBA, bargaining unit employees may use the provisions of this D&S.
  - (b) Complaints of discrimination based on race, color, religion, sex, national origin, disability, or age involving a numerical element rating or summary rating are reviewed and processed through the Equal Employment Opportunity (EEO) discrimination complaint procedures under the provisions of 29 CFR Part 1614.
  - (c) Complaints alleging that a numerical element rating or summary rating constitutes a prohibited personnel practice under 5 USC 2302(b) are reviewed and processed in accordance with procedures established by the U.S. Office of Special Counsel pursuant to 5 CFR Part 1800.

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### B. Informal Procedure.

- (1) An employee must discuss his/her dissatisfaction about the summary rating and/or individual element rating(s) with the rating official (normally the employee's supervisor) before requesting a formal reconsideration. The informal discussion will take place within 7 calendar days of the employee's receipt of the signed Employee Performance Appraisal Plan (EPAP). The employee will provide the rating official with facts, documents, and rationale supporting their belief that the rating is in error. If the rating official or the employee is not available to conduct the informal discussion, the employee must request an extension from the servicing Human Resources Office (HRO). The rating official must provide a decision, orally or in writing, to the employee within 7 calendar days of the informal discussion.
- (2) If the dissatisfaction is not resolved, the employee may request a formal reconsideration as provided for in section 3.C(1).

### C. Formal Procedure.

- (1) A formal request for reconsideration must be submitted in writing to the servicing HRO within 7 calendar days after receipt of the informal decision. The written request must include:
  - (a) Employee's organization and duty station;
  - (b) Copy of the annual appraisal (summary rating) for which reconsideration is being requested;
  - (c) Identification of the specific element rating(s) for which reconsideration is being requested;
  - (d) Explanation why the element rating(s) is believed to be in error, with supporting documentation and rationale;
  - (e) The specific action requested of the reconsideration official;
  - (f) The identity of the employee's designated representative (name, title, address, and telephone number), if applicable; and

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- (g) A copy of the written decision of the informal reconsideration by the rating official, or a statement from the rating official confirming that the informal procedure was followed.
- (2) An employee may be represented during the formal reconsideration process. However, the employee's choice of representative may be disallowed by the servicing HRO for reason of conflict of interest or position, or unreasonable cost to the government. If an employee's representative is disallowed, the employee may request a review of that decision by the bureau Human Resources Division (HRD) Manager. The request for review must be filed with the servicing HRO within 7 calendar days after employee receipt of notification that the representative has been disallowed. A copy of the servicing HRO decision and the employee's request for review shall immediately be forwarded to the HRD Manager.
- (3) An employee and their representative, if an employee of Reclamation, may use a reasonable amount of official time, if they would otherwise be in an active duty status, to present the reconsideration request and to obtain advice/information from official sources, e.g., servicing HRO. The time allowed depends on the facts of the specific case and is subject to supervisory approval. Normally, no more than four hours of official time may be used for this purpose.
- (4) Upon receipt of the request for reconsideration, the servicing HRO will review the request to determine if it meets the criteria in section 3.A(1). If it does not meet the criteria, the request will be returned to the employee with an explanation of the reason(s) for nonacceptance.
- (5) If accepted, the request for reconsideration is referred within 14 calendar days of receipt to the reconsideration official. The reconsideration official will normally be the official at the next higher organizational level above the rating official unless they served as reviewing official of the appraisal involved in the request for reconsideration. In this event, the reconsideration official will normally be an official in the next higher administrative level of the organization.
- (6) The reconsideration official is responsible for:
  - (a) Reviewing any evidence or information submitted by the employee; rating official, and/or reviewing official;

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- (b) Consulting with the employee, the employee's representative (if applicable), the rating official, the reviewing official, and staff experts as necessary and appropriate;
  - (c) Increasing a numerical element rating(s) and summary rating, or leaving the element rating(s) and summary rating unchanged; and
  - (d) Transmitting a final written decision to the employee within 20 calendar days of receipt of the request for reconsideration that includes documentation of the basis for the decision. A copy of the decision is also filed in the Employee Performance File (EPF).
- (7) The decision rendered by the reconsideration official is final and represents Reclamation's final determination.
- (8) The 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.