

Minerals Management Service Interim Policy Document

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IPD No. 05-05

Series: Administrative

Title: Performance Rating Reconsideration Process

Originating Office: Human Resources Division, Office of Administration and Budget

1. **Purpose.** This document provides policy and guidance to Minerals Management Service (MMS) managers, employees, and Servicing Human Resources Offices regarding the performance rating reconsideration process and must be used in conjunction with the Department of the Interior (DOI) Manual 370 DM 430, Departmental Personnel Program Performance Management System, and the DOI Performance Appraisal Handbook (370 DM 430).

2. **Authority.**

A. Chapter 43 of Title 5, United States Code.

B. Part 430 of Title 5, Code of Federal Regulations.

3. **Policy.** When an employee has a concern about the rating given on a particular element, which, if changed, will affect the outcome of the rating of record (i.e., change the Summary Rating), he/she may request a reconsideration of this rating.

4. **Scope.** The provisions of this system apply to all employees except:

A. Presidential appointees, Senior Executive Service (SES) members, Senior Level and Scientific or Professional (SL/ST) employees.

B. Temporary and/or excepted service employees whose employment is not expected to exceed 120 days in a consecutive 12-month period.

C. Employees outside the United States who are paid in accordance with local prevailing wage rates, administrative law judges appointed under 5 U.S.C. 3105, Board of Contract Appeals judges appointed under 41 U.S.C. 607, and employees occupying positions excluded by Office of Personnel Management regulations.

5. **Procedures.**

A. Informal Reconsideration

(1) The employee and rating official should informally attempt to resolve any disagreement

about the performance appraisal and/or rating. An employee must discuss any dissatisfaction with the rating official before requesting a formal reconsideration. This informal discussion should take place within 7 calendar days of the employee's receipt of the Employee Performance Appraisal Form. The rating official's decision must be communicated to the employee, in writing, within 7 calendar days of the informal reconsideration discussion.

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

B. Formal Reconsideration

(1) To request a formal reconsideration, the employee should send a written request to the servicing Human Resources Office 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.
- A copy of the rating official's written decision of the informal reconsideration.
- A statement confirming that the informal process was followed.

(2) The servicing Human Resources Office will review the formal request for reconsideration to determine if it is appropriate for acceptance under these procedures. If it is not accepted, the request will be returned to the employee with an explanation of the reason(s) for non-acceptance. If accepted, the request for reconsideration is referred within 14 calendar days of receipt to the reconsideration official.

(3) The reconsideration official will be the rating official's next higher level supervisor in the chain of command within the MMS, provided this individual did not directly participate in the appraisal process concerned. When practical, this individual does not occupy a position subordinate to any official who recommended, advised, or made a decision in connection with the appraisal involved. If a reviewing official has signed the performance appraisal, then the reconsideration official will be the next higher level supervisor in the chain of command. The servicing Human Resources Office shall advise the reconsideration official of his/her responsibilities during this formal process.

(4) An employee may be represented during the formal reconsideration process. The Human Resources Office may disallow the employee's choice of representative for reason of conflict of interest or position, or unreasonable cost to the Government.

(5) 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 the position, or (2) the substance or contents of performance standards, including the objective criteria against which performance will be measured.

(6) The reconsideration official is responsible for the following actions in considering an employee's formal reconsideration request:

(a) Reviewing any evidence or information submitted by the employee, rating official, and/or reviewing official.

(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 the summary rating or an element rating; removing or modifying narrative comments, or leaving the summary rating, element ratings, or narrative comments unchanged.

(d) Issuing a final written decision within 20 calendar days of receipt of the request for reconsideration that includes a documentation of the basis for the decision. This document must be given to the employee and filed in the Employee Performance File (EPF).

(7) The reconsideration official shall be provided all the resources necessary to complete the impartial reconsideration and render the MMS's decision.

(8) The decision rendered by the reconsideration official is final and becomes the official rating of record. There is no further right of appeal.

(9) Timeframes outlined above may be extended on a case-by-case basis upon mutual consent of the parties and with concurrence of the servicing Human Resources Office.

6. Collective Bargaining. 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.

7. Cancellation. This IPD will remain in effect until no longer needed or until incorporated into the MMS Manual.

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