

Reclamation Manual

Directives and Standards

Subject:	Performance Management
Purpose:	Establishes the Bureau of Reclamation's performance management framework and sets forth the requirements and responsibilities for performance management. The benefits of this Directive and Standard (D&S) are twofold: (1) promotes consistency in implementation of and adherence to performance management requirements and responsibilities; and (2) educates employees and rating officials on the components of performance management.
Authority:	5 U.S.C. 43 – <i>Performance Appraisal</i> ; 5 CFR Part 430 – <i>Performance Management</i> ; Department of the Interior's Departmental Manual (DM), 370 DM 430 , <i>Performance Management System</i> ; and 370 DM 430HB-1 , the <i>Department of the Interior's Performance Management Handbook</i> , (Revised 10-18).
Approving Official:	Director, Policy and Administration (POLICY)
Contact:	Human Resources (HR) Policy and Programs Division (HRPPD) (84-58000)

1. **Introduction.** This D&S provides Reclamation's supplemental implementation framework for performance management. This D&S must be used in conjunction with 370 DM 430 and the Department of the Interior's Performance Management Handbook.
2. **Applicability.** This release applies to all Reclamation employees except Senior Executive Service (SES) members; Senior Level and Scientific or Professional (SL/ST) employees; Presidential appointees; and temporary and/or service employees whose employment is not expected to exceed 120 consecutive calendar days in a 12-month period.
3. **Definitions.**
 - A. **Appraisal.** The process of reviewing and evaluating performance, and the resulting assessment of how well objectives were achieved.
 - B. **Appraisal Period.** Also called the appraisal or rating cycle, this is the established 12-month period of time during which performance is reviewed and a rating of record prepared. Reclamation's appraisal period will coincide with the fiscal year.
 - C. **Benchmark Standards.** Generically defined performance standards at each of the four levels, which may be further defined with specific performance standards developed for individual positions. The benchmark standards are applied to each critical element and must be further defined with specific performance standards at the Fully Successful level for each critical element.

Reclamation Manual

Directives and Standards

- D. **Critical Element.** A work assignment or responsibility of such importance that Unacceptable performance on the element would result in a determination that an employee's overall performance is Unacceptable.
- E. **Day.** Unless otherwise specified, day means calendar day.
- F. **Employee Performance Appraisal Plan (EPAP) and Supervisor Performance Appraisal Plan (SPAP) Forms.** The only authorized form ([DI-3100](#) for non-supervisory employees; [DI-3100S](#) for supervisory employees) for documenting employee and supervisory performance plans and ratings.
- G. **Interim Appraisal.** A written appraisal that includes a summary rating issued under specific, limited circumstances prior to the end of the appraisal period to an employee who has been under a performance plan for at least 90 days. For additional information on the circumstances in which they are issued, see 370 DM 430 paragraph 6.G(5).
- H. **Minimum Appraisal Period.** The length of time, 90 days, that the employee must be performing in a position supervised by the rating official and under a performance plan in order to be eligible for an interim or annual appraisal.
- I. **Notice of Opportunity to Demonstrate Acceptable Performance.** A written notice that identifies the critical element(s) in which an employee's performance is Unacceptable, informs the employee of the performance requirement(s) or standard(s) that must be reached to demonstrate acceptable performance (at least Fully Successful), and identifies assistance that will be provided during the opportunity period. This notice must also inform the employee that unless their performance in the critical element(s) improves to and is sustained at an acceptable level (Fully Successful), the employee may be reduced in grade or removed.
- J. **Opportunity Period.** The period of time afforded to an employee, whose performance has been determined to be Unacceptable in one or more critical elements, to demonstrate acceptable (at least Fully Successful) performance in the critical element(s) at issue. This period is generally 30 days, except when the supervisor determines that a longer period is necessary to provide sufficient time to evaluate the employee's performance. If the employee's performance remains at the Unacceptable level during the opportunity period, further action is warranted. The opportunity period begins on the day the employee is issued a Notice of Opportunity to Demonstrate Acceptable Performance unless the notice document indicates otherwise.
- K. **Performance.** The manner in which the employee accomplishes work assignments or responsibilities.
- L. **Performance Award.** A Quality Step Increase, cash award, or time-off award based on an employee's performance as documented in his/her most recent rating of record.

Reclamation Manual

Directives and Standards

- M. **Performance Plan.** A written plan consisting of identified critical elements and the performance standards that identify expected levels of performance for each critical element. The performance plan is documented using the EPAP or SPAP form. “Non-critical” or “additional” elements are not permitted in performance plans.
- N. **Performance Rating.** The written appraisal of performance based on the performance standard(s) for each critical element that an employee has had an opportunity to perform during the minimum appraisal period. It includes a rating for each critical element, as well as a summary rating.
- O. **Performance Standard.** The management-approved expression of the performance threshold(s), requirement(s), or expectation(s) (e.g., expressed measures such as quantity, quality, timeliness, cost effectiveness, and manner of performance) that must be met to be appraised on a critical element at a particular level of performance.
- P. **Progress Review.** Discussion between the rating official and the employee that occurs at least once during the appraisal period to review the employee’s progress and communicate performance on the identified critical elements as compared to the performance standards established; to make any recommended revisions to the critical elements or performance standards; and to consider or identify any developmental needs or performance improvements required. The rating official must document that the progress review occurred on the EPAP or SPAP form. A progress review does not result in a summary rating or assignment of performance ratings on the critical elements.
- Q. **Rating Official.** The supervising official, ordinarily the employee’s immediate supervisor, who establishes critical elements and performance standards, provides performance feedback, evaluates the employee’s performance, and assigns the rating of record.
- R. **Rating of Record.** The performance rating prepared (1) at the end of an appraisal period for overall performance over the entire period or (2) to document a level of competence determination for Within-Grade Increase (WGI) purposes when the employee’s most recent rating of record is not consistent with their performance. The rating of record, also called an annual summary rating, is one of the four available ratings (i.e., Outstanding, Exceeds Expectations, Fully Successful, or Unacceptable).
- S. **Reclamation Leadership Team (RLT).** Reclamation’s Executive Schedule, Senior Executive Service, and Senior Level positions comprise the RLT.
- T. **Reviewing Official.** The individual, generally the second-level supervisor, with authority to review and approve ratings at the Outstanding and Unacceptable levels.

Reclamation Manual

Directives and Standards

4. Responsibilities.

A. **Commissioner.** The Commissioner is responsible for:

- (1) implementing, supporting, and communicating information to employees about Reclamation's Performance Management program;
- (2) establishing and communicating organizational performance and/or strategic goals;
- (3) holding subordinate managers and supervisors accountable for appraising employees accurately and consistently based on their accomplishments and contributions and ensuring that all covered employees receive timely performance plans and appraisals in accordance with the requirements of these procedures; and
- (4) establishing a method for an employee not covered by a collective bargaining agreement (or whose collective bargaining agreement does not contain reconsideration procedures) to request reconsideration of a performance rating.

B. **Director, POLICY.** The Director, POLICY, as the Reclamation Human Capital Officer is responsible for:

- (1) administering an effective performance management framework;
- (2) approving Reclamation's performance management procedures;
- (3) monitoring and evaluating compliance of the performance management procedures and taking necessary actions to improve or modify them as necessary;
- (4) ensuring subordinate managers and supervisors appraise employees accurately and consistently based on their accomplishments and contributions so that all covered employees receive timely performance plans and appraisals in accordance with these procedures; and
- (5) overseeing the establishment of Reclamation's reconsideration process.

C. **RLT.** The RLT is responsible for:

- (1) implementing and communicating performance management procedures;
- (2) establishing and approving additional resources, as necessary, for the effective administration of performance management;
- (3) ensuring training is provided to rating officials and employees for effectively carrying out their responsibilities;

Reclamation Manual

Directives and Standards

- (4) integrating aggregate results of the performance management process into identifying performance skill gaps and training that is needed to accomplish employee job duties and responsibilities, and submitting this information with the annual training needs survey;
- (5) ensuring subordinate managers and supervisors appraise employees accurately and consistently based on their accomplishments and contributions so that all covered employees receive timely performance plans and appraisals in accordance with these procedures;
- (6) implementing internal office procedures to review EPAPs and SPAPs periodically during the appraisal period to ensure accuracy and completeness; and
- (7) initiating appropriate management action(s) to ensure that subordinate rating officials are fulfilling their performance management responsibilities.

D. Manager, HRPPD. The Manager, HRPPD is responsible for:

- (1) collecting and analyzing data, and making recommendations to the Director, POLICY for managing and improving the performance management program;
- (2) ensuring performance management procedures are current and appropriate, and if not, ensuring they are updated accordingly by staff;
- (3) reviewing the quality and consistency of EPAP and SPAP preparation through periodic reviews, analysis of Human Capital Accountability Review report data, and other review methods, as appropriate;
- (4) acting as a liaison between the Department and Reclamation on policy interpretation and requests for performance management information; and
- (5) establishing Reclamation's reconsideration process.

E. Servicing HR Offices. Servicing HR offices are responsible for:

- (1) assisting supervisors and employees in identifying critical elements and developing measurable, results-oriented performance standards that describe expected results, are tied to the employee's Position Description (PD), and are unique for each critical element;
- (2) providing guidance and training to supervisors so they can effectively carry out their responsibilities for identifying critical elements, developing performance standards, appraising employee performance, and relating the performance management requirements to HR decisions, i.e., rewarding noteworthy performance and/or taking action to improve performance;

Reclamation Manual

Directives and Standards

- (3) providing information and training to employees to ensure they understand their roles and responsibilities associated with the performance management system;
- (4) providing assistance to rating officials and employees for holding discussions about information contained within the established EPAPs or SPAPs;
- (5) accepting requests for formal reconsideration from employees and providing assistance to rating and reviewing officials in working through the informal and formal reconsideration processes;
- (6) monitoring the submission of and compliance with interim appraisals, progress review discussions, and annual performance appraisals, to ensure components of performance management are met;
- (7) assisting supervisors with addressing employee performance issues; and
- (8) maintaining employee performance records according to agency and the Office of Personnel Management records management requirements.

F. Reviewing Officials. Reviewing officials are responsible for:

- (1) reviewing and approving ratings of Outstanding and Unacceptable;
- (2) in the absences of the rating official, preparing a performance rating and meeting with the employee for performance-related discussions, when appropriate;
- (3) holding their subordinate managers and supervisors accountable for appraising employees accurately and consistently based on their accomplishments and contributions and ensuring that all covered employees receive timely performance plans and appraisals in accordance with the requirements of these procedures; and
- (4) reviewing and deciding on formal reconsideration requests submitted by employees.

G. Rating Officials. Rating officials are responsible for:

- (1) engaging the employee in the process of determining critical elements and measurable, results-oriented performance standards that describe expected results and are applicable for each critical element, documenting the elements and standards in a performance plan within 45 days of the beginning of the appraisal period, the employee's entrance on duty, the assignment of an employee to a detail or temporary promotion scheduled to exceed 120 days, the assignment of an employee to a new position, or the rating official's assignment to a new or different supervisory position;

Reclamation Manual

Directives and Standards

- (2) ensuring that each employee's performance plan has at least one critical element that is linked to the strategic goal(s) of the organization;
- (3) determining which appropriate mission area(s), strategic goal(s), and/or key performance indicator(s) to utilize for developing the critical element(s) and standards in each employee's performance plan;
- (4) ensuring consistency of critical elements and performance standards for employees with similar duties and responsibilities;
- (5) reviewing and updating employee PDs as needed, ensuring critical elements and performance standards are linked to the PD;
- (6) monitoring employee performance during the appraisal period, holding employees accountable for achieving results and outcomes, and communicating with employees on an ongoing basis about the status of their performance as compared to the performance plan;
- (7) conducting at least one progress review for each employee at approximately the midpoint of the appraisal period to assess progress and communicate performance and documenting the discussion on the EPAP or SPAP form;
- (8) as appropriate, obtaining and utilizing feedback from internal and external customers, team members, coworkers, suppliers, stakeholders, or other appropriate individuals, concerning employee performance;
- (9) assisting employees in continuing to develop their job-related skills and in improving performance, when necessary;
- (10) ensuring employees are appraised accurately and consistently based on their accomplishments and contributions;
- (11) preparing the performance rating (including any interim ratings, as necessary) in a timely manner and meeting with the employee to discuss the rating and the employee's developmental needs;
- (12) discussing with the employee and working to resolve any informal reconsideration request(s);
- (13) recognizing, when possible, employees who demonstrate noteworthy performance and ensuring equity and consistency in consideration for awards within their organization(s);

Reclamation Manual

Directives and Standards

- (14) advising the reviewing official and seeking advice from the Servicing HR office when an employee's performance is Unacceptable (e.g., preparing denial of WGI notice, initiating and managing an opportunity period to demonstrate acceptable performance); and
- (15) taking appropriate action to address Unacceptable performance.

H. **Employees.** Employees are responsible for:

- (1) participating with their rating official in determining critical elements and defining measurable, results-oriented performance standards that describe expected results and are applicable for each critical element;
- (2) ensuring they have a clear understanding of their rating official's expectations, and of how the critical elements relate to the mission of the organization, requesting clarification if necessary;
- (3) signing for receipt of the performance plan and completed performance appraisal (signature indicates receipt only, not agreement);
- (4) managing their performance to achieve at least the Fully Successful level of performance on all critical elements and bringing to their rating official's attention circumstances that may affect their ability to achieve acceptable performance;
- (5) seeking performance feedback from their rating official, internal and external customers, and stakeholders, as appropriate;
- (6) preparing in advance for and participating in both the progress review and end of year annual performance rating discussions with their rating official; and
- (7) taking action to improve aspects of performance identified as needing improvement.

5. **Requirements.**

- A. **General.** The objective of performance management is to articulate the expectations of individual and organizational performance, to provide a meaningful process by which employees can be rewarded for noteworthy contributions to Reclamation and its mission, and to provide a mechanism to improve individual/organizational performance as necessary. In accomplishing these objectives, individual and organizational goals will be communicated to employees, such that the individual understands how their job responsibilities and requirements support the overall strategic mission and goals of the Department, Reclamation, and/or work unit. The individual's responsibility for accomplishing organizational goals will be identified, performance will be monitored

Reclamation Manual

Directives and Standards

and evaluated, and the rating of record will be used as a basis for appropriate personnel actions, including rewarding noteworthy performance and taking action to address Unacceptable performance.

- (1) The annual appraisal period is 12 months in length and based on the fiscal year (FY), October 1 to September 30. The appraisal period may be extended up to 90 days past the normal end date for an employee if, on the normal end date of the appraisal period, the employee has not been under a performance plan for at least 90 days, or has been afforded an opportunity period that started prior to the end of the appraisal period and will end within 90 days of the end of the normal period.
- (2) On the front page of the EPAP (DI-3100) and the SPAP (DI-3100S) forms, the appraisal period will be identified as the FY appraisal period, with the “from” and “to” dates of October 1 to September 30 of the FY.
- (3) Appendix A, Performance Management Timeline, identifies the required time frames of performance management.

B. Establishing Performance Plans.

- (1) The rating official, in collaboration with the employee, will develop a measurable, results-oriented performance plan for each employee. The use of the Department’s EPAP or SPAP benchmark performance standards by themselves, to define performance standards at the Fully Successful level, is not allowed. Performance standards will be augmented with measurable, results-oriented performance standards that describe expected results and are applicable for each critical element. If the employee and the rating official are unable to agree on performance standards, management has the final decision as to how the performance standards will be written.
- (2) In defining the Unacceptable performance standard for performance plans, the following performance standard definition is required for all employees: “Any performance that falls below that which is described as Fully Successful.”
- (3) A performance plan is established when it has been signed by the rating official and issued to the employee. Employees should sign the EPAP or SPAP form to acknowledge that they have received the performance plan, not indicate whether they agree with its content. If an employee refuses to sign, the rating official must document the refusal on the EPAP or SPAP form.

- C. **Timing.** Employee performance plans must be established and put in place within 45 days of the beginning of the appraisal period, the employee’s entrance on duty, the assignment of an employee to a detail or temporary promotion scheduled to exceed 120 days, the assignment of an employee to a new position, or the assignment of an employee to a new or different rating official.

Reclamation Manual

Directives and Standards

D. Mandatory Components of the Performance Plan.

- (1) Performance plans must have at least one (1), but no more than five (5), critical elements.
- (2) Rating officials must use the DI-3100 for non-supervisory employees and DI-3100S for supervisory employees. These forms cannot be modified, nor are any other forms authorized for use within the Reclamation. Automated versions of these forms are acceptable.
- (3) Performance plans for all supervisors and managers must include the mandatory critical element (one of the maximum of five elements) that addresses the level of performance expected for carrying out various supervisory/managerial duties. Rating officials must use the mandatory critical element as defined on the most recent version of the SPAP form. The mandatory critical element may not be modified.
- (4) Performance plans must have at least one critical element that is linked to the strategic goal(s) of the organization. Critical element(s) and performance standard(s) will be developed based on the appropriate mission areas, strategic goal(s), priority performance goal(s), strategies, or strategic plan performance measure(s) as they relate to the job responsibilities of the individual employee.
- (5) Some positions, because of the unique nature of their job responsibilities, have specific mandates for critical elements to be included in the performance plan (e.g., Federal Information Security Management Act (FISMA), Federal IT Acquisition Reform Act (FITARA)). Supervisors must be aware of those regulatory requirements and ensure that the mandatory criterion is adequately addressed as a critical element in the employee's performance plan.

E. Standards.

- (1) Performance standards must be focused on results and must include credible measures such as quality, quantity, timeliness, cost effectiveness, etc. Benchmark standards for each of the four possible levels of performance are described in detail in the Department's Performance Management Handbook and are part of the EPAP and SPAP forms. These benchmark standards can be applied to every position, but must be further defined with specific standards that describe the results expected at the various levels of performance for each critical element. **Federal regulations require, at a minimum, that a specific performance standard be established for each critical element at the Fully Successful level. In addition, supervisors are strongly encouraged to develop standards at additional levels as well so that employees clearly understand their performance expectations.**

Reclamation Manual

Directives and Standards

- (2) Standardized performance standards for certain like positions (i.e., same title, series, grade level, and similarly described duties and responsibilities) are permissible. Critical elements and performance standards will be standardized for positions in which there are a number of employees performing the same duties and responsibilities. In determining whether standardized performance criteria is appropriate for any single occupation or group of positions, consideration must be given to the following: (a) whether the work performed is reasonably identical in terms of required knowledge, skills, and abilities, and (b) whether job conditions or work environments are sufficiently similar so as to preclude any substantial difference in performance expectations. Particular precaution must be taken to ensure that employees are treated equitably in each organization or unit with standardized performance criteria and that actual employee performance is the sole contributing factor for any derived numerical summary rating differences.
- (3) At the time the EPAP or SPAP is prepared, the rating official will compare the employee's PD with the described critical elements to ensure that each of the critical elements relates to one or more of the major duties and responsibilities assigned in the employee's PD. If they do, the rating official certifies anywhere on the front page of the EPAP or SPAP that the EPAP or SPAP is consistent with the employee's PD. If the EPAP or SPAP does not correspond to the major duties and responsibilities described in the PD, the rating official will contact the Servicing HR office within 30 days to discuss revision of the PD. This shall not delay the communication of the EPAP or SPAP with the employee.
- (4) Critical elements and performance standards are established and approved by the employee's rating official, without higher level review.

F. Progress Reviews.

- (1) While it is expected that rating officials will provide employees with continuous informal feedback on their performance as compared to the expectations set forth in the performance plan, at least one formal mid-year performance review discussion is required. This review should be completed at approximately the midpoint of the appraisal year, but if not possible at the midpoint, no later than 90 calendar days before the end of the appraisal period.
- (2) The rating official will discuss the employee's accomplishments and progress toward meeting the performance standards, any necessary revisions to the performance standards due to changes in programs, priorities, or resources, and any performance improvement or training needs. No individual critical element rating or overall numerical summary rating is assigned during, or as a result of, the progress review.
- (3) At the conclusion of the progress review, the rating official and employee will sign and date Part B of the EPAP or SPAP front page in the spaces provided to

Reclamation Manual

Directives and Standards

indicate that the progress review has taken place. Any changes to the EPAP or SPAP resulting from the progress review discussion must be noted on the EPAP or SPAP and initialed by both the rating official and employee.

- (4) Progress review documentation is mandatory for employees who are performing at less than Fully Successful. Rating officials will contact the Servicing HR office immediately for assistance concerning appropriate documentation and action, at any time during the appraisal period, for employee(s) performance determined at less than Fully Successful.

G. Basis for Appraisal. A performance appraisal will be based on individual employee performance during the 12-month period of the rating cycle, including any details over 120 days. The rating official may seek input on the employee's performance from all appropriate sources to assist in determining the appropriate rating to assign. The rating official must obtain an interim rating for employees on details/temporary assignments over 120 days within the agency. For employees on details/temporary assignments outside of the agency for over 120 days, the rating official must make a reasonable effort to obtain performance information from the external agency. The rating official must also consider any interim rating(s) assigned during the rating cycle and weigh these in accordance with paragraph 1.6G(4)(c) of 370 DM 430. In appraising performance, rating officials may not take into consideration work that is not completed because of an absence for which the employee is on any type of approved leave.

H. Rating Employee Performance.

- (1) The rating official will normally be the employee's immediate supervisor. In the event the rating official is not available, the reviewing official will fulfill this responsibility.
- (2) A narrative summary must be written for each critical element assigned a rating of Outstanding or Unacceptable and is highly encouraged for ratings at all levels. The summary will contain examples of the performance that substantiates and explains how the employee's performance achieved the assigned rating. The narrative summaries are recorded on the EPAP or SPAP forms or included as an attachment.
- (3) In situations where an employee(s) has had a change in a rating official during the last 90 calendar days of the appraisal period and the previous rating official did not prepare an interim EPAP or SPAP before leaving, the reviewing official must prepare the employee numerical summary rating(s)¹.

¹See page 10 of 370 DM 430 for a description of the four numerical scoring levels, Outstanding, Exceeds Expectations, Fully Successfully, and Unacceptable.

Reclamation Manual

Directives and Standards

- (4) If the rating official does not place an employee on a performance plan for at least 90 days during an appraisal period, the employee will not be eligible for a rating. A presumptive rating may not be assigned (5 CFR § 430.208(a)(2)).
- (5) If the rating official leaves his/her position in the final 90 days of the appraisal period, and the supervised employees otherwise meet the criteria for receiving a rating, the departing rating official must prepare a summary rating for their employees, which will serve as the rating of record for that appraisal period.
- (6) The rating official must prepare an annual summary rating based on previously communicated critical elements and performance standards for all eligible employees² no later than 30 days after the completion of the annual appraisal period, or upon completion of an extension period, if applicable.
- (7) Rating officials must not assign employee ratings under any predetermined distribution system (such as a bell curve). This is contrary to the intent of the performance management system and would interfere with assigning ratings based on actual performance.
- (8) All summary ratings (including interim ratings) of Outstanding or Unacceptable must be reviewed and approved by the reviewing official prior to the rating official's discussion with the employee. This requirement does not apply in those cases where the rating official is the Commissioner. A review of a summary rating is not required for ratings of Exceeds Expectations or Fully Successful.
- (9) After the rating is completed and approved/signed by the reviewing official (in cases of Outstanding and Unacceptable ratings), but no later than 30 days following the completion of the rating cycle (including extensions, if applicable), the rating official must discuss the summary rating and narratives with the employee. Once the discussion is complete, the rating official and employee³ must sign the EPAP or SPAP form. The rating official's signature on the form documents that the rating of record has been issued to and discussed with the employee. A copy of the completed and signed EPAP or SPAP form will be provided to the employee and a copy must be forwarded to the Servicing HR Office within 60 days following the end of the appraisal period to be filed in the employee's electronic Official Personnel Folder (eOPF). The rating official must also retain a copy of the form for their records.

²See 370 DM 430 pages 11 and 12 for information on eligibility for ratings.

³If the employee refuses to sign the EPAP or SPAP form, the rating official must document the refusal on the form and forward it to the Servicing HR office for filing in the eOPF.

Reclamation Manual

Directives and Standards

- I. **Unacceptable Performance.** See paragraphs 1.7E and F of 370 DM 430 for discussions on addressing employee performance issues and Unacceptable performance.
- J. **Recordkeeping.** Each Servicing HR office is responsible for retaining EPAP and SPAP completed forms for employees of their Servicing organizations. The four most current EPAP and SPAP completed appraisals will be filed electronically in the eOPF, in the employee performance file. Documentation related to the reconsideration process will also be filed in eOPF with the completed appraisal for the applicable year.
- K. **Reconsideration Process.**
- (1) **General.**
 - (a) An employee may request reconsideration of the critical element rating(s) only if the outcome of the numerical summary rating is affected by changing the disputed critical element rating(s) (e.g., Unacceptable to Fully Successful or Fully Successful to Exceeds Expectations).
 - (b) An employee cannot dispute the number or type of critical elements identified for their position or the content of performance standards.
 - (2) **Special Considerations.**
 - (a) Bargaining unit employees covered by a Collective Bargaining Agreement (CBA) will be governed by the Negotiated Grievance Process outlined in the CBA.
 - (b) In accordance with 370 DM 771 – Administrative Grievance Procedures, 1.7 - Matters Excluded (G), employees cannot grieve numerical summary ratings or individual critical element ratings through the Department’s administrative grievance system. All non-bargaining unit employees will use the reconsideration process described in this D&S.
 - (3) **Informal Reconsideration Process.**
 - (a) An employee is required to discuss the reasons for their belief that the individual critical element rating(s) is incorrect with the rating official prior to requesting a formal reconsideration. The informal discussion will take place within 7 days of the employee’s receipt of the performance appraisal. The employee will provide the rating official with facts, documents, and rationale supporting their belief that a critical element rating(s) is incorrect. If the rating official or the employee is not available to conduct the informal discussion, the employee will request an extension from the Servicing HR

Reclamation Manual

Directives and Standards

officer or designee.⁴ The rating official must provide a written decision regarding the employee's informal reconsideration request within 7 days of the informal reconsideration discussion.

- (b) If discussion with the rating official does not resolve the employee's belief that the rating(s) is incorrect, the employee may request a formal reconsideration.

(4) **Formal Reconsideration Process.**

- (a) A formal reconsideration request must be submitted by the employee in writing to the Servicing HR officer or designee, within 7 days of receipt of the written informal reconsideration decision from the rating official.⁵ At the time of submission, the request must include the following:
 - (i) a copy of the rating official's written decision on the informal reconsideration request;
 - (ii) the employee's organization, duty station, and telephone number;
 - (iii) a copy of the completed annual performance appraisal for which reconsideration is being requested;
 - (iv) identification of the specific critical element rating(s) for which reconsideration is being requested;
 - (v) an explanation of why the critical element rating(s) is believed to be in error, with supporting documentation and rationale;
 - (vi) the specific action requested of the reviewing official; and
 - (vii) the identity of the employee's designated representative (name, title, address, and telephone number), if applicable.
- (b) The Servicing HR officer or designee will review the content of the formal reconsideration request to determine if it is complete and appropriate for acceptance under these procedures as follows:

⁴If the Servicing HR officer is the employee requesting an extension or the supervisor of an employee requesting an extension, the extension request will be made to the reviewing official.

⁵When the Servicing HR officer is submitting the formal reconsideration request or is the supervisor of an employee submitting the formal reconsideration request, the request will be submitted within 7 days of receipt of the written informal reconsideration decision to the reviewing official. In these circumstances, the reviewing official will follow Paragraphs 5.I.(4)(a) and (b), with the exception of (b)(ii), in acting upon this request.

Reclamation Manual

Directives and Standards

- (i) If the Servicing HR officer or designee denies the request for reconsideration, they will return the request to the employee with a written explanation of the reason(s) for the denial within 7 days of receipt [e.g., the request was not received in the Servicing HR office within the 7-day timeframe or changing the rating(s) in question would not impact the overall numerical summary rating].
 - (ii) If the Servicing HR officer or designee accepts the request, they or designee will refer the request for reconsideration to the employee's reviewing official.
 - (iii) The reviewing official will have 21 days from receipt of the formal reconsideration request to render a final, written decision. If the reviewing official needs more time to respond, they will notify the HR officer and the employee of the extension date for the final, written decision. The reviewing official will have a maximum of 30 days to respond to the formal reconsideration case.
 - (iv) The decision rendered by the reviewing official is final and binding.
- (5) **Representation During the Formal Reconsideration Process.**
- (a) If desired by the employee, they may be represented during the formal reconsideration process. The Servicing HR officer or designee will disallow an employee's choice of a representative if there is a conflict of interest or of position, if the representative's participation would result in unreasonable costs, or if high impact work assignments would be negatively impacted.
 - (b) The right to formal reconsideration representation does not include the right to a formal hearing; the appearance of witnesses will not be permitted.

RECLAMATION MANUAL TRANSMITTAL SHEET

Effective Date: _____

Release No. _____

Ensure all employees needing this information are provided a copy of this release.

Reclamation Manual Release Number and Subject

Summary of Changes

NOTE: This Reclamation Manual release applies to all Reclamation employees. When an exclusive bargaining unit exists, changes to this release may be subject to the provisions of collective bargaining agreements.

Filing instructions

Remove Sheets

Insert Sheets

All Reclamation Manual releases are available at <http://www.usbr.gov/recman/>

Filed by: _____

Date: _____