

**DEPARTMENT OF THE INTERIOR  
BUREAU OF OCEAN ENERGY MANAGEMENT**

**TRANSMITTAL SHEET**

Version No. 001

Date: **SEP 13 2019**

Subject: Administrative  
Part: 370 Personnel Program  
Chapter: 300 Performance Management System  
Subchapter: 2 Performance Rating Reconsideration Process

**EXPLANATION OF MATERIAL TRANSMITTED:**

This chapter establishes policy and procedures regarding performance rating reconsideration for the Bureau of Ocean Energy Management (BOEM) employees under the Performance Management System. Bargaining unit employees may be required to follow this procedure if there is a signed written agreement between Management and the Union to allow for the use of these procedures.



Walter D. Cruickshank  
Acting Director

---

**FILING INSTRUCTIONS:**

REMOVE:

<u>Part</u>	<u>Chapter</u>	<u>Pages</u>	<u>Release</u>
	N/A		

INSERT:

<u>Part</u>	<u>Chapter</u>	<u>Subchapter</u>	<u>Pages</u>	<u>Version</u>
370	300	2	5	001

**Department of the Interior**  
**Bureau of Ocean Energy Management Manual**

**Effective Date:** September 13, 2019

**Version No:** 001

**Series:** Administrative

**Part:** 370 Personnel Program

**Chapter:** 300 Performance Management System

**Subchapter:** 2 Performance Rating Reconsideration Process

**Originating Office:** Office of Budget and Program Coordination

1. **Purpose.** This manual chapter establishes the Bureau of Ocean Energy Management (BOEM) policy and procedures regarding the performance rating reconsideration process and must be used in conjunction with the Department of the Interior (DOI), Departmental Manual (DM), 370 DM 430, Departmental Personnel Program, Performance Management System, the DOI Performance Appraisal Handbook, and Collective Bargaining Agreements, if applicable.
2. **Scope.** This manual chapter applies to all BOEM employees under the Performance Management System. Bargaining unit employees may be required to follow this procedure if there is a signed written agreement between Management and the Union to allow for the use of these procedures.
3. **Authorities.**
  - A. 5 United States Code 43, Performance Appraisal.
  - B. 5 Code of Federal Regulations 430, Performance Management.
  - C. Departmental Manual Performance Management System, 370 DM 430.
  - D. DOI Performance Appraisal Handbook, 370 DM 430-HB.
4. **References.**
  - A. Collective Bargaining Agreements (if applicable).
  - B. Department Policy, Personnel Bulletin 10-12, Exceptions to Performance Appraisal Review Procedures, October 27, 2010.
5. **Definitions.**
  - A. Designated Representative. A responsible person (another employee or non-employee) with full authorization by the employee to act for and make decisions on behalf of the employee with regard to the processing of the employee's reconsideration request. The designation of a representative must be in writing and provided to the Employee and Labor Relations Branch of the Servicing Human Resources Office (SHRO).

- B. Rating Official. The supervising official, who prepares and issues the rating of record, and who reviews, considers and decides an employee's informal performance rating reconsideration request.
- C. Rating of Record. The performance rating prepared at the end of an appraisal period for overall performance over the entire rating period and the assignment of an overall summary rating as outlined in 370 DM 430.
- D. Reconsideration Official. The individual with the authority to review and decide an employee's formal performance rating reconsideration request.
- E. Reviewing Official. The management official who reviews and approves any rating of record that is Outstanding or Unacceptable. Generally the second-level supervisor.

## **6. Policy.**

When an employee has a concern about the element rating given on a particular element on the Employee Performance and Appraisal Plan (EPAP) or the Supervisory Performance Appraisal Plan (SPAP), as applicable, which if changed, will affect the outcome of the rating of record, i.e., change the Summary Rating, the employee may request reconsideration of the performance rating under the procedures set forth below.

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 was measured.

The Bureau's SHRO will provide guidance and assistance in processing performance rating reconsideration requests.

## **7. Procedures.**

### **A. Informal Reconsideration.**

- (1) The employee is required to discuss the reasons for his/her belief that the individual critical element rating(s) is (are) incorrect and request informal reconsideration with the rating official prior to requesting formal reconsideration. However, the employee may proceed directly to the formal reconsideration process if the rating official is no longer with the Agency.
- (2) To request informal reconsideration of the performance rating, the employee must submit a written request to the rating official within seven-calendar days of issuance of the performance rating to the employee. A delay in obtaining the employee's signature on the EPAP or SPAP or the refusal of the employee to sign for receipt of the performance rating will not delay the seven-calendar day timeframe the employee has to file a request for reconsideration. However, the performance rating must be signed by the rating official, and the reviewing official if applicable, when issued to the employee to constitute the issuance of the official rating of record.

- (3) A discussion between the employee and rating official will take place within seven-calendar days of receipt of the employee's request for informal reconsideration.
- (4) The employee will provide the rating official with facts, documents, and rationale supporting his/her belief that a critical element rating(s) is incorrect.
- (5) The rating official's informal decision must be communicated to the employee, in writing, within seven-calendar days of the reconsideration discussion with the employee. If the rating official's decision does not resolve the employee's concerns, the employee may request formal reconsideration of the performance rating. The request for formal reconsideration will not include any additional information and/or documentation that was not previously addressed or provided to the rating official during the informal process.

#### B. Formal Reconsideration.

- (1) To request formal reconsideration of the performance rating, the employee must submit a written request to the Employee and Labor Relations Branch of the SHRO within seven-calendar days of receipt of written decision by the rating official. The request will include all of the following:
  - (a) Employee's name, organization, and duty station.
  - (b) Copy of the EPAP or SPAP for which reconsideration is being requested.
  - (c) Specific area(s) or details of the annual appraisal for which the reconsideration is being requested.
  - (d) Why the employee believes the rating is in error, to include supporting facts and documents.
  - (e) The specific action the employee requests of the reconsideration official.
  - (f) The identity of the employee's designated representative (name, title, address, and telephone number), if applicable.
  - (g) A copy of the rating official's written decision of the informal reconsideration.
- (2) The assigned Employee and Labor Relations Specialist will review the formal reconsideration request within seven-calendar days of receipt 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. The employee will normally be given one business day to correct any deficiencies, if applicable, and return the corrected request for formal reconsideration to the assigned Employee and Labor Relations Specialist. If accepted, the employee will be notified and advised who will serve as the formal reconsideration official. The formal reconsideration request will then be forwarded by the Employee and Labor Relations Specialist to the reconsideration official for consideration. The Employee and Labor Relations Specialist shall advise the reconsideration official of his/her role and responsibilities for processing the formal reconsideration request.

- (3) The reconsideration official must not have directly participated in the appraisal process, to include the informal reconsideration process. When practical, this individual will not occupy a position subordinate to any official who recommended, advised, or made a decision in connection with the performance rating. If a reviewing official has signed the performance rating, then the reconsideration official will be the next higher level supervisor in the chain of command. Management has the discretion to delegate another supervisor or management official to serve as the reconsideration official. However, the authority to make a final decision on a request for reconsideration must remain within BOEM.
- (4) An employee may be represented during the formal reconsideration process. The Chief, Employee and Labor Relations Branch, in consultation with management, may disallow the employee's choice of representative for reason of conflict of interest or position, or unreasonable cost to the Government, or whose priority work assignment precludes his or her release from official duties. Any representation or attorney fees will be the sole responsibility of the employee and will not be paid for by the Agency.
- (5) The authority of the reconsideration official is limited to an impartial reconsideration of the employee's dissatisfaction with the rating given on the particular element(s) that the employee believes may adversely affect the rating of record. The reconsideration official is responsible for:
  - (a) Reviewing the 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.
- (6) The reconsideration official shall be provided all the resources necessary to complete the impartial reconsideration and render the decision. The final written decision will be issued to the employee within 20-calendar days of receipt of the formal reconsideration request. The written decision will include a detailed explanation of the basis for the decision.
- (7) The formal decision rendered by the reconsideration official is final and becomes the employee's official rating of record. There is no further right of appeal.
- (8) The Employee and Labor Relations Specialist will ensure that a copy of the final written decision and rating of record is filed in the employee's Employee Performance Folder.

#### C. Extensions.

Timeframes outlined in these procedures may be extended on a case-by-case basis in consultation with the Employee and Labor Relations Branch of the SHRO.

## **8. Responsibilities.**

- A. Rating Officials are responsible for promptly processing an employee's informal performance rating reconsideration request in accordance with this Manual Chapter.
- B. Reconsideration Officials are responsible for promptly processing an employee's formal performance rating reconsideration request in accordance with this Manual Chapter.
- C. Employee and Labor Relations Specialists are responsible for assisting rating officials and reconsideration officials in promptly processing an employee's performance rating reconsideration request in accordance with this Manual Chapter, to include:
  - (a) Providing information to employees on the reconsideration process.
  - (b) Ensuring any follow-up and/or corrective actions, if required, are completed.
- D. Employees are responsible for promptly requesting performance rating reconsiderations and for providing the rating and reconsideration officials all relevant information and/or documentation to be considered in the informal and formal reconsideration processes as applicable and as outlined in this Manual Chapter.