



Department of Defense



***National Security
Personnel System***

Performance – Planning, Remedial
Action and Reconsideration

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Leading The Way





Panel Members

■ Jim Howard

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- **Effect of Litigation on NSPS Adverse Actions and Appeals**
- **Discussion of tools for addressing performance deficiencies**
- **Taking a 5 USC chapter 75 performance based adverse action**
- **Reconsideration Process**

- **NSPS Adverse Actions and Appeals**
Regulations permanently enjoined
- **NSPS Performance Management**
Regulations, Subpart D waive provisions of
5 USC chapter 43
- **All actions taken under 5 USC chapter 75**

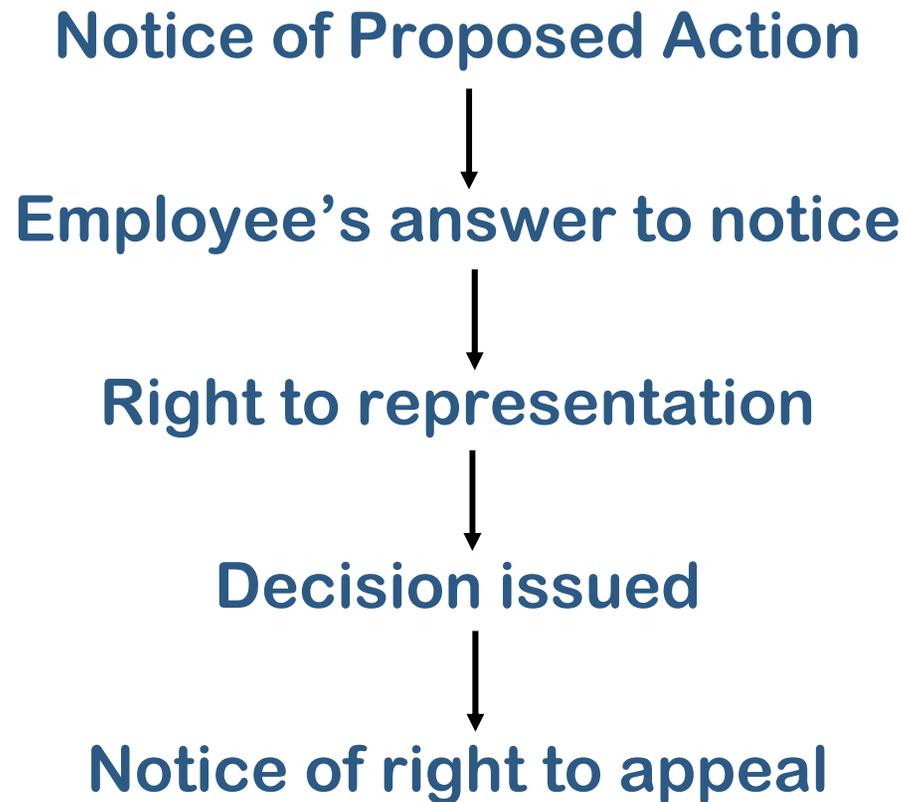
- **Communicate performance expectations**
- **Observe and document performance**
- **Provide on-going feedback**
- **Evaluate performance**
- **Address performance that does not meet expectations**

- Employee came as a poor performer
- Employee developed a poor attitude or work habits
- Employee and job are not compatible
- Employee has health problems
- Employee's position or job assignment has changed

- Give supervisory feedback
- Provide remedial training
- Change work assignment
- Assign mentor or advisor
- Provide improvement period
- Take appropriate action



Chapter 75 Requirements



Deciding Official's Role

- Consider whether the evidence supports the charge
- Consider the employee's reply
- Determine the reasonableness of proposed penalty
- Serve as a key witness in Merit Systems Protection Board (MSPB) hearings
- Serve as the settlement authority

What is the Reconsideration Process?

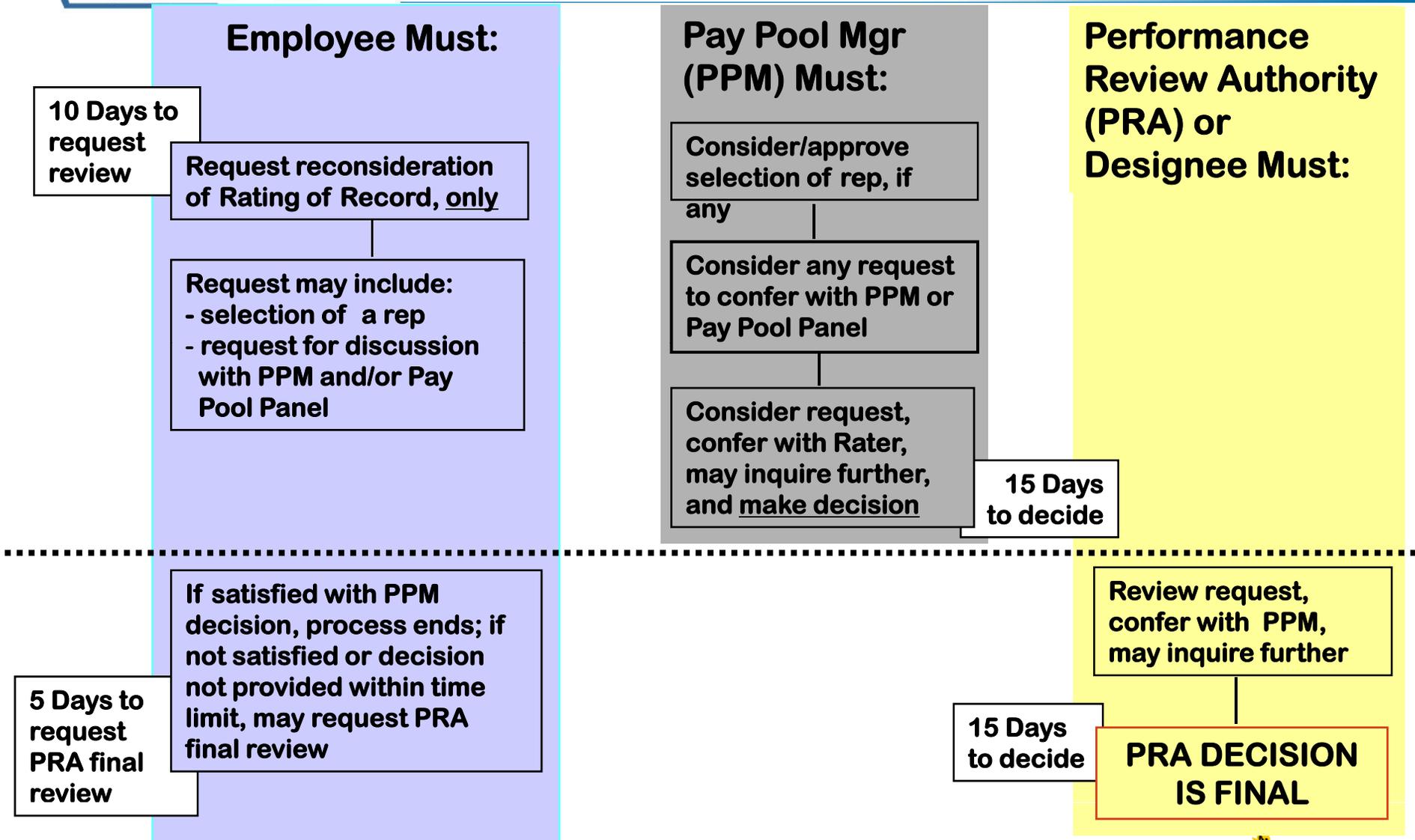
- The exclusive means for non-bargaining unit employees to challenge their rating of record

What it is not—exclusions

- Share determination (number and value)
- Payout (base pay/bonus distribution)
- Interim review
- Recommended rating
- Individual objective rating or adjusted rating not resulting in a change to rating of record
- Closeout assessment
- EEO matters



Reconsideration Process



NOTE: 15-day time limit on PPM and PRA decisions may be extended by 15 days with notification to employee.

- **Experiences with the Reconsideration Process from a Senior Manager's Perspective**
 - **What worked well**
 - **Lessons learned**



Backup Slides

Definitions:

- **Pay Pool Manager (PPM):** The individual designated to manage the pay pool, resolve discrepancies, and ensure consistency.
- **Pay Pool Panel:** Usually senior management officials, including the PPM, of the organizations or functions represented in the pay pool that assist the PPM in the exercise of his/her responsibilities.
- **Performance Review Authority (PRA):** Senior management official or an organization unit or group that manages and oversees the payout process, payout funds and pay pool decisions.

■ Challenging the Rating of Record

- **Written request for reconsideration must be submitted to Pay Pool Manager within 10 calendar days of receipt of rating**
 - ✓ Employee may identify representative
 - ✓ Request must include a copy of the rating, state what change is being requested and the basis for the change
 - ✓ Employee may request opportunity to personally address the Pay Pool Manager and/or Pay Pool Panel

- **Pay Pool Manager must render written decision within 15 calendar days**
 - ✓ Determine if request for communication will be accomplished
 - ✓ May confer w/rating official and/or conduct further inquiry
 - ✓ Decision must include brief explanation of the basis of the decision
 - ✓ Decision is final, unless employee seeks further reconsideration from the Performance Review Authority

- **Employee's Dissatisfaction with Decision**
 - **Employee must submit written request for final review by the PRA or PRA designee within 5 calendar days**

 - **PRA or PRA designee must render written decision within 15 calendar days**
 - ✓ May confer w/Pay Pool Manager and/or conduct further inquiry
 - ✓ Decision of PRA or PRA designee is final