

MRMC LABORATORY PERSONNEL MANAGEMENT DEMONSTRATION PROJECT

RECONSIDERATION PROCESS

PURPOSE

To establish procedures for requesting reconsideration of performance rating.

GENERAL

During the Evaluation Feedback Meeting:

1. Rater will:
 - a. Inform employee of management's appraisal of the employee's performance, numeric performance score, and alpha rating only after the senior rater has signed the performance appraisal.
 - b. Submit the performance rating through the activity's paypool manager to the HQ MRMC, DCSHR for processing.
2. Employee will:
 - a. Accept and sign performance rating as written, or
 - b. Contest rating as given and may choose to follow the procedures outlined herein for reconsideration.
3. Note: DODI 1400.25, Volume 771. DOD Administrative Grievance Procedure, Enclosure 3, paragraph 2b(2)(b) indicates that because PDP performance appraisal challenges are a matter subject to an appraisal reconsideration procedure, challenges to PDP appraisal ratings are excluded from the DOD Administrative grievance process.
4. A PDP performance appraisal may not be challenged under the reconsideration procedure if the action taken by management is being challenged by an employee on a basis that falls within the oversight and review jurisdiction of the Equal Employment Opportunity Commission. For non-bargaining unit members, EEO discrimination and EEO reprisal challenges, must be raised with the Army EEO office that services the worksite for the employee in question. Bargaining unit members must

raise EEO discrimination and EEO reprisal challenges through either the Army EEO office servicing that bargaining unit employee worksite or through the negotiated grievance process, but not both.

5. Bargaining unit employees. Bargaining unit employees have the opportunity to challenge performance appraisal ratings through the negotiated grievance procedure. A bargaining unit employee who chooses to challenge a PDP performance appraisal rating (on grounds other than EEO discrimination or EEO reprisal) may choose to challenge the PDP appraisal rating either through the PDP reconsideration process, or through the negotiated grievance procedure, but not both.

PROCEDURES

1. An employee who has received a rating of A, B, C, or F may request reconsideration of the rating. The initial request for reconsideration is made verbally or written to the rater within 15 calendar days of receipt of the rating. The rater should respond within 15 calendar days, but no later than 30 calendar days from receiving the verbal or written request for reconsideration in which to respond in writing to the employee. If the employee is not satisfied with the written response from the rater, the employee may request reconsideration from the senior rater. If the rater fails to respond within the prescribed time-frame the request for reconsideration will automatically be forwarded to the next higher level for consideration.
2. The request for reconsideration to the senior rater must be presented, in writing, within 15 calendar days of the date of the rater's written decision. The written request for reconsideration must include a copy of the employee's performance objectives worksheet (USAMRMC Form 70-R-E), a copy of the employee's performance appraisal (USAMRMC Form 71-R-E), and a copy of the rater's written response to the verbal reconsideration request. The written request to the senior rater should provide sufficient detail to indicate why the employee feels a different rating is warranted. The request must also indicate the rating desired.
3. The senior rater reviews the case and performs whatever investigation necessary to learn the facts of the case. The senior rater should respond to the employee, through the rater, in writing, within 15 calendar days from the date of receipt of the written request for reconsideration, but no

later than 30 calendar days. The rater then informs the employee of the senior rater's decision and shares with the employee the senior rater's written response.

4. If the employee is not satisfied with the outcome of the senior rater's decision, the employee may submit the written request for reconsideration and the senior rater's written decision to the Commander/Director of the activity within 15 calendar days of the date of the senior rater's written decision. The Commander/Director should respond to the employee, through the senior rater and rater, in writing, within 15 calendar days, but no later than 30 calendar days, of receipt of the request for reconsideration. The rater informs the employee of the Commander/Director decision and shares the Commander/Director written response with the employee.
5. Final stage appeal to Personnel Management Board (PMB). If the employee is not satisfied with the outcome of the Commander/Director decision, the employee may elevate the written reconsideration request and all accompanying decisions/documentation to the Chairperson, Personnel Management Board (PMB), ATTN: MRMC PDP Project Manager, within 15 calendar days of the date of the Commander/Director written decision. The PMB will convene and issue a final decision.
 - a. Right to request to make a presentation to the PMB. In accordance with existing PDP reconsideration procedure practices, when the employee submits the written request for reconsideration as indicated above, if they wish to make a presentation to the Board, they must explicitly indicate that they are requesting to make a presentation. In the absence of a request to make a presentation, the PMB will issue a decision on the basis of the written submission, the reconsideration appeal case file, and the management response.
 - b. Presentation to the PMB. In accordance with existing PDP PMB practice, the personal presentation can occur via telephone, or at the sole discretion of the PMB Chairperson the presentation may be permitted to be made via videoteleconference or in person if the employee works at Fort Detrick. At this presentation, the employee who is seeking reconsideration may present pertinent arguments regarding why the rating was in error, however, this is not a formal hearing. Aside

from the employee challenging the rating and the Commander/Director and raters associated with the challenged rating, the testimony of other witnesses may not be presented, unless directed by the PMB Chairperson at their sole discretion. The Board may receive technical guidance from the Office of the Deputy Chief of Staff for Human Resources, the Fort Detrick Civilian Personnel Advisory Center, the Fort Detrick Office of the Staff Judge Advocate, and similar entities. The employee seeking reconsideration by the PMB must submit all supporting evidence at the time the written request for PMB reconsideration is submitted. This includes affidavits or sworn declarations prepared in accordance with 29 USC Section 1746 containing pertinent information associated with the challenged rating. When the employee presents his/her position to the PMB, the responding Commander/Director will not be present. Likewise, when the responding Commander/Director presents their position in support of the rating, the challenging employee will not be present.

- c. The decision of the PMB will be issued as soon as possible but no later than 60 days from the filing of the request for reconsideration. The Chairperson, PMB may extend time frames when he/she believes such an extension is warranted. The employee will be promptly notified in writing of any extension and the reasons for it. However, a decision should be rendered no more than 90 days from the filing of the request for reconsideration absent mutual agreement to extend this time limit to accommodate resolution of the dispute. This time period may be further extended if there is a compelling reason to do so. Should this be the case the employee will be promptly notified in writing with the reason(s) for the delay. If the PMB fails to render a decision within 90 days, absent such mutual agreement, or some compelling reason for delay, the employee's request will be automatically granted. This final decision is shared with the employee, rater, senior rater, paypool manager, and the Civilian Personnel Advisory Center (CPAC).
- d. The decision of the PMB is the final decision of the reconsideration procedure and is not subject to further review.

6. If the final outcome of the reconsideration process requires changes to the performance rating, the changes are processed upon CPAC's receipt of decision, signed by employee, rater, senior rater, and paypool manager.
7. When performance ratings are changed as a result of the reconsideration process, any performance payout for the employee will be recalculated and the employee will receive any difference from the original payout in the form of a base increase and/or bonus payment (depending upon the employee's location in their payband). This dollar "difference" will need to come from a source other than the activity's paypool.
8. Activities will establish and maintain a separate file for each written reconsideration request processed in accordance with this policy and retain that file for four years. The file must contain copies of all documents related to the request for reconsideration.
9. This policy is immediately effective pertaining to all non-bargaining unit PDP employees. All de minimis modifications are immediately implemented regarding any bargaining unit employees. For bargaining unit employees, before any modifications that are greater than de minimis changes to conditions of employment are implemented pertaining to any bargaining units, labor relations obligations pertaining to the Chapter 71 of Title 5 United States Code will be satisfied.

POC: MRMC PDP Manager