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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Memorandum

Date . OCT 27 1993

From Deputy Assistant Secretary for Health Management Operations

Subject Performance Management System (PMS) for the 1994 Appraisal Year

To Deputy Assistant Secretaries for Health
OASH Staff Office Directors

The 1994 appraisal year for EPMS employees and those covered by the PMRS system until October 31, 1993, began October 1, 1993. Rating officials in your organization must assure that 1994 performance plans for these employees are developed, signed and communicated to the employees as soon as possible. Employees currently on plans which must be extended beyond September 30, 1993, in order to receive a final rating, must have 1994 plans in place 30 days after receiving a final rating for 1993.

All OASH employees will be covered under generic performance standards for the 1994 appraisal year. Please refer to the procedures outlined in the new OASH Performance Appraisal Guidelines (revised September, 1993) for developing plans. A copy of the guidelines is attached. Also, copies of the guidelines have been distributed to managers, supervisors, and your administrative staff in the briefings on generic standards. Form PHS-7000 (revised August, 1993) must be used for all employees. The form used in previous years is obsolete. Your administrative staff should contact the OASH Division of Personnel Operations, Room 17A-07, Parklawn Building, for copies of the form. Also, a WordPerfect version of the form will be made available to you as soon as possible.

Now, supervisors and managers only need to prepare a job specific standard at the fully successful level for each element in an employee's plan. The generic standards have replaced the job specific standards which were previously prepared at the excellent and marginally successful levels.

There are two sets of generic standards. The EPMS Generic Standards will be applied to all GS and wage grade employees and the PMRS Generic Standards will be applied to all GM-13 through 15 managers and supervisors formerly covered under PMRS and to those new supervisors and managers entering a supervisory or managerial position after October 31, 1993.

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OASH Staff Office Directors

All performance plans for GS supervisors and those managers and supervisors formerly covered under PMRS whose positions are so designated by the General Schedule Supervisory Guide (i.e., serve as immediate or second-line supervisor over three or more employees) must include an EEO critical element. This requirement remains the same as last year. This element must be designated as critical and weighted accordingly within the plan.

Government-wide regulations require that all performance plans be approved and signed by a higher level reviewing official. The higher level reviewing official is an official at least one level higher in the organization than the immediate supervisor.

Please forward the performance plans of employees who report directly to a Deputy Assistant Secretary for Health, OASH Staff Office Director or OM Office Director to Patti Brown, Room 17A-07, Parklawn Building, by November 1, 1993, for the higher level reviewing official's approval. Upon approval, the performance plans will be returned to the rating officials for communication to the employees.

If your staff have any questions, please ask them to contact Linda DeSanto or Patti Brown on 443-6900.


Anthony L. Itteilag

Attachment

OASH PMRS AND EPMS PERFORMANCE APPRAISAL GUIDELINES

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COVERAGE

These guidelines cover:

1. Supervisors and management officials, GM-13 through 15, who are covered by the Performance Management and Recognition System (PMRS).
2. All GS, GW, and prevailing rate employees in the competitive and excepted services who are covered by the Employee Performance Management System, except those in the following categories:

Fellows appointed under Section 207(g) of the Public Health Service Act, as amended;

Employees appointed under Schedule A authorities, O, P, Q and V whose appointment is limited to one year or less;

Experts and consultants serving in an individual capacity and members of advisory committees;

Senior Executive Service and equivalents;

Other employees excluded under the Department's regulations (430-4, Appendix A) and 5 U.S.C. 4301.

DEFINITIONS

Appraisal Period - the period of time for which an employee's performance will be reviewed. The appraisal period begins when the performance plan (elements and standards) has been approved by the appropriate officials and communicated to the employee in writing. This normally should occur by October 31. Performance plans signed June 4 and after will not be valid for pay determinations (PMRS merit increases, PMRS performance awards, EPMS performance awards) because employees must perform under a plan for at least 120 days by the end of the appraisal year (September 30).

Appraisal Year - the annual appraisal cycle, October 1 to September 30.

Appraising Official - the supervising official who is ordinarily the employee's immediate supervisor and does the initial rating of the employee's performance.

PMRS Performance Recognition Group Manager - an official higher in the organization than employees in the performance recognition group who is responsible for giving final approval of those PMRS employees ratings of records and for making PMRS pay determinations for those employees.

Performance Standard - a statement of the expectations or requirements established by management for a critical or non-critical element at a particular rating level. A performance standard may include, but is not limited to, factors such as quality, quantity, timeliness and manner of performance. However, quality and manner of performance are required to be used in situations as further described in these guidelines.

Progress Review - a review of an employee's progress toward achieving the GPS and JSPS and is not a rating.

Rating of Record - the Summary Rating required at the end of the appraisal year or at other times pertaining to WIGI determinations for EPMS employees. A Rating of Record in most cases is the final rating at the end of the appraisal year. A Rating of Record will ordinarily reflect as many Summary Ratings as were made during the appraisal year. Normally, an employee will be placed on one performance plan and receive only one Summary Rating at the end of the appraisal year, which becomes the final Rating of Record.

Result - any output produced by the employee, e.g., a written report.

Reviewing Official - an official at a level higher in the organization than that of the appraising official with review and approval authority.

Summary Rating - the written record of the appraisal of each critical and non-critical element and the assignment of a summary rating level received for the period the employee served under the performance plan. In most cases, employees will be placed on one performance plan and will receive only one Summary Rating which will become the final Rating of Record at the end of the appraisal year. Summary Ratings may not be given unless the employee served 120 or more days on the plan.

The Higher Level Reviewing Official shall:

1. Review and approve employee performance plans and any substantial changes made during the appraisal year and any changes made during the last 120 days of the appraisal year; and
2. Review and approve Ratings of Record, documenting any changes.

The Employees shall:

1. Participate in the development of their performance plans;
2. Perform against expectations in their performance plans to the best of their abilities;
3. Advise their supervisors of changes in circumstances or conditions that may affect performance; and
4. Review their own performance in preparation for meetings with supervisors to discuss progress and document performance.

ESTABLISHING PERFORMANCE PLANS

- o The PMRS and EPMS appraisal year is the annual appraisal cycle which is based on the Fiscal Year October 1 to September 30.
- o The appraisal period is the period of time for which an employee's performance will be reviewed.
- o Form PHS-7000 (Rev. 8/93) must be used for all employees covered under PMRS and EPMS.
- o PMRS and EPMS performance plans should be written, approved and communicated to employees between October 1 and October 31 of each appraisal year. Employees who are on extended plans from the previous appraisal year must have a new plan in effect no later than 30 calendar days after receiving their final Rating of Record from the extended plan.
- o Employees placed into a new permanent position should have new performance plans written, approved, and communicated no later than 30 calendar days after placement.

- o Individual PMRS and EPMS performance plans must be developed through the joint participation of the employee and the supervisor. Employee participation may include the following:
 - employee and supervisor discuss and develop the plan together;
 - employee provides a draft plan to supervisor;
 - employee comments on draft plan prepared by supervisor; or
 - plan is drafted by a group of employees occupying similar positions, with supervisor's approval.

In some cases, if an EPMS employee disagrees with the assigned elements and the JSPS at the Fully Successful Level, he/she may file a grievance. This does not apply to PMRS employees. All employees, though, may provide a written statement of disagreement regarding the established elements and standards. In either case, the employee is still accountable for his or her performance under the elements and standards to which he/she is assigned.

Contents of the Performance Plan

ELEMENTS

- o Elements should address the most important aspects of an individual's job and be consistent with the duties covered in the employee's position description. Elements should represent what is most important to be achieved during the appraisal period. Elements may be used to specify the results to be achieved or objectives may be used within an element to plan performance in more detail.
- o An Equal Employment Opportunity (EEO) critical performance element must be written for all managers and supervisors.
- o All employees who are timekeepers must have a timekeeping performance element. Where timekeeping is a major job function, this should be a separate critical job element. Where timekeeping is not a major job function, timekeeping may be incorporated in another element.

- Objective; i.e., free from personal feelings or opinions;
 - Explicit; i.e., clearly written and free of ambiguities; e.g., avoid subjective terms such as "usually", "sometimes" and "occasionally" when describing how often a task is to be accomplished. In this situation, it is better to refer to percentages of time or specific numerical amounts.
 - Observable or measurable; i.e., specifies discernible conditions, characteristics and the like that allow for differentiating between levels of performance; and
 - Attainable; i.e., barring unexpected circumstances beyond the employee's control, the expectations will most likely be met because they are commensurate with the level of the employee's job responsibility and with what would be typically expected of employees occupying similar positions. Thus this standard must be neither too easy nor too difficult but instead state what is normally expected in order for the job element to be fully met.
- o In addition, the Job-Specific Performance Standards for all critical elements must:
- refer to a requirement for some result ("result" means any output produced by the employee, e.g., a written report), and refer to the quality of that result.

AND

- o For at least one critical element, the Job-Specific Performance Standard must:
- include manner of performance ("manner of performance" means the way an employee behaves or acts on the job in order to produce results). Standards for appraising manner of performance describe behaviors or actions involving work relationships (e.g., an employee might have produced a good report (result) but forgot to coordinate its release with another office) or personal or technical work habits (e.g., actions which reflect initiative or resourcefulness).

CONDUCTING PROGRESS REVIEWS AND UPDATING PERFORMANCE PLANS

Progress Reviews

- o Formal progress reviews must be held with the employee at least once about mid-term from the establishment of the performance plan. Progress reviews are normally conducted in April for employees who were placed on performance plans between October 1 and October 31.
- o Formal progress reviews must:
 - provide for and document an assessment of progress in performance relative to the job elements and standards in the performance plan, any problems encountered or anticipated, and any corrective actions taken or warranted; and
 - provide for and document in the performance plan changes in work assignments or to unanticipated changes in the work situation, including those beyond the control of the employee.
- o The supervisor and the employee must sign and date the progress review on the form. Employees may make written comments regarding any documented progress reviews received.

If the employee refuses to sign, the supervisor must:

- indicate the reason(s) or ask the employee to indicate the reason(s);
- indicate that a copy was given to the employee, and
- indicate whether a formal discussion was held.

Requirements for Updating Performance Plans during October 1 and June 3

- o Minor Modifications may be made to the original elements or standards. These changes must be initialed and dated by the supervisor and employee. A new 120 day minimum appraisal period is not required for those elements(s).

- o If the employee declines to initial the changes, the supervisor must note this on the plan and date when the new changes were communicated to the employee. In addition, employees must be given copies of the revised performance plan.
- o When elements are changed or an element is dropped, weights must be changed to reflect the new priority order. The sum must continue to total 100 and non-critical elements must individually and collectively be given less weight than critical elements.

SUMMARY RATINGS AND RATINGS OF RECORD

Issuing Summary Ratings

- o Summary Ratings must be in writing and must be issued to employees under the following circumstances:
 1. At the end of the appraisal year if an employee has performed under a plan covering 120 days or more;
 2. At the end of an extended appraisal year to allow an employee to be rated who had not received a Summary Rating earlier in the appraisal year;
 3. At the time an employee permanently changes positions after having performed under a performance plan for at least 120 days;
 4. At the end of a detail or temporary promotion under a performance plan of 120 days or longer;
 5. For EPMS, at the time an employee's performance is determined to have changed significantly enough to result in a different Within-Grade-Increase (WIGI) determination or at the time a determination is made that the employee has demonstrated an acceptable level of competence after having been denied a WIGI. This Summary Rating must be based on an employee's performance under a plan covering at least 120 days.

- o Summary Ratings issued at the end of the appraisal year will normally become the final Rating of Record, if no other Summary Ratings were issued during the appraisal year. In this case, the supervisor records the Rating of Record on Page 4 of the appraisal form. Procedures outlined under "Required Signatures" for Ratings of Record must be followed.
- o In situations where the Summary Rating does not become the Rating of Record, the supervisor signs, dates and communicates the Summary Rating to the employee. A higher level review of a Summary Rating is not required if that rating is not the Rating of Record. After obtaining the employee's signature, the supervisor must give a copy of the Summary Rating to the employee. Employees who want to comment on their Summary Rating may record their comments on the form or as an attachment. In addition, employees may file a grievance in accordance with HHS Personnel Instruction 771-3 or an applicable negotiated grievance procedure.

RATINGS OF RECORD

Issuing Ratings of Record for EPMS Employees

- o The Rating of Record is ordinarily the Summary Rating issued at the end of the appraisal year. Generally an employee will have only one Rating of Record for an appraisal year except in certain situations pertaining to WIGI determinations. There may be occasions in which an employee will have more than one Summary Rating in an appraisal year.
- o All EPMS and PMRS Summary Ratings issued within or outside the Department in the appraisal year must be taken into consideration when deriving the Rating of Record for the year except in certain situations when an employee's performance is Unacceptable at the end of the appraisal year. In situations where an employee has received an Unacceptable Summary Rating at the end of the appraisal year, contact the Employee and Labor Relations Branch, Division of Personnel Operations, for instructions before issuing a Rating of Record.

- o In situations where an employee has not performed under a plan for 120 days by the end of the appraisal year (September 30), but has been issued a Summary Rating from another PMRS position earlier in the year, the appraisal year cannot be extended. Instead the earlier rating from the previous position becomes the Rating of Record.

Documenting Ratings of Record

- o The Rating of Record issued at the end of the appraisal year may be derived in one of two ways:
 1. The Summary Rating issued at the end of the appraisal year becomes the Rating of Record. In this case, no other Summary Ratings were issued throughout the appraisal year.
 2. When more than one Summary Rating is issued during the appraisal year, all appropriate Summary Ratings must be consolidated to derive one Total Point Score using the formula for Consolidating Summary Ratings (Section V, page 3 of the PMRS and EPMS appraisal form).

Required Signatures

- o After deriving the Rating of Record, the immediate supervisor (appraising official) signs and dates the form. This is the tentative rating which is forwarded to the higher level reviewing official. The higher level reviewing official must review and make necessary changes to the rating and sign, date and return the rating to the employee's supervisor. If the higher level official changes any level of performance, the form should be fully documented to explain the changes. The rating must then be forwarded to the Performance Awards Budget Manager for review and signature for EPMS employees (if appropriate) or the Performance Recognition Group Manager for review and signature for PMRS employees. The PMRS or EPMS Rating of Record is now final and will be returned to the supervisor. Only after this review and approval process may the supervisor communicate the final rating to the employee. The supervisor will:
 - communicate the final rating to the employee, including an explanation of any changes made by the higher level reviewing officials (Ratings of Record may not be communicated to employees prior to approval by the final reviewer);

MAINTENANCE AND TRANSFER OF PERFORMANCE RATINGS

The original performance ratings are maintained in the Servicing Personnel Office for a period of four years. Performance ratings that are more than four years old are purged and disposed of in accordance with DHHS Instruction 293.

Employees who move within the Department or to another Department must have their performance ratings (four years old or less) and the Summary Rating prepared at the time the employee changes position transferred to the gaining office. The Division of Personnel Operations will forward the performance ratings. Performance ratings are also sent to the National Personnel Records Center when employees separate from the Federal Government.

ELEMENT RATING LEVELS

These definitions define the five different levels for rating performance on each job element.

- OUTSTANDING** Outstanding performance is the highest level of performance. If this level of performance occurs, its very nature makes it stand out above performance that should be rated Excellent. For performance to be rated outstanding on a critical element, the performance must be of a rare nature. Performance on a critical element should not be rated Outstanding solely on the basis of quantity or timeliness criteria.
- EXCELLENT** Performance rated Excellent is one level above performance rated Fully Successful. Excellent performance is distinctive, although it does not stand out like performance at the highest level. Performance rated Excellent clearly exceeded one or more of the requirements in the Fully Successful standard and fully met the remaining ones.
- FULLY
SUCCESSFUL** The Fully Successful level is the level of performance needed to accomplish the job element completely by fully meeting all of the requirements specified in the Fully Successful standard. Fully Successful performance is essential and important to the Department because organizational goals and objectives cannot be attained efficiently and effectively unless the job elements in employee performance plans are fully met.
- MARGINALLY
SUCCESSFUL** Performance rated Marginally Successful is one level below performance rated Fully Successful. Marginally Successful performance means the requirements in the Fully Successful standard were only partially met or were met fully only through unusually close supervision and assistance required because of deficiencies in the employee's performance.
- UNACCEPTABLE** Unacceptable performance is the lowest level of performance. Performance is rated Unacceptable when it did not meet the requirements in the Fully Successful standard even in a marginally successful way.

OASH Performance Appraisal Systems

Performance Management and Recognition System

Supervisors and Management Officials within Grades GM-13,
GM-14, and GM-15

and

Employee Performance Management System

General Schedule and Prevailing Rate Employees

EMPLOYEE'S NAME (LAST) (FIRST) (MI)			SSN
POSITION TITLE	SERIES		PAY PLAN/GRADE
ORGANIZATIONAL LOCATION			FISCAL YEAR
EPMS ☐ Annual Rating of Record ☐ Summary Rating		PMRS ☐ Annual Rating of Record ☐ Summary Rating	

Signatures for Plan Establishment	
Reviewing Official's Signature	Date
Supervisor's Signature	Date
Employee's Signature (I participated in the preparation of this performance plan)	Date

Signatures for Progress Review			
Supervisor's Signature	Date	Employee's Signature	Date

Note: Any changes made during the appraisal period to the performance plan must be initialed and dated by the supervisor and employee, and higher level when appropriate.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Office of the Assistant Secretary for Health

EMPLOYEE'S NAME:

APPRAISAL PERIOD: FROM: _____
(mm/dd/yy)

(Last) (First) (MI)

TO: _____
(mm/dd/yy)

SECTION I—PERFORMANCE PLAN

Job Element # _____

- ☐ Critical
☐ Non-Critical

Weight: _____

(State the Job Element)

Job Specific Performance Standard

FULLY SUCCESSFUL:

SECTION II—PROGRESS REVIEW

SUPERVISOR'S COMMENTS: *(If an additional progress review is held, use a separate sheet.)*

EMPLOYEE'S COMMENTS:

SECTION III—SUMMARY OF RESULTS

Check (✓) one achievement level:

- ☐ Outstanding (5) ☐ Excellent (4) ☐ Fully Successful (3) ☐ Marginally Successful (2) ☐ Unacceptable (1)

SUPERVISOR'S COMMENTS:

SECTION IV—SUMMARY RATING

Fractions may not be used in calculating points.

List each job element by number:
Indicate critical or non-critical next
to the job element number

	C/N/C	ACHIEVEMENT LEVEL					Weight	Points
		5	4	3	2	1		
		OUTSTANDING	EXCELLENT	FULLY SUCCESSFUL	MARGINALLY SUCCESSFUL	UNACCEPTABLE		
#							X	=
#							X	=
#							X	=
#							X	=
#							X	=
#							X	=
#							X	=
#							X	=
							100	TOTAL POINTS

Achievement Level Point Range

461 - 500
400 - 460
300 - 399
200 - 299
100 - 199

Overall Summary Rating

Outstanding ☐
Excellent ☐
Fully Successful ☐
Marginally Successful ☐
Unacceptable ☐

NOTE: An employee who is rated Unacceptable on one or more critical elements must receive a Summary Rating of Unacceptable. An employee who is rated Marginally Successful on one or more critical elements must receive a Summary Rating no higher than Marginally Successful. These ratings must be assigned regardless of the numerical score or the level of performance on other elements.

For EPMS only, a Summary Rating of at least Fully Successful is required for an acceptable level of competence determination for granting a within-grade increase.

SECTION V—CONSOLIDATING SUMMARY RATINGS

Note: Complete when two or more Summary Ratings have been issued during the appraisal year. Instructions on Reverse.

SUMMARY RATING # 1
FROM (mm/dd/yy) _____ TO (mm/dd/yy) _____
_____ POINTS x _____ DAYS = _____

SUMMARY RATING # 2
FROM (mm/dd/yy) _____ TO (mm/dd/yy) _____
_____ POINTS x _____ DAYS = _____

SUMMARY RATING # 3
FROM (mm/dd/yy) _____ TO (mm/dd/yy) _____
_____ POINTS x _____ DAYS = _____

TOTALS: _____ DAYS _____ POINTS

_____ ÷ _____ = _____ POINTS (RATING OF RECORD)
(Total points) (Total days)

SECTION VI—RATING OF RECORD

OUTSTANDING (461-500 points)	☐
EXCELLENT (400-460 points)	☐
FULLY SUCCESSFUL (300-399 points)	☐
MARGINALLY SUCCESSFUL (200-299 points)	☐
UNACCEPTABLE (100-199 points)	☐

SECTION VII—SIGNATURES FOR RATING OF RECORD AND SUMMARY RATINGS

SUPERVISOR
COMMENTS:

(SIGNATURE)

DATE

REVIEWING OFFICIAL
COMMENTS:

(SIGNATURE)

DATE

PERFORMANCE AWARDS BUDGET MANAGER (EPMS)
PERFORMANCE RECOGNITION GROUP MANAGER (PMRS)
COMMENTS:

(SIGNATURE)

DATE

EMPLOYEE
COMMENTS:

(SIGNATURE)

DATE

Tasks are not completed with the needed degree of accuracy and thoroughness. The questionable quality of work products requires major revisions significant enough to cause problems in meeting deadlines. In later assignments under this element, the work has to be closely supervised to ensure that organizational standards are met. The employee's application of technical knowledge and skills to this performance element is not reliable. Inappropriate variations from policies, procedures, and instructions provided by the organization interfere with completion of his or her work or the work of others.

Errors in work planning lead to missed deadlines. Difficulty in adapting to changes in priorities or procedures, or to new approaches to programs, causes delays and loss of quality in the work, requiring supervisory intervention. The employee does not give cost considerations, when applicable, enough weight in his or her planning.

In accomplishing the work required by this element, the employee's behavior toward supervisor, co-workers, and/or clients occasionally poses problems and interferes with the cooperation needed to complete the work.

The employee does not consistently carry out special assignments on time and at fully successful levels of quality without disrupting regu-

lar work. The employee rarely performs additional work or special assignments even when the workload permits. Supervisory assistance is often necessary to handle routine problems associated with assignments.

The employee's spoken and written expression sometimes fails to convey information needed for successful completion of the work under this element.

Supervisory

Most of the following deficiencies are typically, but not always, characteristic of the employee's work:

- Failure to motivate subordinates or promote team spirit;
- Providing unclear assignments and performance requirements to subordinates;
- Providing insufficient instructions to subordinates on how to carry out programs; and
- Failure to provide sufficient explanation of organizational needs and his/her subordinates' roles in meeting those needs.

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM (PMRS) GENERIC PERFORMANCE STANDARDS

The Generic Performance Standards (GPS) constitute the primary basis for assigning ratings. The GPS are to be applied to each critical and non-critical element in the performance plan.

When evaluating an element, the rater should:

1. Read carefully each performance standard level beginning with Fully Successful. (It is considered the base level standard.)
2. Determine which level best describes the employee's performance on the element. (Each and every criterion in the standard does not have to be met by the employee in absolute terms for the rater to assign a particular rating level. The sum of the employee's performance on the element must, in the rater's judgment, meet the assigned level's criteria.)
3. Provide in writing, on the appraisal form, specific examples of accomplishments which support the assigned rating level.

Ratings of Fully Successful or Excellent do not require written documentation unless the employee requests it. To assign a Fully Successful or Excellent rating, the rating official need only state in writing

that: (1) the Fully Successful or Excellent standard was met, and (2) that the rating and basis for it were discussed with the employee.

Occasionally, a rating official may determine that an employee's performance on an element was not consistent. For example, the employee may have performed at the Excellent level on several major activities within a critical element and at the Marginally Successful level on several others. In such a case, the rating official must consider the overall effect of the employee's work on the element and make a judgment as to the appropriate rating level he/she will assign. The rationale for the decision must be documented on the rating form, if the rating is other than Fully Successful or Excellent, citing specific accomplishments which support the decision.

The job-specific standard at the Fully Successful level included in the performance plan must also be considered by the rating official. This standard supplements the GPS and does not supplant it. Rating officials should consider this standard within the context of the GPS and rate elements accordingly.

Supervisory standards must be applied to supervisors.

EXCELLENT

This is a level of unusually good performance. It has exceeded expectations in critical areas and shows sustained support of organizational goals. The employee has shown a comprehensive understanding of the objectives of the job and the procedures for meeting them.

The effective planning of the employee has improved the quality of management practices, operating procedures, task assignments, or program activities. The employee has developed or implemented workable and cost-effective approaches to meeting organizational goals.

The employee has demonstrated an ability to get the job done well in more than one way, while handling difficult and unpredicted problems. The employee produces a high quantity of work, often ahead of established schedules with less than normal supervision.

The employee writes and speaks clearly on difficult subjects to a wide range of audiences.

Supervisory

The employee is a good leader, establishes sound working relationships and shows good judgement in dealing with subordinates, considering their views. He/she provides opportunities for staff to have a meaningful role in accomplishing organizational objectives and makes special efforts to improve subordinate's performance.

FULLY SUCCESSFUL

This is the level of good, sound performance. The employee has responded positively to organizational goals. All critical element activities that could be completed are. The employee effectively applies technical skills and organization knowledge to get the job done.

The employee successfully carries out regular duties while also handling any difficult special assignments. The employee plans and performs work according to organizational priorities and schedules. The employee also works well as a team member, supporting the group's efforts and showing an ability to handle a variety of interpersonal situations. The employee's work with others shows an understanding of the importance of fair treatment and equal opportunity.

The employee communicates clearly and effectively.

All employees at this level and above have followed a management system by which work is planned, tasks are assigned, and deadlines are met.

Supervisory

The employee is a capable leader who works successfully with others and listens to suggestions.

The employee rewards good performance and corrects poor performance through sound use of performance appraisal systems, performance-based incentives and, when needed, adverse actions; and selects and assigns employees in ways that use their skills effectively.

MARGINALLY SUCCESSFUL

This is the level of performance that is minimally acceptable but shows significant deficiencies that require correction. The employee's work is marginal on one or more major activities of the critical element.

On one or more occasions important work required unusually close supervision to meet organizational goals, or needed so much revision that deadlines were missed or imperiled.

Most of the following deficiencies are typically, but not always, characteristic of the employee's work:

- Lack of awareness of policy implications of assignments;
- Inappropriate or incomplete use of programs or services;
- Circumvention of established procedures, resulting in unnecessary expenditures;
- Reluctance to accept responsibility;
- Disorganization in carrying out assignments;
- Incomplete understanding of one or more important areas of the field of work;
- Unreliable methods for completing assignments; and
- Lack of clarity in writing and speaking.

Supervisory

Most of the following deficiencies are typically, but not always, characteristic of the employee's work:

- Failure to motivate subordinates or promote team spirit;
- Providing unclear assignments and performance requirements to subordinates;
- Providing insufficient instructions to subordinates on how to carry out programs; and
- Failure to provide sufficient explanation of organizational needs and his/her subordinates' roles in meeting those needs.

EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM (EPMS) GENERIC PERFORMANCE STANDARDS

The Generic Performance Standards (GPS) constitute the primary basis for assigning ratings. The GPS are to be applied to each critical and non-critical element in the performance plan.

When evaluating an element, the rater should:

1. Read carefully each performance standard level beginning with Fully Successful. (It is considered the base level standard.)
2. Determine which level best describes the employee's performance on the element. (Each and every criterion in the standard does not have to be met by the employee in absolute terms for the rater to assign a particular rating level. The sum of the employee's performance on the element must, in the rater's judgment, meet the assigned level's criteria.)
3. Provide in writing, on the appraisal form, specific examples of accomplishments which support the assigned rating level.

Ratings of Fully Successful or Excellent do not require written documentation unless the employee requests it. To assign a Fully Successful or Excellent rating, the rating official need only state in writ-

ing that: (1) the Fully Successful or Excellent standard was met, and (2) that the rating and basis for it were discussed with the employee.

Occasionally, a rating official may determine that an employee's performance on an element was not consistent. For example, the employee may have performed at the Excellent level on several major activities within a critical element and at the Marginally Successful level on several others. In such a case, the rating official must consider the overall effect of the employee's work on the element and make a judgment as to the appropriate rating level he/she will assign. The rationale for the decision must be documented on the rating form, if the rating is other than Fully Successful or Excellent, citing specific accomplishments which support the decision.

The job-specific standard at the Fully Successful level included in the performance plan must also be considered by the rating official. This standard supplements the GPS and does not supplant it. Rating officials should consider this standard within the context of the GPS and rate elements accordingly.

Supervisory standards must be applied to supervisors.

EXCELLENT

This is a level of unusually good performance. The quantity and quality of work under this element are consistently above average. Work products rarely require even minor revision. Thoroughness and accuracy of work are reliable. The knowledge and skill the employee applies to this element are clearly above average, demonstrating problem-solving skill and insight into work methods and techniques. The employee follows required procedures and supervisory guidance so as to take full advantage of existing systems for accomplishing the organization's objectives.

The employee plans the work under this element so as to proceed in an efficient, orderly sequence that rarely requires backtracking and consistently leads to completion of the work by established deadlines. He or she uses contingency planning to anticipate and prevent problems and delays. Exceptions occur when delays have causes outside the employee's control. Cost-savings are considered in the employee's work planning.

The employee works effectively on this element with co-workers, clients, as appropriate, and his or her supervisor, creating a highly successful cooperative effort.

He or she seeks out additional work or special assignments that enhance accomplishments of this element and pursues them to successful conclusion without disrupting regular work. Problems which surface are dealt with; supervisory intervention to correct problems occurs rarely.

The oral and written expression applied to this element are noteworthy for their clarity and effectiveness, leading to improved understanding of the work by other employees and clients of the organization. Work products are generally given sympathetic consideration because they are well-presented.

Supervisory

The employee is a good leader, establishes sound working relationships and shows good judgement in dealing with subordinates, considering their views. He/she provides opportunities for staff to have a meaningful role in accomplishing organizational objectives and makes special efforts to improve subordinates' performance.

FULLY SUCCESSFUL

This is the level of good, sound performance. The quality and quantity of the employee's work under this element are those of a fully

competent employee. The performance represents a level of accomplishment expected of the great majority of employees. The employee's work products fully meet the requirements of the element. Major revisions are rarely necessary; most work requires only minor revision. Tasks are completed in an accurate, thorough, and timely way. The employee's technical skills and knowledge are applied effectively to specific job tasks. In completing work assignments, he or she adheres to procedures and format requirements and follows necessary instructions from supervisors.

The employee's work planning is realistic and results in completion of work by established deadlines. Priorities are duly considered in planning and performing assigned responsibilities. Work reflects a consideration of costs to the government, when possible.

In accomplishing element objectives, the employee's interpersonal behavior toward supervisors, co-workers, and clients promotes attainment of work objectives and poses no significant problems.

The employee completes special assignments so their form and content are acceptable and regular duties are not disrupted. The employee performs additional work as his/her workload permits. Routine problems associated with completing assignments are resolved with a minimum of supervision.

The employee speaks and writes clearly and effectively.

Supervisory

The employee is a capable leader who works successfully with others and listens to suggestions.

The employee rewards good performance and corrects poor performance through sound use of performance appraisal systems, performance-based incentives and, when needed, adverse actions; and selects and assigns employees in ways that use their skills effectively.

MARGINALLY SUCCESSFUL

The quantity and quality of the employee's work under this element are at the minimum level for retention on the job and are below the level expected of most employees. The quantity and quality of the employee's work products under this element do not consistently follow the norm of the employee's work group, and assignments are not consistently completed within prescribed time frames.

(over)



Memorandum

Date . OCT 27 1993

From Deputy Assistant Secretary for Health Management Operations

Subject Performance Management System (PMS) for the 1994 Appraisal Year

To Deputy Assistant Secretaries for Health
OASH Staff Office Directors

The 1994 appraisal year for EPMS employees and those covered by the PMRS system until October 31, 1993, began October 1, 1993. Rating officials in your organization must assure that 1994 performance plans for these employees are developed, signed and communicated to the employees as soon as possible. Employees currently on plans which must be extended beyond September 30, 1993, in order to receive a final rating, must have 1994 plans in place 30 days after receiving a final rating for 1993.

All OASH employees will be covered under generic performance standards for the 1994 appraisal year. Please refer to the procedures outlined in the new OASH Performance Appraisal Guidelines (revised September, 1993) for developing plans. A copy of the guidelines is attached. Also, copies of the guidelines have been distributed to managers, supervisors, and your administrative staff in the briefings on generic standards. Form PHS-7000 (revised August, 1993) must be used for all employees. The form used in previous years is obsolete. Your administrative staff should contact the OASH Division of Personnel Operations, Room 17A-07, Parklawn Building, for copies of the form. Also, a WordPerfect version of the form will be made available to you as soon as possible.

Now, supervisors and managers only need to prepare a job specific standard at the fully successful level for each element in an employee's plan. The generic standards have replaced the job specific standards which were previously prepared at the excellent and marginally successful levels.

There are two sets of generic standards. The EPMS Generic Standards will be applied to all GS and wage grade employees and the PMRS Generic Standards will be applied to all GM-13 through 15 managers and supervisors formerly covered under PMRS and to those new supervisors and managers entering a supervisory or managerial position after October 31, 1993.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Memorandum



Date FEB 3 1994

From Director
OASH Division of Personnel Operations

FEB 14 1994

Subject Employee Counseling Service Program Orientation

To All OASH Supervisors and Managers

At one time or another, employees may experience personal issues which interfere with their ability to do their job. This can lead to a loss in productivity, deteriorating relationships with the supervisor and coworkers, and can cost your organization many hours and dollars. As a supervisor, you share in the responsibility of recognizing the problem and taking part in its resolution.

Under the auspices of the Employee Assistance Program, the Public Health Service has contracted with Montgomery General Hospital to provide counseling services for our employees and consultation for supervisors in dealing with these issues.

An introductory course for supervisors will be offered to OASH supervisors and managers by the Employee Counseling Service Program on February 24 from 9:00 a.m. to 12:00 noon in Conference Room H, Third Floor, Parklawn Building. This course will cover the following topics:

- scope of employee counseling service program
- identifying the employee with problems
- options in dealing with these issues
- documentation
- confidentiality

There is no cost for the course; however, space is limited. Please notify Theresa Chambers, Chief, Employee and Labor Relations Branch, on 443-0238 if you wish to attend.


Lee Shields



Rockville MD 20857



NOV 18 1993

DATE: November 16, 1993

NOTE TO: SEE ADDRESSEES BELOW

SUBJECT: Processing Discrimination Complaints in PHS

Bill Corr asked that I give you an outline of the procedures for processing discrimination complaints in the Public Health Service (PHS). PHS has two personnel systems -- civil service and Commissioned Corps. Attached are procedures for the civil service employees, and in a separate document I have distinguished the procedures for commissioned officers. Please pardon the length of the outline, but unfortunately the system is cumbersome and protracted.

If you have any questions or comments, please call me on (301) 443-3165 (Voice/TDD).

Pedro J. Morales, J.D.

Attachments

cc: Dr. Lee	Dr. Boufford	Mr. Corr
Dr. Biles	Ms. Carpenter	Mr. Davis
Dr. Gaus	Dr. Gebbie	Dr. Henderson
Mr. Itteilag	Dr. Lawrence	Dr. Manley
Mr. McClung	Dr. Lasker	Mr. Rickard
Mr. Riseberg	Mr. Valdez	

COMPLAINTS PROCESS

29 C.F.R PART 1614

A person who believes that he or she has been discriminated against on the basis of **race, color, religion, sex, national origin, age, physical or mental handicap** or subjected to **reprisal**, must first seek Equal Employment Opportunity (EEO) counseling from the alleged discriminating agency, and if counseling is not successful, file a written complaint of discrimination with the U.S. Department of Health and Human Services. The complaints process is divided into two stages: the pre-complaint processing stage and the formal processing stage.

The Pre-Complaint Processing Stage

EEO counseling is an essential part of the Federal system for processing and resolving employee and applicant EEO concerns. The opportunity for informal resolution at an early stage is an important feature of the counseling stage. If resolution is not achieved, the counselor plays a vital role in ensuring prompt and efficient processing of the formal complaint.

- An aggrieved person must contact an EEO Counselor within **45 calendar days** of the date of the alleged discriminatory act. In the Office of the Assistant Secretary for Health (OASH), this is done by contacting the EEO office and requesting an EEO Counselor. Each of the health agencies has delegated authority to process their complaints.
- Counseling should take place within **30 calendar days** of the date the aggrieved person first contacted the EEO Counselor, except where an agency has an established **dispute resolution procedure** and both parties agreed to use it. In this case the Director, Office of Equal Employment Opportunity may extend the period for counseling up to **90 calendar days**.
- If counseling is successful, the terms of the informal agreement are reduced to writing.
- If the matter has not been informally resolved, the counselor must inform the aggrieved party in writing at the end of the counseling period of his or her right to file a discrimination complaint within **15 days** of the receipt of the Notice of Final Interview (NOFI).

Formal Complaints Processing Stage

- Upon receiving the NOFI, the complainant must file a complaint of discrimination with the Office of Human Relations (OHR), Office of the Assistant Secretary for Personnel (ASPER) within the **15 day** period.

When the Department receives a properly filed complaint of discrimination, it must:

- **Acknowledge** receipt of the complaint in writing.
- Decide which allegations to accept for investigation and which allegations to dismiss in accordance with 29 C.F.R. Section 1614.107. The Department must inform the complainant in writing, which allegations it has accepted and explain why it has dismissed some of the allegations. When the Department dismisses allegations, it must inform the complainant of his or her right to appeal the decision to the Equal Employment Opportunity Commission (EEOC).
- An agency must dismiss a complaint or allegations in a complaint that:
 1. Fails to state a claim or states a claim that is pending before or has been decided by the agency.
 2. Fails to meet the applicable time limits or that raises a matter that has not been brought to the attention of a Counselor.
 3. Is the basis of a pending civil action in a Federal court or that was the basis of a civil action decided by a U.S. District Court in which the complainant was a party.
 4. Was raised before in a negotiated grievance procedure that allows allegations of discrimination or in an appeal to the Merit System Protection Board.
 5. Is moot or alleges that a **proposal** to take a personnel action or other preliminary steps is discriminatory.

6. A complainant has refused to accept an agency **offer of full relief** within **30 days** of receipt of such an offer.

- The OHR is responsible for conducting a complete and fair investigation of the complaint within **180 days** from the filing date of the complaint. This period may be extended an additional **90 days** upon the consent of the complainant. The OHR usually contracts the investigations out to private independent contractors.
- Once the investigation is complete, the agency (OASH) must send a copy of the complaint file together with an **Investigative Summary** of the facts to the complainant and his or her representative (if any) with notice that he or she may request, within **30 days** of receipt of the notice, a hearing before an Equal Employment Opportunity Commission (EEOC) administrative judge, or an immediate final decision by the Department.
- If the complainant requests a hearing, EEOC has **180 days** from the date of the request to hold the hearing and issue its findings and recommended decision.
- If the complainant requests a final agency decision OHR will have **60 days** to issue a final agency decision.
- If the complainant fails to either request a hearing or a final decision within the **30 day** period, the OASH EEO office will have **60 days** to issue a final agency decision.
- If the administrative judge's findings and conclusions sustain the complainant's allegation that he or she has been discriminated against, the Department **may** adopt the findings and conclusions or disregard them and issue its own findings and conclusions in a final agency decision.
- If the Department adopts the administrative judge's findings of discrimination, it must make every effort to resolve the complaint by offering the complainant full relief.

Appeals

- Once the Department adopts the administrative judge's findings and conclusions and issues a final agency decision, if adverse to the complainant, he or she may file an appeal, in writing, with the EEOC Office of Federal Operations (OFO).
- A complainant has **30 days** to appeal a final agency decision and the dismissal of allegations in the complaint. If a complainant does not file an appeal within the 30 day period, the appeal will be untimely and subject to be dismissed by EEOC.
- Once the OFO receives a timely appeal, it will review the complaint file and all written statements and briefs from both parties. Should there be a need, the OFO may supplement the record by an investigation, by an exchange of letters or memoranda, and may remand to the Department to obtain the needed information.
- The OFO will issue a written decision based on the preponderance of the evidence, that sets forth its reasons for the decision. If the decision contains a finding of discrimination, it must also contain the appropriate remedies. If the decision contains a finding of "no discrimination," it must notify the complainant of his or her right to file a civil action in U.S. District Court.

Civil Action

- A complainant may, within **90 days** of receipt of the final decision or receipt of EEOC's final decision on an appeal, file a civil action in an appropriate U.S. District Court.
- A complainant may also file a civil action in U.S. District Court after **180 days** from the date of filing a complaint if he or she has not appealed and the agency has not issued a final decision.
- A complainant may also file suit after **180 days** from the date of filing an appeal if the OFO has not issued a final decision.
- Filing a civil action will terminate all administrative processing.

Remedies

When an agency or EEOC finds that an employee or an applicant for employment has been discriminated against, the agency must provide full relief which may include:

- Notification to all employees of the agency in the affected facility of their right to be free of unlawful discrimination and assurance that the particular types of discrimination found will not recur.
- An agency commitment to take or adopt corrective measures to ensure that violations of the law similar to those found will not recur.
- Placement in the position that the person would have occupied absent discrimination.
- Back pay. The back pay liability is limited to **two years** prior to the date the discrimination complaint was filed.
- Cancellation of an unwarranted personnel action and **reinstatement** of the employee.
- **Expunction** from the agency's records of any adverse materials relating to the discriminatory employment practice.
- Full opportunity for the employee to participate in the particular benefit or privilege denied (i.e. training, preferential work assignments, overtime scheduling).
- **Front pay.** Front pay is normally awarded when reinstatement is not possible or when a successful complainant cannot be placed in the position he or she applied for and there are no comparable positions available.
- **Attorney's fees and costs.**
- **Interest** on back pay.
- **Compensatory damages** (i.e. pain and suffering, damage to professional reputation, embarrassment, etc.).

The Civil Service Reform Act of 1978 makes unlawful discrimination a **prohibited personnel practice**. As such, any Federal employee who has been found to have discriminated, is subject to disciplinary action which may involve from a reprimand to a dismissal, and a fine of up to \$5,000.

COMPLAINTS PROCESS COMMISSIONED OFFICERS

Unlike civil service employees, Title VII of the Civil Rights Act of 1964, as amended, has been interpreted as not applying to commissioned officers of the U.S. Public Health Service (PHS). This is because commissioned officers are not viewed as being "employees" as defined in the Act (See, *Salazar v. Heckler*, 787 F.2d 527, 40 FEP Cases 721 (10th Cir. 1986)).

However, in *Milbert v. Koop*, 830 F.2d 354, 44 FEP Cases 1694 (D.C. Cir. 1987) the Circuit Court Of Appeals for the District of Columbia held that a commissioned officer could file a civil action in U.S. District Court under the Rehabilitation Act of 1973, as amended. The Rehabilitation Act incorporates within its mandate the procedural remedies of Title VII.

As a result of the confusion over which of the above two cases to apply to commissioned officers, the Chief, Litigation Branch of the Office of General Counsel, U.S. Department of Health and Human Services, provided guidance with respect to which case holding would apply to commissioned officers (See the attached memorandum dated April 28, 1988). *Salazar* would apply to exclude all commissioned officers, except in the District of Columbia, from Title VII coverage.

The analysis of the evidence in commissioned officer cases, however, follow the same methodology used to analyze cases brought under Title VII.

The Pre-Complaint Processing Stage

The Pre-Complaint Processing Stage for complainants who are commissioned officers is the same as for civil service employees.

Discrimination complaints filed by commissioned officers are processed under Chapter CC-26 of the PHS Commissioned Corps Personnel Manual. These procedures differ generally from 29 C.F.R. Part 1614 in certain notable aspects:

Formal Complaint Processing Stage

1. Complaints of discrimination by commissioned officers do not go to the Department for processing, but, are processed at PHS level. Each agency under PHS is authorized to process discrimination complaints, including the investigation of such complaints, brought against it.

2. As part of the formal complaints process, an agency is required to issue the "Proposed Disposition" (PD) when it transmits the report of investigation to the complainant. The Proposed Disposition addresses the merits of the complaint, analyzes the evidence in the file, and reflects the findings and conclusions of the agency's Equal Employment Opportunity (EEO) Officer.
3. If the complainant disagrees with the PD, he or she may submit to the agency head or designee in writing, the reasons for the disagreement, within **15 calendar days** of receipt of the PD.
4. In the event the complainant submits his or her reasons for disagreement with the PD, the Preliminary Deciding Official, who may be the agency head or in the case of OASH, the Deputy Assistant Secretary for Health Management Operations (DASHMO), will review the PD for errors or omissions.
5. Upon review, the agency head or the DASHMO may decide to accept the PD, reject it, require further investigation or have it rewritten.
6. Once the Preliminary Deciding Official is satisfied that the evidence sustains the findings and conclusions in the PD, he or she will issue an intermediate decision called the "Preliminary Decision." This usually takes the form of an adoption of the PD. The Complainant may submit additional comments on the Preliminary Decision within **15 calendar days** after receipt of the document.
7. The EEO office for OASH automatically reviews the Preliminary Decision and all other documents in the file, and prepares a Final Decision for the signature of the Surgeon General of PHS. Because commissioned officers do not have the right to appeal a Final Decision this action ends the process.

Remedies

Generally, Title VII remedies are not applicable to complaints filed by commissioned officers. However, this is an area of evolving administrative law, and complainants may under appropriate circumstances receive some Title VII remedies. This does not include **attorney's fees or interest on back pay.**



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Rockville MD 20857

MAR 15 1994

KG-FYE
AA-2
assume you'll comment
on our behalf?

NOTE TO ADMINISTRATIVE OFFICERS

Subject: Compensation for Overtime Work Performed at Home

Attached is the Interim PHS Circular T550-1, Compensation for Overtime Work Performed at Home, for your immediate use and distribution.

Since this Circular is being issued on a temporary basis, PHS is seeking comments from personnelists and management officials. We ask that you collect comments from your programs.

Comments should be forwarded by May 6, 1994 to:

Louise Wagner
Parklawn Building, Room 17-34
5600 Fishers Lane
Rockville, Maryland 20857

Please call Mrs. Wagner on 301-443-0238 if you have any questions.

Theresa A. Chambers
Theresa A. Chambers
Chief, Employee and Labor
Relations Branch, OASH

Attachment

PHS Transmittal: T3
PHS Personnel Manual
Issue Date: 2/28/94

Material Transmitted:

Interim Circular PHS T550-1, Compensation for Overtime Work
Performed at Home (pages 1-6)

Material Superseded:

None

Background:

This Circular establishes interim PHS policy and procedures for approving overtime for work performed at home.

The provisions of this Circular are operational. This policy and the comment period are in effect as of the date of this temporary Circular and the policy continues in effect until this Circular is superseded. Comments should be forwarded by May 27, 1994, to:

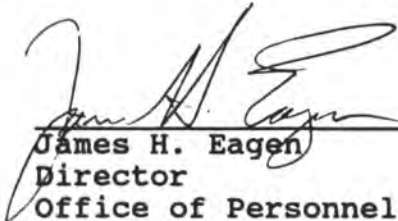
DPEC/OPM/OM
Room 17-89 Parklawn Building
5600 Fishers Lane
Rockville, Maryland 20857

We ask that you collect comments agency-wide.

For further information you may contact Rich Durbin, on (301) 443-1974.

Filing Instructions:

File transmitted material in the appropriate numerical sequence in the Personnel Manual.



James H. Eagen
Director

Office of Personnel Management
Office of Management, PHS

Subject: Compensation for Overtime Work Performed at Home

A. BACKGROUND

On September 29, 1993, the Assistant Secretary for Personnel Administration, OS, rescinded HHS policy restrictions regarding: pay for work at home contained in HHS Instruction 300-2, and overtime pay contained in HHS Instruction 550-1, Paragraph 40B.

This Circular establishes interim PHS policy and procedures for authorizing compensation for overtime work performed at home. It should be used in conjunction with Title 5, Chapter 55, Subchapter V; the Code of Federal Regulations, Part 550, Subpart A; and the amended HHS Instruction 550-1.

This Circular does not address the earning of credit hours under an approved Alternative Work Schedule for work performed at home.

B. DESCRIPTION

Overtime work performed at home is officially assigned work that exceeds the employee's work requirement and meets all other conditions for designation as overtime work, e.g., it must be ordered or approved in advance by an official with delegated approval authority, be in excess of eight hours per day or forty hours per week, etc.

Since overtime compensation is paid at one and one-half of an employee's rate of basic pay (not to exceed one and one-half times the rate of the GS-10, step 1 for FLSA exempt employees), overtime pay for work at home (like all overtime) should be used only when necessary to perform essential work.

C. ELIGIBILITY

Overtime pay for work performed at home may be paid to civilian General Schedule (GS/GM) employees and like-GS employees in the excepted service (e.g., GG and GW). It may not be paid to Senior Executive Service employees, Federal Wage System employees, or employees who are not eligible for premium pay under Title 5.

D. POLICY

1. It is the policy of the Public Health Service that overtime work generally should be accomplished at the employee's official worksite whenever possible.

2. Employees may be paid or receive compensatory time off for overtime work performed at home if: a) it is in the agency's best interest that the work be performed on an overtime basis; b) the work can be measured in terms of quality and quantity performed; and, c) the employee is not able to perform overtime at the worksite. Generally, requests for performance of overtime work at home that are purely for the convenience of the employee should not be approved.
3. Pay for overtime work at home can be approved when one or more of the following conditions exist:
 - a. the employee participates in a flexiplace program during regular duty hours and the overtime work is an extension of regular duty work;
 - b. the employee has a medical condition, i.e., injury or illness, that prevents the employee from remaining at the worksite for the overtime hours;
 - c. weather conditions preclude extension of workhours at the worksite;
 - d. conditions at/near the worksite, e.g., security of the surrounding neighborhood, generally dissuade employees from remaining after regular duty hours;
 - e. short-term, special or time sensitive projects must be accomplished and the work can best be accomplished away from worksite interruptions; or
 - f. other factors prevent accomplishment of the work at the worksite.
4. An employee performing overtime work at home must be available to communicate with the supervisor via telephone or computerized mail messaging during any prescribed/approved overtime hours.
5. An employee who performs approved overtime at home must record the beginning and ending periods of overtime within the pre-approved schedule. Records of overtime usage by the employee must be submitted to the first level supervisor on the first work day after the overtime has been worked.
6. Care should be exercised in scheduling overtime during hours for which other forms of premium pay are authorized, e.g., night differential for hours between 6 p.m. and 6 a.m., and Sunday pay. Employees who

perform regularly scheduled overtime at home (overtime scheduled before the beginning of the administrative workweek) during time periods for which other forms of premium pay are authorized may be entitled to receive additional premium pay.

E. REQUESTS FOR OVERTIME WORK AT HOME

1. Requests for authorization to perform overtime work at home must be submitted in writing, through official channels, to the designated approving official and must include:
 - a. the employee's name, position title, series and grade, step, salary, and FLSA exemption status;
 - b. the employee's non-overtime work requirement, i.e., hours and days of the week that constitute the basic work requirement;
 - c. the reason for the request for overtime at home and the type of work to be performed;
 - d. the days and number of hours for which overtime pay for work at home is requested;
 - e. the methodology that will be used to determine the quantity and quality of work performed to ensure that satisfactory work will be performed; and
 - f. the methodology that will be used to record the hours worked by the employee at home.

PHS Exhibit 550-1-A provides a suggested format for requests for overtime at home.

2. Requests will be submitted as soon as the overtime work requirement is identified. If the request for overtime work at home is not approved before the scheduled overtime is to begin, the employee must not perform overtime work at home and should contact his/her supervisor for further instructions.

F. RESPONSIBILITIES AND AUTHORITY

1. PHS Agency Heads have been delegated the authority to approve overtime for work at home for employees within their respective organizations. The authority may be redelegated to an official who reports directly to the agency head with no further redelegation authorized except as stated in paragraph 2 below.

2. Principal agency field officials, i.e., the Area Director for Indian Health Service Area Offices and the Regional Food and Drug Director for the Food and Drug Administration, may be delegated the authority to approve overtime for work at home for employees within their respective organizations. The authority may be further redelegated to an official who reports directly to the principal agency field official with no further redelegation authorized.
3. The first level supervisor of the employee for whom pay for overtime at home is requested is responsible for initiating the request for approval.
4. The determination to approve compensation for overtime at home must be made by an official who is at a higher level than the official who initiates the request, except when the agency head is the employee's first level supervisor.
5. Supervisors who authorize the recording of overtime on timecards are responsible for insuring that supporting documentation and approvals are obtained prior to conduct of the overtime work and recording of the overtime hours on the timecard.
6. First-level supervisors are responsible for insuring that employees covered by the Fair Labor Standards Act (FLSA non-exempt) do not perform overtime work at home without prior written approval.
7. Employees who are approved to work overtime at home are responsible for maintaining records of hours worked and for providing the supervisor with these records and any work products that will be used to establish what work was accomplished during the overtime hours.

G. RECORDS MAINTENANCE AND REPORTING

PHS Agency Heads are responsible for establishing a records system for documenting the use of this authority. Although there is no regular reporting requirement in connection with this authority, each agency will make its records system available to the Office of Personnel Management, Office of Management, PHS, as requested.

H. EFFECTIVE DATE

This policy and the comment period are in effect as of the date of this Temporary Circular. The policies stated in this Circular will remain in effect until the Circular is superseded. Comments must be submitted on or before May 27, 1994, to:

DPEC/OPM/OM
Room 17-89 Parklawn Building
5600 Fishers Lane
Rockville, MD 20857