

ADVISORY RATINGS: SCENARIOS

The following language is taken from Chapter I: 3. Rating Performance

- (c) Ratings of record outside the normal schedule: On occasion, a rating of record must be rendered at times other than at the end of the performance period. Those occasions include:
 - (i) When the rating official leaves near the end of the performance appraisal period. A vacating rating official must rate subordinates if he/she leaves during the last 90 days of the performance appraisal period, provided such employees' performance elements and standards which have been in place for 90 calendar days. ***These ratings are used when assigning the official annual rating of record. [Note: the rating given by the departing rating official is "technically" advisory but is really closer to a description of a rating of record. Under current Federal regulation, ratings of record may not be given "off-cycle," even if one of the parties to the performance plan leaves.]***

Guidance: In this circumstance, it is appropriate for the reviewing official to act as both the rating and reviewing official, especially if a new rating official is unfamiliar with the work evaluated by the rating official who departed.
 - (ii) When the employee leaves his/her position near the end of the performance appraisal period: A rating official must rate an employee who leaves the **Department**, except for cases involving death or retirement, when the employee has been on a performance plan for at least 90 days and leaves within 90 calendar days of the end of the performance appraisal period. This rating will be used when assigning the official annual rating of record at the end of the performance period. ***[See the Note above.]***
 - (iii) If the employee's waiting period for a within-grade increase is over and if employee's most recent rating of record was **below "Level 2" (or Marginal or lower under a previous performance management system)**, and the employee's performance has improved to "**Level 2**"; or if the employee's current performance, after a 90-day minimum improvement period, is still at "**Level 1**," the rating official must issue a rating of record. See Chapter IV, Dealing with Poor Performance.
- (d) Advisory ratings: In addition to the scheduled annual rating of record, it will sometimes be necessary for an employee to be rated under special circumstances. Advisory ratings must be considered by the rating and reviewing officials when preparing a rating of record at the end of the performance appraisal period. The circumstances appropriate for advisory ratings are as follows:

- (i) When an employee is detailed or temporarily promoted within his/her **Headquarters element**, or elsewhere in Headquarters, an advisory rating is required upon conclusion of an employee's detail to another position for 90 calendar days or more, or upon the conclusion of an employee's temporary promotion for 90 calendar days or more. This advisory rating is made by the rating official to whom the detailed or temporarily promoted employee reports.

Guidance: In some instances, input for a rating of record will be required prior to the conclusion of the detail or temporary promotion; therefore, in order to provide appropriate consideration of all performance during the appraisal period, it may be necessary for the temporary supervisor to issue an advisory rating prior to the conclusion of the temporary assignment if the employee has completed at least 90 calendar days in the assignment.

- (ii) When an employee is on a temporary assignment outside **Headquarters** is approved for 90 calendar days or more, the program office's administrative office will contact the rating official for whom the employee will be working and express the need for a job-related, narrative performance appraisal based on performance-related criteria that are communicated in writing to the borrowed employee at the beginning of the temporary assignment.

Guidance: If possible, the program office should obtain a copy of the criteria and the narrative performance rating from the borrowing organization to which the employee is temporarily assigned and provide it to the employee's rating official. Even if the rating does not match the terminology used by the rating official, he/she should also take this under consideration when preparing a rating of record.

- (iii) When the employee transfers to another agency or changes to another position within his/her **Headquarters element** or the Department of Energy during the performance appraisal period (i.e., the change occurs with more than 90 days left in the performance appraisal period), rating officials shall prepare an advisory rating, if the employee has met the minimum requirements for a rating in the position that is being vacated.

Guidance: This requirement generally applies to reassignments and promotions, including temporary promotions; however, it does not include details or reassignments which are essentially re-descriptions or realignments of an existing position with no change in supervisors.

The following work place scenarios address the need for advisory ratings:

1. Permanent reassignment/promotion from one position with a performance plan to another position:

If the reassignment or promotion occurs within the last 90 days of the performance period, the employee will be given a rating of record for the position from which he/she was reassigned or promoted. If the employee has been under a performance plan for more than 90 days and reassignment or promotion occurs with more than 90 days left in the performance period, the employee should be given an advisory rating addressing all the employee's elements and standards; this should be done on the performance plan/appraisal form. If the reassignment or promotion occurs within the first 90 days of the employee's performance plan, the rating official can provide the advisory rating as a narrative but should include a summary rating in that narrative. As noted by the directive, both advisory ratings must be considered by the rating and reviewing officials when preparing the rating of record at the end of the performance period.

2. Permanent reassignment/promotion from one position without a performance plan to another position:

New regulations issued on October 5, 1998, to be effective on November 4, 1998, (Federal Register, vol. 63, No. 192, pages 53275-53276) modify Title 5 Code of Federal Regulations (CFR) Part 430 to allow "recertification" of an employee's performance if management determines that the employee has continued to perform at the same level as the performance demonstrated during the last performance period for which the employee was rated. Accordingly, if the employee departs to a new position without having been placed on a performance plan in the old position, management may apply the new regulation and give the employee an advisory rating based on an evaluation of current performance. The evaluation and advisory rating should signify the regulatory authority under which the evaluation was prepared, i.e., 5 CFR section 430.208(h).

3. Detail to a position with similar duties to which the current performance plan could apply:

The employee's current performance plan should be used as much as possible, even if some elements cannot be rated because the employee is not performing the duties covered by the elements. If the detail is over 90 days in length, the performance plan/appraisal for should be used and the form marked as an advisory rating.

4. Detail to a position with different duties, i.e., to which the current performance plan could not apply.

If the detail is over 90 days in length, a new plan should be developed for the length of the detail. The employee would be rated at the end of the detail (or earlier if the detail would end after the end of the performance period) on the detail plan's standards and elements.

The summary rating would then be considered by the employee's permanent rating official. If the detail were shorter and/or no plan were prepared, a narrative advisory rating is acceptable. The narrative should address activities that might well be used in a number of positions, activities such as writing, speaking, program planning and implementation. Assessment of those activities could be considered, as appropriate, by the rating official who may apply the assessments against corresponding elements; the rating official should take care to avoid applying the job behaviors described to more than one element.

5. Detail to a position from a position without a performance plan.

If an employee is detailed to a position but has no performance plan for his/her permanent position, it is imperative that the employee be placed on a performance plan; without a plan in place, either at the employee's permanent position or on the detail position, the employee cannot be rated for the period spent on detail. Even if the employee were placed on a plan after returning from the detail, the time on the detail cannot be considered--unless the employee had been on a plan! [Please note the response to item 2. above. The intent of the new regulatory change was not to allow employees to perform for long periods of time, especially in varying employment situations such as details, without a plan. It would be unfair to the employee, and difficult to justify, if management attempted to "recertify" the employee's performance in his/her permanent position and then to extend that "recertification" to work on a detail.] If at all possible, the permanent rating official and the detail rating official should consult on a plan; that plan could then be signed by the permanent supervisor and used by the detail supervisor for the purpose of preparing an advisory rating. If that is not possible, the detail rating official should take responsibility for preparing a plan.

6. Detail to a position that covers a period of time in excess of 9 months.

A good rule of thumb to observe is that the longer the person's detail, the more formal the performance process should be. For example, it is possible that some employee's details will cover nearly the entire performance period. If that occurs, the permanent rating official would have no opportunity to assess the employee's performance for the minimum of 90 days. Therefore it is imperative that employees who are going to be on lengthy details be placed on performance plans for the entire time. Then, if the detail is in excess of 9 months, the permanent rating official can simply endorse the detail rating official's rating with his/her initials, as can the permanent reviewing official.

7. Detail to a position with more than one supervisor.

Remember, it is not necessary for a rating official to be in place for the minimum period of 90 days; only the employee must be in place under a plan in order to have a rating. If an employee is detailed to a position and then placed on a plan, a departing rating official may provide an advisory rating, either narrative or using the form, to the employee and to the

new rating official for his/her use when preparing the final advisory rating. If the detail employee is not on a formal plan, he/she may accrue a number of narrative plans that must be considered by the permanent rating official at the end of the performance period--provided, of course, that the employee was placed on a plan that would allow consideration of these advisory ratings!

8. Detail to a supervisory position: short term and long term.

Can a person be detailed to a rating official's position? Yes. It is extremely important that the classified position or the statement of duties describe the authority of the person detailed to any job; the authority to rate employees is one of the crucial authorities. If an employee has this authority, then he/she may prepare an advisory rating of either the narrative sort or the form that corresponds to the detailed supervisor's stay. As stated above, the detail supervisor need not be in place for a minimum period of time. If the detailed rating official is there for a short time (e.g., less than 90 days) use of the appraisal form may not be appropriate; then the preparation of a narrative description of employees' performance, with summary rating designations, is sufficient. If the supervisor is there longer but still leaves the position prior to the last 90 days of the performance period, the advisory rating, which would carry more weight with the permanent rating official, and should be more formal. If the detailed supervisor leaves during the last 90 days, then the he/she will act just as a permanent supervisor and prepare a rating of record for all under his/her supervision.

Considering the advisory rating:

An advisory rating must be considered by the rating official if the advisory rating was prepared while the employee was under a performance plan. Although the directive does not say so specifically, it is appropriate for the permanent rating official to consider the following as well: the complexity of the duties of the position to which the employee was detailed (i.e., are the positions at the same grade or would they be if classified?); relationship between the elements and standards on the employee's performance plan and the elements and standards, or the narrative, of the advisory rating; the time spent on the detail. Just as it is improper for a rating official to discount advisory appraisals as "too glowing," it is improper to assume that advisory appraisals should be given more weight than they deserve, especially if the detail were a special project, involved much travel, or was different from the employee's usual tasks. It may be useful to consider a "balancing" test; if the employee were on a detail for seven months and was found to be at the "4.0" level, and the rating official, after the employee's return for the last five months, thought that the employee was at the "1.0" level, a balanced approach would probably result in the rating official rating the employee at the "2.0" level.