

MRDC LABORATORY PERSONNEL MANAGEMENT DEMONSTRATION PROJECT

**EXECUTIVE ORDER 13829 RESTRICTIONS ON AVAILABILITY OF APPRAISAL
RECONSIDERATION PROCESS**

PURPOSE

Notice of the Implementation Schedule for Rescinding of the USAMRMC Laboratory Personnel Management Demonstration Project Reconsideration Process in light of Executive Order 13839, Section 4.

GENERAL

1. The prior version of PDP Policy 11 provided PDP employees a Reconsideration Process that could be used to challenge performance appraisals. Executive Order 13839, Section 4 precludes any federal agency from permitting a grievance procedure concerning challenges to the assignment of performance ratings. The PDP Reconsideration Process is a type of administrative grievance procedure and therefore is in conflict with the Executive Order. This establishes the implementation schedule for the abolishment of PDP Reconsideration Process which is required by the Executive Order.

2. Implementation Schedule:

a. The PDP Reconsideration Process is abolished effective immediately for: All non-bargaining unit employees in PDP positions within the USAMRDC and its subordinate commands, activities, and subsections (i.e. all PDP employees who are not bargaining unit members of the U.S. Army Medical Research Acquisition Activity).

b. For the bargaining unit members of USAMRAA who are PDP employees, the provisions followed in the April 2014 version of USAMRMC PDP Policy #11, Reconsideration Process will remain in force for the USAMRAA bargaining unit until such time as management satisfies its obligations under the Federal Sector Labor Management Relations Statute to bring the bargaining agreement for that unit into compliance with the government wide authority of Executive Order 13839.

POC: USAMRDC PDP Manager



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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USAMRDC PDP Policy No. 11 – Executive Order 13839 Restrictions on Availability of Appraisal Reconsideration Process

1. References:

- a. Executive Order 13839 of May 25, 2018, Promoting Accountability and Streamlining Removal Procedures Consistent With Merit Systems Principles.
- b. USAMRMC PDP Policy No. 9, Pay for Performance Management System (PPMS), Appendix B Pay for Performance Management – Performance Evaluations.
- c. USAMRMC PDP Policy No. 11, Reconsideration Process, May 2014.

2. The ability of Personnel Management Demonstration Project (PDP) employees to challenge performance appraisals through a PDP Reconsideration Process is rescinded according to the implementation schedule discussed at paragraph 3 below. This action is taken in light of the following provision from Executive Order 13839 which orders Federal agencies to exclude two (2) matters from the administrative grievance process that were previously subject to challenge via grievance in many Federal workplaces:

“Section 4. Managing the Federal Workforce. To promote good morale in the Federal workplace, employee accountability, and high performance, and to ensure the effective and efficient accomplishment of agency missions and efficiency of the Federal service, to the extent consistent with law, no agency shall:

- (a) Subject to grievance procedures or binding arbitration disputes concerning:
 - (i) The assignment of ratings of record; or
 - (ii) The award of any form of incentive pay, including cash awards; quality step increases; or recruitment, retention, or relocation payments.”

3. Implementation schedule for elimination of the PDP Reconsideration Process:

- a. All non-bargaining unit employees in PDP positions within the USAMRDC and its subordinate commands, activities, and subsections: Implementation is effective immediately.

- b. Bargaining unit PDP member employees at USAMRAA: The prior version of USAMRMC PDP Policy #11, Reconsideration Process will remain in force for the

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USAMRAA bargaining unit until such time as management satisfies its obligations under the Federal Sector Labor Management Relations Statute to bring the provisions of the USAMRAA and American Federation of Government Employees Local 1923 Bargaining Agreement into compliance with the government wide authority of Executive Order 13839.

4. Any employee who invoked the USAMRMC Policy No. 11 Reconsideration Process in a timely basis prior to the date that this memorandum was issued is entitled to utilize all portions of that process up to and including review by the USAMRMC PDP Personnel Management Board. Aside from reconsideration requests invoked in accordance with provisions of a collective bargaining agreement which has not yet been brought into compliance with Executive Order 13839, any new attempt to seek reconsideration review of PDP performance appraisal and award determination will be processed consistent with the provisions of DODI 1400.25, Volume 771 Defense Civilian Personnel Management System Administrative Grievance Process and any other DOD and Army direction that brings the DOD and Army Administrative Grievance Procedure into compliance with Executive Order 13839.

5. Consistent with this action, USAMRMC PDP Policy No. 9 Appendix B, paragraph 1j(3) which discussed the now rescinded reconsideration process is modified to read as follows: "(3) Note that while PDP employees previously were permitted to challenge their performance appraisals through a reconsideration process, that is no longer permitted in light of Executive Order 13839, Section 4."

6. The command will comply with obligations of the Federal Labor Management Relations Statute to bring any collective bargaining agreements into compliance with this action.


MICHAEL J. TALLE
Brigadier General, USA
Commanding

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