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5 U.S. Code § 4312 - Senior Executive Service performance appraisal systems

U.S. Code Notes

(a) Each agency shall, in accordance with standards established by the Office of Personnel Management, develop one or more performance appraisal systems designed to—

(1) permit the accurate evaluation of performance in any position on the basis of criteria which are related to the position and which specify the critical elements of the position;

(2) provide for systematic appraisals of performance of senior executives;

- (3)** encourage excellence in performance by senior executives; and
- (4)** provide a basis for making eligibility determinations for retention in the Senior Executive Service and for Senior Executive Service performance awards.

- (b)** Each performance appraisal system established by an agency under subsection (a) of this section shall provide—
- (1)** that, on or before the beginning of each rating period, performance requirements for each senior executive in the agency are established in consultation with the senior executive and communicated to the senior executive;
- (2)** that written appraisals of performance are based on the individual and organizational performance requirements established for the rating period involved; and
- (3)** that each senior executive in the agency is provided a copy of the appraisal and rating under section 4314 of this title and is given an opportunity to respond in writing and have the rating reviewed by an employee, or (with the consent of the senior executive) a commissioned officer in the uniformed services serving on active duty, in a higher level in the agency before the rating becomes final.

(c)

- (1)** The Office shall review each agency's performance appraisal system under this section, and determine whether the agency performance appraisal system meets the requirements of this subchapter.
- (2)** The Comptroller General shall from time to time review performance appraisal systems under this section to determine the extent to which any such system meets the requirements under this subchapter and shall periodically report its findings to the Office and to each House of the Congress.
- (3)** If the Office determines that an agency performance appraisal system does not meet the requirements under this subchapter (including regulations prescribed under section 4315), the agency shall take such corrective action as may be required by the Office.
- (d)** A senior executive may not appeal any appraisal and rating under any

performance appraisal system under this section.

(Added Pub. L. 95-454, title IV, § 405(a), Oct. 13, 1978, 92 Stat. 1167; amended Pub. L. 98-615, title III, § 306(b)(2), Nov. 8, 1984, 98 Stat. 3220.)



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