

Department of Behavioral Health
TRANSMITTAL LETTER

SUBJECT

Reconsideration and Resolution Committee (RRC)

POLICY NUMBER

DBH Policy 730.1

DATE

OCT 21 2016

TL# 303

Purpose. The purpose of this policy is to provide information on the Department of Behavioral Health (DBH) performance rating review process found in the District Personnel Manual (DPM), Chapter 14, "Performance Management", section 1415, "Employee Request for Review." DBH has established the Reconsideration and Resolution Committee (RRC) to conduct the reviews in accordance with the DPM.

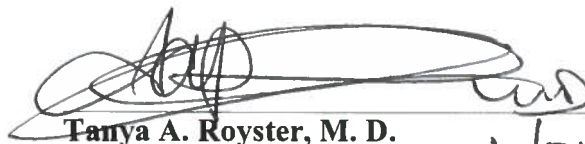
Applicability. The policy applies to DBH employees who are eligible for a review of their overall performance evaluation rating pursuant to the DPM Chapter 14, "Performance Management." The regulation may be accessed by clicking the "Policies and Procedures" link on the DCHR homepage at www.dchr.dc.gov (Electronic District Personnel Manual). Employees of DBH who are not eligible for this review are career service probationary employees.

Policy Clearance. Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority (BHA) offices and providers.

Effective Date. This policy is effective immediately.


Superseded Policies. None

Distribution. This policy will be posted on the DBH web site at www.dbh.dc.gov under Policies and Rules. Applicable entities are required to ensure that affected staff are familiar with the contents of this policy.



Tanya A. Royster, M. D.
Director, DBH

10/21/2016

<div>GOVERNMENT OF THE DISTRICT OF COLUMBIA</div> <div></div> <div>DEPARTMENT OF BEHAVIORAL HEALTH</div>	<div>Policy No. 730.1</div>	<div>Date OCT 21 2016</div>	<div>Page 1</div>
	Supersedes None		
Subject: Reconsideration and Resolution Committee (RRC)			

1. **Purpose.** The purpose of this policy is to provide information on the Department of Behavioral Health (DBH) performance rating review process found in the District Personnel Manual (DPM), Chapter 14, "Performance Management", section 1415, "Employee Request for Review." DBH has established the Reconsideration and Resolution Committee (RRC) to conduct the reviews in accordance with the DPM.

2. **Applicability.** The policy applies to DBH employees who are eligible for a review of their overall performance evaluation rating pursuant to the DPM Chapter 14, "Performance Management." The regulation may be accessed by clicking the "Policies and Procedures" link on the DCHR homepage at www.dchr.dc.gov (Electronic District Personnel Manual). Employees of DBH who are not eligible for this review are career service probationary employees.

3. **Authority.** D.C. Personnel Regulations Chapter 14, Performance Management; District of Columbia Government; Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-608.01 (2006 Repl. & 2011 Supp.).

4. **Definitions.**

Agency – In this policy, refers to DBH.

Days – unless otherwise indicated, "business days."

Eligible employees – DBH employees who received an annual performance evaluation for the most recent performance management period. Exclusions to this policy are career service probationary employees.

Formal Review Hearing – A proceeding whereby both parties (employee and DBH) will be given the opportunity to present their case, give their reason(s) for sustaining the rating (DBH) or increasing the rating (employee), and present witness(es) who support the party's position. An RRC Formal Review Hearing will be available to any eligible employee who challenges an overall performance evaluation rating of "Inadequate Performer" (Level 1) or "Marginal Performer" (Level 2).

Paper Review – A process whereby both parties (employee and DBH) will be given an opportunity to present any supporting documentation regarding reasons for sustaining the performance rating (DBH) or increasing the performance rating (employee). An RRC Paper Review will be available to any eligible employee who challenges an overall performance evaluation rating of "Valued Performer" (Level 3) or "Highly Effective Performer" (Level 4).

Reconsideration and Resolution Committee (RRC) - Responsible for the review and disposition of performance rating reviews held at the agency level. DBH has established an agency RRC. The RRC forum is comprised of a cross-section of DBH managers and non-supervisory employees who make up the panel for paper and formal reviews and make the final decisions regarding contested employee performance evaluation ratings.

Representative – A person chosen or appointed to act or speak on behalf of the employee or agency. The agency must have a representative. An administrative person, preferably familiar with or knowledgeable of agency and human resources policies, should represent the agency (DBH). Representation for the employee is optional. At the employee's discretion a witness on the employee's behalf may serve as representative for the employee or witness for the employee, **but not both**.

Witness – Witnesses are called upon to provide evidence at a Formal Review Hearing. Both the employee and agency (DBH) may present witnesses at the Formal Review Hearing.

5. **Policy**. Eligible DBH employees shall be afforded the opportunity to request a review of their overall performance evaluation rating. The official performance rating received is eligible for review and reconsideration by the RRC. The S.M.A.R.T. goals' content, timeliness of the performance management process, or any other similar objections are not eligible for review. Only the performance rating received for the current performance evaluation period will be eligible for review by the RRC.

6. **Procedures and Timeframes for Formal Review Hearing** (For receipt of a rating of "Inadequate Performer" (Level 1) or "Marginal Performer" (Level 2)).

6a. Prior to filing a Performance Rating Request for Review form with the RRC, an employee may ask the rating supervisor to reconsider the evaluation informally during the evaluation period. If there is no resolution between the employee and supervisor, the employee may formally submit a Performance Rating Request for Review form (Exhibit 1) to the RRC through the Director, DBH Office of Human Resources (OHR) or designee within ten (10) days of participating in a performance rating year-end discussion with the supervisor.

6b. Employees must provide the following information on the Performance Rating Request for Review form:

- (1) A copy of the Performance Evaluation and Tracking Form (performance evaluation form);
- (2) Documentation in support of the request;
- (3) Organizational location (department, division, unit) and office telephone number;
- (4) Position and grade;
- (5) Signature of the employee and date;
- (6) Reason for requesting a rating review.

6c. Upon receiving the Performance Rating Request for Review form from the employee, the DBH OHR or designee will send the employee an acknowledgement of receipt.

6d. The DBH OHR or designee forwards the Performance Rating Request for Review to the RRC Chairperson within five (5) days.

6e. A Formal Review Hearing is not required. An employee may choose to have his/her case decided based on a review of the record even if the performance rating level qualified for a formal hearing. If the employee does not request a hearing, but if the RRC Committee determines a hearing is necessary, a hearing should be held.

6f. The RRC Chairperson reviews the Performance Rating Request for Review and makes a decision within 14 days to either deny the request on the basis of technical grounds (procedural or regulatory violations) or forward the request to the RRC for review and disposition. Should the request be denied, the employee is notified in writing and provided the reason(s) for the procedural or regulatory denial. Should the request be forwarded to the RRC for review and disposition, the employee, reviewer and supervisor are notified in writing.

6g. The RRC Chairperson has ten (10) days to schedule a review hearing date and notify the reviewer, supervisor and employee. A "Notice of RRC Panel Review" indicating the date and location for the Panel Review, information on witness(es), and deadline for submitting supporting documentation is sent to the employee, reviewer and supervisor.

6h. The agency reviewer, supervisor and employee must submit any supporting documentation and materials to the RRC Chairperson five (5) days before the scheduled hearing date.

7. Confidentiality and Burden of Proof

7a. All matters pertaining to the performance rating review process are confidential and participants (i.e., the Committee members, appellant, agency staff, witnesses, representatives) will be required to sign a confidentiality agreement.

7b. The burden of proof rests with the employee to establish by a preponderance of the evidence presented that he/she is entitled to the performance rating requested.

8. Representative.

8a. The employee may designate a representative to act on his or her behalf before the Formal Review Hearing.

8b. The agency must have a representative.

8c. The employee, agency reviewer and supervisor must provide the name, address, and telephone number of the representative to the RRC Chairperson and DBH OHR or designee within three (3) days of receipt of the notice of the scheduled/hearing review date.

8d. Any subsequent changes in the representative shall be made known to the RRC Chairperson, DBH OHR or designee as soon as possible before the date of the Formal Review Hearing.

8e. The RRC Chairperson is responsible for deciding on any objections to representatives. An employee may choose any person as a representative. The agency, however, may challenge the representative on the grounds of conflict of interest or conflict of position. This challenge must be

made in writing to the RRC Committee within two (2) days after receipt of the designated representative. In the event the selected representative is disqualified, the employee shall be given adequate time to obtain another representative.

9. Witnesses.

9a. Neither party (employee or agency) is required to present witnesses at the Hearing. Witnesses are the sole responsibility of the employee or the agency (Exhibit 2 and Exhibit 3).

9b. Witnesses are called upon to provide evidence relative to the case. Evidence is any relevant information submitted to a person who must decide on the truth of the matter in a contested issue and may be testimonial (oral evidence given under oath or affirmation) or documentary (evidence in written form). The RRC has the discretion to admit only evidence that bears a significant relationship to the matter in dispute.

9c. Both parties must provide the RRC and the other party a copy of their witness a list of written statements of what each witness will testify to, and the expected length of testimony within three (3) days of receipt of the scheduled hearing/review date notice. Any challenges to the witness list must be made known to the RRC within five (5) days of receipt of the scheduled hearing/review date notice.

9d. The RRC Chairperson may not allow a witness to testify if the Chairperson determines that the proposed witness' testimony will not assist the RRC panel in finding that something in particular was more or less likely or more probably or less probably to have occurred.

9e. The RRC Chairperson is responsible for deciding on any objections to witnesses.

9f. During the hearing, witnesses should be identified by name, title and where necessary, credentials and qualifications to speak as an expert. They may be allowed to present testimony in their own format or by the direct questioning of the representatives or the panel. Witnesses are not allowed to sit in and listen to the proceedings. Witnesses will be called in.

9g. If a witness cannot/does not appear at the Formal Review Hearing, the party may elect to proceed with the Hearing without the witness. Parties may also request a continuance of a Hearing, which will be considered by the RRC Chairperson. If requested before the RRC proceedings, the request must be in writing and set forth substantive reasons for a continuance.

10. Procedural Steps that occur during the RRC Formal Review Hearing

10a. The agenda of the RRC Formal Review Hearing is sequenced below:

Action	Responsible Party
Opening Statement	Both parties
Employee presents	By employee
Employee Witnesses	By witnesses
Direct Questioning	By employee representative
Cross Examination	By other party

Agency presents	By agency representative
Agency Witnesses	By witnesses
Direct Questioning	By agency representative
Cross Examination	By other party

10b. Either party may raise an objection to evidence (which is testimony or documentary). The RRC Chairperson can rule on the objection by either sustaining or overruling the objection. The RRC Chairperson may prohibit testimony and/or exclude written evidence that is redundant.

10c. Either party may request a postponement or continuance of the proceeding. The RRC Chairperson will make a final decision on the continuance or postponement based on substantive reasons and circumstances.

11. Procedure and Timeframes for Paper Review Timelines (For receipt of a rating of “Valued Performer” (Level 3) or “Highly Effective Performer” (Level 4))

11a. Prior to a filing a Performance Rating Request for Paper Review to the RRC, an employee may ask the rating supervisor to reconsider the evaluation informally during the evaluation period.

11b. If there is no resolution between the employee and supervisor, the employee may formally submit a Performance Rating Request for Review form (Exhibit 1) to the RRC through the RRC Chairperson, Director, DBH Office of Human Resources (OHR) or designee within ten (10) days of participating in a performance rating year-end discussion with the supervisor.

11c. Employees must provide the following information on the Performance Rating Request for Review form:

- (1) A copy of the Performance Evaluation and Tracking Form (performance evaluation form);
- (2) Documentation in support of the request;
- (3) Organizational location (department, division, unit) and office telephone number;
- (4) Position and grade;
- (5) Signature of the employee and date;
- (6) Reason for requesting a rating review.

11d. Upon receiving the Performance Rating Request for Review form, OHR or designee will forward the document to the RRC Chairperson within five (5) days and send the employee an acknowledgement of receipt of the Performance Request for Review form.

11e. The RRC Chairperson reviews the Request for Review and makes a decision within 14 days to deny the request on the basis of technical grounds (procedural or regulatory violations) or forward the request to the RRC for review and disposition.

11f. Should the request be denied, the employee is notified in writing and provided the reasons for the procedural or regulatory denial.

11g. Should the request be forwarded to the RRC for review and disposition, the employee, reviewer and supervisor are notified.

11h. The RRC Chairperson will convene a panel to conduct the paper review within 14 days.

11i. The agency supervisor and employee must submit supporting documentation and materials to the Committee Chairperson five (5) days before the scheduled review date.

12. RRC Final Decision

12a. The RRC Chairperson will ensure that the Panel completes a final decision.

12b. The panel will evaluate all evidence and make specific findings of facts and conclusions based solely upon pertinent evidence and the appropriate District government regulations.

12c. The panel cannot decrease a performance rating.

12d. The panel will render a written final decision within a reasonable period of time.

12e. The RRC Committee, or designee, will provide a copy of the RRC's Final Decision, which is a document of the review, including procedural history, facts, analysis and conclusion to the employee, representative and supervisor and representative(s), if applicable.

12f. The RRC's decision is final and not appealable.

13. Exhibits.

Exhibit 1 - Performance Rating Request For Review

Exhibit 2 - Employee Witness Form

Exhibit 3 - Agency Witness Form

Approved by:

**Tanya A. Royster, MD
Director, DBH**

 
(Signature) (Date)

PERFORMANCE RATING REQUEST FOR REVIEW



INSTRUCTION FOR COMPLETING THE REQUEST FOR REVIEW OF PERFORMANCE RATING

Completion of this form will provide valuable information to the Reconsideration and Resolution Committee (RRC) when a Request for Review is filed. Employees who use this form must complete all parts. Information may be typed in the form in its Microsoft Word format, the form may be typed on a typewriter or completed in a legible handwriting.

The RRC has the authority to determine whether a performance rating should be sustained or increased. As a first step of the rating review process, this Request for Review of Performance Rating and supporting documentation must be submitted within ten (10) days of participating in the year-end performance rating review discussion with the supervisor.

STEPS

1. Complete this form in its entirety.
2. Attach a copy of the Performance Evaluation and Tracking Form (performance evaluation form) to this document.
3. Supporting documentation may be included with this form. Note: the supporting documentation must pertain to the rating period for which a review is requested.
4. Submit this Request for Review of Performance Rating, including supporting documentation, to the RRC or designated official within ten (10) calendar days of participating in the performance rating review discussion with the supervisor.
5. Keep a copy of this form.
6. Be sure to include only relevant information that supports this Request for Review and the requested performance rating.
7. Employees who complete this form manually or type it on a typewriter must complete all forms. If necessary, additional sheets of paper, or attachments, may be submitted with the form.

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DBH Policy 730.1
Exhibit 1 (sec. 6a)

PERFORMANCE RATING REQUEST FOR REVIEW

PART I: GENERAL

1. Name

2. Position

3. Grade

4. Office Telephone No.

5. Agency Name and Address

Name:

Street:

City:

PART II: RATING INFORMATION

6. Overall Rating Assigned: (Attached copy of Performance evaluation form)

7. Rating Desired

8. Date Performance Rating Year-end Discussion was held:

9: Date employee submitted the Request for Review Form:

PERFORMANCE RATING REQUEST FOR REVIEW

Part III: REASON FOR REQUESTING A RATING REVIEW

(Type your justification for requesting the performance rating review)

PART IV : HEARING

An employee eligible for submitting a performance rating review, who receives an overall performance rating of Inadequate Performer or Marginal Performer, is entitled to a formal performance rating review hearing conducted by the Reconsideration and Resolution Committee. A formal hearing may include representation for both parties (employee and agency), which includes, but is not limited to attorneys, union representatives, or other personnel. The RRC Committee will notify the employee when the hearing will be held and what additional information may be submitted. Performance rating reviews for other ratings received will consist of the RRC's panel review of the case materials submitted. The RRC Committee will notify the employee when the hearing or review will be held and inform the employee what additional information may be submitted.

The employee requesting a performance rating review (either the full hearing or a paper review) is required to submit four (4) copies of this form, together with any attachments, to the RRC Committee upon notification of a scheduled hearing/review by the Committee.

Signature of Employee

Date

Employee Witness list



TO: Reconsideration and Resolution Committee

FROM:

DATE:

In accordance with the RRC, panel review scheduled for the matter of

vs

Review No: , this Witness List is submitted for the employee witness(es)

1. Name:

Title/Position:

It is anticipated that Ms./Mrs./Mr. Will testify regarding the following:

•

•

•

•

•

2. Name:

Title/Position:

It is Anticipated that Ms./Mrs./Mr. will testify regarding the following:

•

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Exhibit 2 (sec. 9a)

- [Redacted]
- [Redacted]
- [Redacted]

3. Name:

[Redacted]

Title/position:

[Redacted]

It is anticipated that
Ms./Mrs./Mr.

[Redacted]

will testify regarding the following

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

4. Name:

[Redacted]

Title/Position:

[Redacted]

It is anticipated that
Ms./Mrs./Mr.

[Redacted]

will testify regarding the following:

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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5. Name:

Title/Position:

It is anticipated that
Ms./Mrs./Mr.

will testify regarding the following:

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Agency Witness list



TO: Reconsideration and Resolution Committee

FROM:

DATE:

In accordance with RRC, panel review scheduled for the following employee:

Review No: , this witness List is submitted for the Agency witness(es)

1. Name:

Title/Position:

It is anticipated that
Ms./Mrs./Mr. will testify regarding
the following:

-
-
-
-
-

2. Name:

Title/Position:

It is Anticipated that
Ms./Mrs./Mr. will testify regarding
the following:

-
-
-

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DBH Policy 730.1
Exhibit 3 (sec. 9a)

•

•

3. Name:

Title/position:

It is anticipated that
Ms./Mrs./Mr.

will testify regarding
the following

•

•

•

•

•

4. Name:

Title/Position:

It is anticipated that
Ms./Mrs./Mr.

will testify regarding
the following:

•

•

•

•

•

5. Name:

Title/Position:

It is anticipated that
Ms./Mrs./Mr.

will testify regarding the
following:

•

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