

## Guidelines for Performance Rebuttal Panels

These guidelines have been prepared in accordance with Administrative Instruction ST/AI/2010/5, entitled "Performance Management and Development System," as amended by ST/AI/2010/5 Corr.1. Their aim is to assist rebuttal panel members when undertaking their reviews and do not create rights for staff members. In all instances of conflict between these guidelines and ST/AI/2010/5 and its Corr.1 or other pertinent issuances, the wording of the promulgated administrative issuances prevails over these guidelines.

### **Rebuttal Panel Composition**

1.1 The Rebuttal Panel is a three-member staff-management panel responsible for deciding whether the overall rating should be maintained or changed where a staff member disagrees with the overall performance rating given by his or her supervisor in the e-PAS or e-Performance document at the end of the performance cycle. The composition of the Panel is set out in Section 14 of ST/AI/2010/5.

### **Initiating a Rebuttal**

2.1 Staff members who disagree with an overall rating of "partially meets performance expectations" or "does not meet performance expectations" given at the end of the performance cycle may submit to their Executive Officer at Headquarters, or to the Chief of Administration/Director (or Chief) of Mission Support (or his/her delegate, as applicable) a written rebuttal statement **briefly** setting forth the specific reasons why a higher overall rating should have been given (see Annex 1). Ratings of "consistently exceed performance expectations" or "successfully meets performance expectations" are not subject to rebuttal, nor are comments in the ePAS/ePerformance documents (see ST/AI/2010/5 Corrigendum 1).

2.2 The **brief** rebuttal statement may be accompanied by supporting relevant documentation, if necessary. Staff members must submit their rebuttal statement within 14 (calendar) days of signing the hard copy of the completed e-PAS or e-Performance document. If a staff member refuses to sign an ePAS or ePerformance document, it is deemed signed after 14 (calendar) days of its receipt by the staff member (Section 8.5. of ST/AI/2010/5). "Receipt" in this context means that the staff member has been physically provided with a hard copy, or the electronic copy has been made available to the staff member for review via email (or automatic notification through the ePAS/ePerformance tool).

2.3 The rebuttal statement of the staff member contains the names of the three individuals selected by the staff member from the list published by the head of department/office/mission to serve on his/her individual rebuttal panel (Section 14.1 of ST/AI/2010/5).

2.4 After receiving a copy of the rebuttal statement, the head of department/office/mission, or his or her representative (normally the first reporting officer), has 14 days to prepare and submit to the rebuttal panel a brief written statement in reply to the staff member's rebuttal statement, which may be accompanied by relevant documentary evidence. A copy of the reply to the rebuttal statement is given to the staff member.

## **Chairperson**

3.1 The panel is headed by the Chairperson, chosen by the staff member from the rebuttal panel list as per Section 14 of ST/AI/2010/5. The Chairperson and rebuttal panel members must declare in writing any close relationship to the staff member (e.g. friendship, close social ties) or other actual or potential conflicts of interests (**See Annex 2**).

3.2 The Chairperson leads the panel and organizes logistical issues to ensure the prompt and effective review and resolution of rebuttal cases, including but not limited to organizing the panel meetings and establishing the responsibilities of the panel members, after consultation with them. The panel members liaise with the Executive Officer/Chief of Administration/Director (Chief) of Mission Support, as applicable, through the Chairperson.

3.3 The Chairperson, with the support of the Executive Officer/Chief of Administration/Director (Chief) of Mission Support should ensure that an expert human resources officer briefs the panel on the rebuttal process and procedure. The expert human resources officer should be made available throughout the rebuttal process to answer any clarifying questions in relation to ST/AI/2010/5 from the Chairperson or other rebuttal panel members.

## **Procedures**

4.1 After receiving the relevant documentation (written rebuttal statement from the staff member, reply to the rebuttal statement from the first reporting officer or head of department/office/mission, Performance document under consideration, and any other documentation) from the executive/human resources office, the panel members should review the information individually and collectively. The executive/human resources office should keep a log and copy of all documents received.

4.2 The Chairperson calls a meeting of the panel as soon as possible upon receipt of all documentation.

4.3 During the first meeting, panel members should:

(a) Allocate responsibilities among each member (e.g. asking questions during interviews, taking notes, keeping a file of the case, logistics, drafting reports and/or serving as focal point for other issues).

(b) Discuss the information provided, and agree on what elements need to be clarified.

(c) Decide which questions will be asked during the interviews.

(d) Schedule appointments for individual interviews with the staff member, the first and second reporting officers and other individuals who may have information relevant to the case. If geographical limitations exist, interviews can be conducted by videoconference or via telephone. All interviews should be conducted no later than 14 (calendar) days after the first meeting of the panel. At any stage during this process, the rebuttal panel may request additional relevant information, such as pertinent email exchanges. All additional documentation should be logged through the Executive Officer/Chief of Administration/Director (Chief) of Mission Support.

#### 4.4 During the Interviews:

(a) All panel members must be present. If one or more of the panel members cannot attend, interviews should be rescheduled.

(b) Interview questions should relate to the proper application of ST/AI/2010/5 and, in particular, whether the staff member's performance warranted the rating assigned, whether the staff member was advised that his/her performance was lacking, and remedial actions taken to address shortcomings.

#### **Final stages**

5.1 After the final review of the case (which should take place expeditiously) the rebuttal panel must prepare, within 14 calendar days, a report setting forth the reasons why the original rating should be maintained or amended. In the event that an overall rating should be amended, the rebuttal panel should allocate the new overall rating for the performance evaluation. The report of the panel should (Annex 3, rebuttal panel report template):

- (i) summarize the staff member's and first/second reporting officer's arguments, and
- (ii) briefly outline the methodology undertaken by the panel, and
- (iii) state the decision of the panel and its basis for maintaining or not maintaining the original rating.

It should, on average, be about 2-4 pages in length, but could be longer if the case is complex, and should be addressed to the Head of department/office/mission.

5.2 The report of the rebuttal panel is sent by the executive/human resources office to the staff member and placed in the staff member's official status file as an attachment to the completed e-PAS or e-Performance document. The Executive Officer/Chief of Administration/Chief (Director) of Mission Support must inform the staff member within five days of receipt of the final report by the panel. The rebuttal panel's report is also communicated to the first reporting officer, the Office of Human Resources Management (OHRM) or the Field Personnel Division of the Department of Field Support (as appropriate). Any other documents related to the case, including, but not limited to, personal notes or working files, should be discarded or retained under the discretionary decision by each panel member in a manner that does not compromise the confidentiality of the information contained therein.

5.3 The overall process from the receipt of the rebuttal statement of the staff member until the submission of the rebuttal panel report should normally not exceed six weeks. If after six weeks the panel has not completed its review, the Chairperson of the panel should send a communication to the responsible administrative entity, setting out the achievements of the panel so far, and the anticipated timeframe for finishing the process.

5.4 Pursuant to section 15.6 of ST/AI/2010/5, should unsatisfactory performance be the basis for a decision of non-renewal of an appointment and should the appointment expire before the end of the rebuttal process, the appointment should be renewed for the duration necessary to the completion of the rebuttal process.

### Application for Rebuttal

Staff Member to complete this form as per ST/AI/2010/5 and Corrigendum 1, Sections 14 & 15

Full name of the Applicant: \_\_\_\_\_ Index Number: \_\_\_\_\_

Grade: \_\_\_\_ Level: \_\_\_\_ Department: \_\_\_\_\_ Duty Station: \_\_\_\_\_

Performance cycle: \_\_\_\_\_

Date of signing the ePAS or ePerformance document: \_\_\_\_\_

*(Please refer to Sections 8.6 and 15.1 ST/AI/2010/5 for further information)*

\_\_\_\_\_  
Full name of the First Reporting Officer: \_\_\_\_\_ Grade: \_\_\_\_ Level: \_\_\_\_

Full name of the Second Reporting Officer: \_\_\_\_\_ Grade: \_\_\_\_ Level: \_\_\_\_  
\_\_\_\_\_

**To**

The Executive Officer

The Chief of Administration

The Director/Chief of Mission Support

(Please select as applicable)



**My selection of Panel Members**

Names of the three individuals selected by the staff member from the list provided by the head of department/office/mission to serve on his/her individual rebuttal panel (Section 14.1 of ST/AI/2010/5):

<b>1<sup>st</sup> Staff Member Name</b> <b>Chairperson</b>	<b>2<sup>nd</sup> Staff Member Name</b> <b>Management Representative</b>	<b>3<sup>rd</sup> Staff Member Name</b> <b>Staff Representative</b>

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Enclosed:

Copy: ePerformance

Supporting documentation attached: Yes  No

**REBUTTAL PANEL MEMBER**

**Confidentiality/Impartiality Agreement**

1. As a Panel Member working on a Rebuttal panel you are entrusted with confidential material and you will be privy to confidential information and discussions. It is therefore important that you maintain confidentiality and impartiality at all times.
  2. Acting as a Panel Member may put you in a difficult position as you may have a real or perceived conflict of interest. It is critical that the rebuttal process is transparent and free from criticism.
  3. Please take a few minutes to reflect on whether there are any reasons why you think you may not be suitable to act as a Panel Member. If you believe that you are a suitable person to perform the duties of a Panel Member in this case, kindly sign the statement below.
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I, \_\_\_\_\_, Member of the Rebuttal Panel for (name of the applicant) \_\_\_\_\_, hereby undertake not to disclose any materials or information related to this Panel to anyone outside the Panel. I also undertake to behave with the utmost integrity while performing my duties as Panel Member and to report to the Chairperson any real or perceived conflict of interest that would prevent me from serving as a Panel Member at any point of the process.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

  

\_\_\_\_\_

CONFIDENTIAL

Routine

TO: Head of Department

DATE: XXX

A:

THROUGH: Head of Administration/DMS/CMS

S/C DE:

FROM: XXXX

DE: Chairperson, Rebuttal Panel

SUBJECT: Report on performance rebuttal of XXX (Index #XXX) for 20XX-XX cycle

OBJET:

I. Background and methodology

1. Reference is made to the request for rebuttal of XXXX, disagreeing with the overall performance rating of *"Partially meets performance expectations/and or. "does not meet performance expectations"* given in the performance appraisal for the period 1 April XXXX to 31 March XXXX.

2. The rebuttal statement was submitted to XXX on XXX. The staff member choose the following Rebuttal Panel members:

- XXX, Level: XX (Chairperson)
- XXX, Level: XX (Rebuttal Panel Member)
- XXX, Level: XX (Rebuttal Panel Member)

3. The rebuttal statement was provided to the staff member's FRO on XX. The FRO of XXX prepared and submitted to the panel a written statement in reply to the rebuttal on XXXX. The staff member was provided with the FRO's reply statement on XXXX. On XXX the panel met for its first meeting, discussed the information provided and devised questions for the subsequent interviews.

4. On XXX the panel interviewed XXX and XXX (FRO and SRO and any other relevant person).

5. On XXX the panel interviewed the staff member.

6. The panel convened on XXX for a final review of the case.

7. In its deliberations, the rebuttal panel reviewed all documents made available to the panel by the staff member and his/her FRO and documents in relation to the case submitted upon the rebuttal panel's requests as follows:

- (list all documents)

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I. Main arguments of the staff member, FRO and SRO

8. (Provide a brief summary of the key arguments raised by the staff member, FRO and SRO).

II. Decision and reasoning of the rebuttal panel

9. The panel notes that it is not in its purview to change either the comments in the ePerformance document or the evaluations relating to core values and competencies. In accordance with section 15.4 of ST/AI/2010/5/Corr.1, the panel is only mandated to review the overall rating on the performance evaluation: "(t)he rebuttal panel shall prepare (...) a brief report setting forth the reasons why the original rating should or should not be maintained. In the event that an overall rating should not be maintained, the rebuttal panel should designate the new rating on performance evaluation".

10. Following its deliberations, the panel is of the view that the staff member's overall rating should [or should not] be changed from "**Partially meets performance expectations/ or does not meet performance expectations**" to (state the new rating).

11. The reasons [not] to change the original rating are as follows:

12. **Procedural reasons** (was there a workplan, midpoint review and final evaluation? Was the staff member made aware of his/her underperformance? Were remedial actions taken to address shortcomings?)

13. **Substantive reasons** (Did the staff member's performance warrant the rating assigned? If yes, why? If not, why?)

14. **Conclusion**

15. Based on the above, the panel recommends that the overall rating should [or should not] be changed from "Partially meets performance expectations/ does not meet performance expectations" to (new rating).

16. This report of the rebuttal panel will be placed in the staff member's official status file as an attachment to the completed ePerformance document and communicated to the OHRM/FPD and the local human resources office.

Rebuttal Panel's signatures:

Name and function	Signature and date
XXXXXX (Chairperson)	
XXXXXX (Rebuttal Panel Member)	
XXXXXX (Rebuttal Panel Member)	
XXXXXX (Human resources advisor to the rebuttal panel, if s/he was made available to the Panel)	