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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

In reply refer to
B-204428

October 5, 1981

Colonel John C. Lynch, USAF
Chief, Washington Area
Contracting Center (MAC)
Department of the Air Force
Andrews Air Force Base, D.C. 20331

Dear Colonel Lynch:

Your letter of August 13, 1981, requests our determination on whether the Headquarters Military Airlift Command makes the final decision on the overall performance rating of an individual, and whether it has the prerogative to change an individual's rating. The issue stems from three General Manager Performance Appraisals on GS-13's which you submitted. Subsequently, you were told that the Director of Logistics at Headquarters felt that two of the appraisals were too high and needed to be changed. You explained that employees should be appraised according to the individual job performance elements and not on the basis of others within the Command. However, you were told that Headquarters had placed all the logistics people in the Command on a bell curve and the appraisals needed to be changed to correlate with the curve. In light of these circumstances you question Headquarters' authority over performance appraisals.

The jurisdiction of the General Accounting Office is essentially limited to the settlement of monetary claims made by or against the United States, and to the audit and evaluation of governmental programs. We do not comment on individual complaints concerning personnel actions unless a monetary claim is involved. Therefore, a Comptroller General's decision will not be rendered on your request, but the following information should be helpful to you.

Generally, title 5 of the United States Code, and implementing regulations, provide that employees are entitled to contest adverse personnel actions and to file administrative appeals with the Office of Personnel Management in the event the employing agency denies relief. In particular, see 5 U.S.C. § 4304 which gives the Office of Personnel Management

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B-204428


responsibility for providing technical assistance to agencies in developing performance appraisal systems, and gives that Office authority to direct changes in a system when it does not meet statutory requirements. Thus, your questions concerning Headquarters' authority to make final decisions on performance appraisals and to change such appraisals is for the Office of Personnel Management to decide and not appropriately presented to this Office.

We draw your attention, however, to the Office of Personnel Management's implementing regulations pursuant to 5 U.S.C. § 4305. Specifically, 5 C.F.R. § 430.203(d) provides that "an appraisal system shall not permit any preestablished distribution of expected levels of performance (such as a requirement to rate on a bell curve) that interfere with appraisal of actual performance against standards."

Although the Comptroller General can provide no specific relief through his claims settlement authority, your letter will be retained for use in connection with the review of the performance appraisal system as directed by 5 U.S.C. § 4304(b)(2).

We hope the above information will be of assistance to you.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Edwin J. Monsma".

Edwin J. Monsma
Assistant General Counsel