

Rebuttal and Related Remedies Regarding Performance Appraisal and Development (PAD)

1. Purpose of this Policy:

- 1.1 The UNFPA *Performance Appraisal and Development* (“PAD”) system performs two functions. It provides tools for staff development and it is a tool for performance appraisal.
- 1.2 This policy establishes procedures for the formal rebuttal against performance appraisal ratings in the UNFPA PAD. It also provides for various related remedies available to staff members and managers prior to any formal rebuttal.

2. Exhaustion of Remedies Available Prior to any Formal Rebuttal:

- 2.1 A formal performance appraisal rebuttal (see section 4 below) may only be submitted following a good faith attempt by the staff member to seek a resolution of the disagreements regarding performance rating(s) by availing of at least one of the alternative remedies that are available prior to a rebuttal (see sections 3.1, 3.2(a), 3.2(b), 3.3). Therefore, a rebuttal should be considered a last resort.

3. Remedies Available Prior to any Formal Rebuttal:

Discussion with Supervisors to Resolve Disagreements:

- 3.1 The UNFPA PAD provides a mechanism to engage staff members and supervisors in a process of performance planning and development, feedback and appraisal. The year-end appraisal is the final step in the performance management process. It should include a year-end appraisal discussion between the staff member and the supervisor. This discussion should cover the ratings in the four areas of appraisal (work plan outputs, core competency proficiency, functional competency proficiency and developmental outputs). Staff members who are not in agreement with their performance ratings should raise their disagreement at that time to seek a resolution. If the supervisor has not scheduled any such discussion, the staff member may seek a discussion to permit him/her to raise any disagreement with regard to the appraisal of their performance and to seek a resolution.

Alternative Mechanisms for the Resolution of Disagreements:

- 3.2 Should the staff member continue to disagree with the ratings assigned by the supervisor, there are two options for seeking an alternative resolution of the disagreement regarding the performance rating:

- (a) Higher-level manager: The staff member may seek the assistance of the higher-level manager and the Strategic Human Resources Partner to resolve the disagreement;
- (b) Assistance by the Talent Management Branch/DHR: If the staff member and the supervisor so agree, they may request that the Talent Management Branch, DHR, assist in resolving differences between the staff member and the supervisor. Experience has shown that such assistance by the Talent Management Branch is an effective process in resolving disagreement between the staff member and the supervisor in respect of performance appraisal ratings. For staff members and supervisors at field duty stations, such assistance is subject to technical feasibility, such as effective telephone or e-mail communications.

Staff Member's Comments on the PAD Form:

- 3.3 The PAD form permits staff members who are in disagreement with regard to any rating to record such disagreement in the comments section of the year-end appraisal portion of the PAD form. Such comments remain "on the record" and, therefore, unequivocally demonstrate that the staff member was in disagreement with the supervisor's ratings. The formulation and entry in the PAD form of appropriate dissenting comments may be sufficient to address the existing disagreement and, therefore, may make a formal rebuttal unnecessary.

4. Performance Appraisal Rebuttal:

Rebuttal:

- 4.1 Should the staff member¹ continue to be in disagreement with one or all of the combined performance ratings received in the PAD, he/she may submit a statement of rebuttal to the Chief, Talent Management Branch, against one or several of the overall performance ratings.

Rebuttal Panel:

- 4.2 There is one rebuttal panel for UNFPA, which is established at Headquarters. The Panel shall have at least eight members, who shall be staff or retired staff members of UNFPA.
- 4.3 Panel members shall be jointly nominated by the Director, DHR, and the Chairman of the UNDP/UNFPA/UNOPS Staff Council. Failing such agreement, each shall designate at least four members. They shall endeavor nominating members representing a cross-section of the staff in terms of grade, gender and substantive assignment, and who have

¹ Or former staff member in case of separation from UNFPA prior to the finalization of his/her performance appraisal.

demonstrated fairness, impartiality and integrity in the past. The Executive Director retains the right to approve such nominations.

- 4.4 The Panel, which constitutes an association of individuals rather than a sitting group, shall have a term of two years. Thereafter, it shall remain in office until a new panel has been constituted.
- 4.5 The Chief Human Resources Business Partner (CHRB) shall convene the Panel. The Panel shall conduct reviews of rebuttal cases with maximum dispatch. The Panel should seek to complete reviews within one month of receipt of the statement of rebuttal by Career Development and Talent Mobility Branch (CDTMB). Panels shall design their own working arrangements. They shall take decisions by simple majority. There shall be a quorum of three.
- 4.6 The members of the Panel shall elect one Chairperson and one Deputy Chairperson.
- 4.7 The Chief, CDTMB, and his/her designees serve as Secretary to the Panel in order to assist it in its business.

Stand-by Rapporteur(s):

- 4.8 The Director, DHR, in consultation with the Chairman of the UNDP/UNFPA/UNOPS Staff Council, shall designate one or several Stand-by Rapporteurs. Stand-by Rapporteurs should be persons with relevant expertise in human resources management and knowledge of the United Nations common system of salaries and allowances. Stand-by Rapporteurs will be retained by UNFPA on the basis of suitable contracts for services.

Formal Requirements for the Rebuttal Statement:

- 4.9 When submitting a rebuttal statement, the following formal requirements apply:
- (i) The rebuttal statement must be in writing²;
 - (ii) The rebuttal must be submitted by the staff member concerned. The submission of rebuttal statements on behalf of others is not permissible;
 - (iii) The rebuttal statement must be addressed to the Chief, CDTMB ;
 - (iv) The rebuttal statement must be submitted within 30 calendar days as of the finalization of the staff member's PAD by the supervisor or the PAD administrator (DHR);

² For the purpose of this policy, only, this includes a paper document, email or any other electronic/digital document revealing the author's identity.

- (v) The rebuttal statement must:
- Either demonstrate that at least one of the remedies available prior to rebuttal (see sections 3.1, 3.2(a), 3.2(b), 3.3) were initiated by the staff member in good faith prior to the submission of the rebuttal statement, however without a resolution of the disagreements;
 - Or demonstrate convincingly that the good faith use of the remedies available prior to rebuttal (see sections 3.1, 3.2(a), 3.2(b), 3.3) in all likelihood would not have yielded a resolution of the disagreements.
- (vi) The rebuttal statement shall be brief;
- (vii) The rebuttal statement shall set forth the specific reasons why the staff member should have received (a) higher overall rating(s).

Decision on Receivability regarding the Rebuttal Statement:

- 4.10 The Secretary to the Rebuttal Panel shall ascertain that the formal requirements for each rebuttal statement have been met.
- 4.11 Should the Secretary determine that a rebuttal statement fails to meet the formal requirements, he/she shall submit a brief report that the rebuttal statement is not receivable to the Panel for endorsement.

Review of Rebuttal Statement by the Rebuttal Panel:

- 4.12 Where the Secretary determines that a rebuttal statement is receivable, he/she shall assign it to a Stand-by Rapporteur for review. In exceptional circumstances or in the event that a Stand-by Rapporteur is not available, the Secretary may request the Chairperson to assign one or several members of the Rebuttal Panel as Panel Rapporteur(s) to review the rebuttal statement. (Stand-by Rapporteur and Panel Rapporteur are jointly referred to as “Rapporteur”.)
- 4.13 The Rapporteur shall review the case. He/she should hear the staff member and the supervisor(s), and may hear other staff members and review records as deemed necessary or appropriate.
- 4.14 Should the Rapporteur deem it necessary to review any multi-rater feedback data, he/she shall request such data solely from the CDTMB. The CDTMB shall provide such data to the Rapporteur provided that no information is made available attributing specific feedback data to an individual feedback source.
- 4.15 The Rapporteur shall submit a draft report to the Panel for review and endorsement. The draft report shall be brief; contain a decision on whether the original combined rating(s)

should or should not be maintained; in the latter case, contain a decision on a different combined rating; and set forth the reasons for the decision.

Report of the Rebuttal Panel:

- 4.16 Following endorsement of the report by the Rebuttal Panel and signature by the Chairperson, the report of the Panel shall constitute the final decision on the case.
- 4.17 The Chairperson shall forward the rebuttal report to the Secretary.
- 4.18 The Secretary shall:
- Send a copy of the report to the staff member;
 - Include the report in the staff member's Official Status/Personnel File; and
 - Send a summary of the report to the staff member's supervisor.

Implementation of Panel's Decision:

- 4.19 Should the Panel decide on changes to any or all of the overall ratings, the Secretary shall implement such changes.

Further Process:

- 4.20 The ratings or comments resulting either from an appraisal that has not been rebutted or from the rebuttal process are final. However, administrative decisions that stem from any final performance appraisal may be challenged, beginning with a request for management evaluation (Staff Rule 11.2; and [UNFPA Policies and Procedures Manual, Human Resources, Request for Management Evaluation](#)).

Annual Report and Interim Reports by the Panel:

- 4.21 The Rebuttal Panel should issue an annual report. Such report shall be addressed by the Chairperson to the Director, DHR, with a copy to the Executive Director.
- 4.22 In as far as the Rebuttal Panel considers it necessary, it may issue brief interim reports to the Director, DHR.

5. Final provisions:

- 5.1 This policy shall apply as of the date indicated below. It replaces the Policies and Procedures Manual, Rebuttal and Related Remedies Regarding Performance Appraisal and Development, of July 2013.