



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Friday, December 19, 2008

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: Michael W. Hager, Acting Director

Subject: Extension of Time Limit for Certified Agency SES Performance Appraisal Systems and Updated Guidance for Future Submissions

The purpose of this memorandum is to extend the time limit for certified agency Senior Executive Service (SES) systems and to provide a revised submission deadline for future agency certification submissions. Effective October 8, 2008, the Senior Professional Performance Act of 2008 (P.L. 110-372) changed the time period for which the Office of Personnel Management (OPM) (with concurrence from the Office of Management and Budget) may grant certification of these systems. Under the new law, certification is no longer granted on a calendar year basis but may instead be granted for a period not to exceed 24 months unless extended by OPM for up to 6 additional months. Additionally, the Act provides OPM the authority to extend any certification already in effect as of October 8.

The certification expiration date for agencies with system certification granted before October 8, 2008, and valid through calendar year 2008 is hereby extended to June 30, 2009, or 1 year after the date of the letter granting certification, whichever is later. These agencies may begin making their requests for certification of senior executive appraisal systems as soon as the required information for submission is available. OPM strongly encourages agencies to submit their requests by March 15, 2009 to avoid a gap in certification. If applicable, please make sure to highlight in your request package any description or evidence of improvements made as a result of comments from OPM or OMB in response to the previous certification submission.

The certification expiration date for agencies with system certification granted before October 8, 2008, and valid through calendar year 2009 is hereby extended to June 30, 2010, or 2 years after the date of the letter granting certification, whichever is later. These agencies may begin making their requests for certification of senior executive appraisal systems as soon as the required information for submission is available. Agencies with fully certified SES appraisal systems are expected to use the SES Performance Appraisal Assessment Tool (SES PAAT) to request future certifications. OPM strongly encourages agencies to submit their requests by March 15, 2010 to avoid a gap in certification.

To minimize confusion regarding the application of these extensions, attached is a list of the agencies certified prior to October 8, 2008, along with the dates of certification and the dates their extensions expire. There is no provision in P.L. 110-372 authorizing immediate extension for agencies whose systems currently have certification through calendar year 2010. OPM expects these agencies to request certification by March 15, 2010.

The certification expiration date is not extended for agencies with systems certified through calendar year 2008 who did not submit a request for certification renewal and for agencies with senior-level (SL) and scientific or professional (ST) systems certified before October 8, 2008. Instructions on extensions of certified SL/ST systems will be forthcoming.

Agencies with systems that are not certified may begin making their requests for certification of senior employee appraisal systems as soon as the required information for submission is available. The criteria for granting certification are unchanged.

All agencies (regardless of whether they seek certification) are required to operate pay-for-performance systems for their SES cadre and submit to OPM data on SES and SL/ST employees' summary performance ratings, pay, and awards. P.L. 110-372 will permit agencies with certified SL/ST performance appraisal systems to pay these employees up to Level II of the Executive Schedule, effective April 12, 2009. OPM will be issuing regulations concerning the implementation of this provision.

To reduce duplication of effort, you need only submit your annual report in response to the FY 2008 agency data call once. Your response to that data call will also be used for certification, provided the submission is timely, complete, and accurate. Instructions for preparing this annual report were provided to agencies on November 26, 2008.

My staff is available to provide additional information and to answer questions you might have regarding this guidance. For such assistance, your staff may contact Mr. Paul Thompson, Center for Learning, Executive Resources, and Policy Analysis at 202-606-1429, or paul.thompson@opm.gov. For questions about the certification process, contact Ms. Karen Lebing, Center for Human Resources at 202-606-1633 or karen.lebing@opm.gov, or your agency's OPM Human Capital Officer.

Agency	Date Certified	Date Extension Expires
Consumer Product Safety Commission	10/12/2007	Not extended
Department of Agriculture	8/15/2008	8/15/2009
Department of Energy	10/3/2008	10/3/2009
Department of Health and Human Services	3/31/2008	6/30/2010
Department of Housing and Urban Development – OIG	9/2/2008	9/2/2009
Department of Interior	7/14/2008	7/14/2010
Department of Justice	9/17/2008	9/17/2009

Agency	Date Certified	Date Extension Expires
Department of Labor	12/12/2007	6/30/2010
Department of State	8/29/2008	8/29/2009
Department of Veterans Affairs	7/21/2008	7/21/2010
Federal Trade Commission	8/14/2008	8/14/2010
Merit Systems Protection Board	9/9/2008	9/9/2010
National Capital Planning Commission	7/23/2008	7/23/2009
National Endowment of the Arts	7/28/2008	7/28/2010
National Science Foundation	9/9/2008	9/9/2009
National Transportation Safety Board	7/28/2008	7/28/2009
Nuclear Regulatory Commission	9/9/2008	9/9/2010
Office of Management and Budget	8/20/2008	8/20/2009
Office of National Drug Control Policy	10/3/2008	10/3/2010
Office of Navajo and Hopi Indian Relocation	10/09/2007	Not extended
Small Business Administration	9/17/2008	9/17/2010
Surface Transportation Board	9/24/2008	9/24/2010
U.S. Chemical Safety Board	9/8/2008	9/8/2010
U.S. Office of Personnel Management	8/21/2008	8/21/2010
U.S. Trade Representatives	6/20/2008	6/30/2010