

U.S. Department of Energy
Washington, DC

LIMITED CHANGE

DOE O 331.1D

Chg 2: 10-13-2023

SUBJECT: LIMITED CHANGE TO DOE O 331.1D, *PERFORMANCE MANAGEMENT AND RECOGNITION PROGRAM*

1. EXPLANATION OF CHANGES. To implement a more robust award recognition process for non-performance-based awards; and ensure the overall program is consistent with several key Federal initiatives/executive orders.
2. LOCATIONS OF CHANGES: Changes made throughout the document can be noted at the beginning of the chart.

Page	Paragraph	Changed	To
2	3.a – Applicability	Added	This Order automatically applies to Departmental Elements and non-executive (SES/SL/ST) pay plans after its effective date.
3	3.d.(1) – Exemptions	Added	Administrative Law Judges who are not eligible for performance ratings, monetary or honorary awards in accordance with Executive Order (EO) 13843, Excepting Administrative Law Judges from the Competitive Service dated July 10, 2018, and 5 CFR 930.206.
3	3.d.(1) – Exemptions	Added	The performance award, non-performance-based monetary awards , and performance-based pay increase determinations and limits for certain Excepted Service employees serviced by the Office of Corporate Executive Management . If applicable, performance awards and pay increase guidance are covered in the annual compensation guidance issued by the CHCO .

Page	Paragraph	Changed	To
3 and 4	3.d. (1) – Exemptions	<i>Deleted</i>	<i>Performance award determinations and limits for Advanced Research Projects Agency Energy (ARPA-E) employees in pay plans ER and ET.</i>
3 and 4	3.d. (1) – Exemptions	<i>Deleted</i>	<i>The performance award determinations and limits for Exceptionally Well Qualified (EWQ) employees in pay plan EQ.</i>
5	4.a. – Requirements	Added	Employees covered by this Order cannot receive any portion of any award under Title 5, United States Code, in any calendar year, which when combined with the employee's basic pay would cause the employee's aggregate compensation (including premium pay) to exceed the rate for level I of the Executive Schedule at the end of the calendar year. Reference: 5 U.S.C. § 5307 and 5 CFR § 530.203.
10	4.c.(16) – Performance Appraisals	Changed	Position Demonstration Period (PDP) to Performance Improvement Period (PIP) .
11	4.c.6 (19) – Performance Appraisals	Changed	PDP to PIP
12	4.d.(2) – Poor or Unacceptable Performance	Changed	PDP to PIP
12	4.d.(3) – Poor or Unacceptable Performance	Added/Changed	A PIP cannot be less than 30 calendar days and should be no greater than 45 days. The Rating Official may extend the PIP if he/she determines that a longer period is necessary to provide sufficient time to evaluate an employee's performance. A PIP cannot be extended beyond a total of 90 days.

Page	Paragraph	Changed	To
			Excluding NNSA, all extensions beyond the 45 days requires consultation with the servicing employee relations specialist at the SHRO/SSC, and general counsel; and requires concurrence by the Office of Policy, Labor and Employee Relations, Policy Division (OPLER-PD).
13 – 15	4.d.(5 – 12) – Poor or Unacceptable Performance	Changed	PDP to PIP
17	4.f.(4). (a) – Performance Based Awards	Changed	PDP to PIP
18	4.f.(5). (c). – Time Off Awards	Changed	An employee may not receive more than 160 hours of time-off (performance and non-performance based) within one calendar year.
19	4.g.(1). – Non-Performance Based Awards and Other Forms of Recognition	<i>Deleted</i>	<i>Ensure that special awards that are based on an employee's position clearly exceed the recognition afforded as a performance award.</i>
20	4.g.(2). (a) – Special Act or Service (SAS) Award	Added/Changed	A SAS award is a cash award to recognize a one-time significant contribution (i.e., accomplishment) that is clearly above and beyond expected job performance and performed in the public interest in connection with or related to their official employment. The contribution may be within or outside the employee's normal job responsibilities. An employee may receive a combination of an SAS and Time Off Award (TOA) for the same contribution.
20	4.g.(2). (c) – SAS Award	Added	An SAS and TOA can recognize a contribution that

Page	Paragraph	Changed	To
			<p>is within or outside of an employee's normal job responsibilities. Further, an employee can receive an SAS and/or TOA and a performance-based award for the same contribution in a single year.</p> <ol style="list-style-type: none"> 1. The most important factor in deciding whether to grant multiple awards for the same contribution is that the total value of the awards must be commensurate with the value of the employee's contribution. 2. If the contribution is within an employee's normal job responsibilities that can be recognized under the regular performance-based award process, the award justification must clearly explain what the employee did that clearly exceeds expected performance meriting an SAS/TOA.
20	4.g.(2). (e) – SAS Award	Added	<p>In accordance with the August 3, 2010, Presidential Memorandum, employees assigned to confidential or policy determining positions (i.e., Schedule C employees) are not eligible to receive SAS awards for individual or group achievements. The freeze on discretionary SAS is in effect until further notice. This does not apply to TOAs.</p>

Page	Paragraph	Changed	To
21	4.g.(2). (g) – SAS Award	Added	New Federal employees who do not have a recent Federal rating of record is eligible for an SAS provided their first-line supervisor certifies they have been onboard at least 90 days and are performing at the ME level or higher.
21	4.g.(2). (h) – SAS Award	Changed	The amount of a cash or time-off award for a special act or service is based on the tangible/intangible benefit to the organization. All nominations must: (1) contain the approving official's signature and date; (2) identify and describe the scope of the act; (3) demonstrate its significance to mission, goals, and/or objectives; (4) an explanation of how the contribution meets the scale in Appendix B and (5) describe how the action went above and beyond the employee's regular duties or normal expectations.
21	4.6.(3). (a) – Time Off Award (TOA)	Added/Changed	A TOA may be granted to any Federal employee or group of employees without "loss of pay" or "charge to leave" in recognition of a one-time significant contribution that is clearly above and beyond expected job performance and performed in the public interest in connection with or related to official employment. The contribution may be within or outside of an employee's normal job responsibilities.
21	4.6.(3). (b) – TOA	Changed	Changed from 80 hours of time off in a fiscal year to 160 hours in one calendar year; and added 480 hours over a

Page	Paragraph	Changed	To
			three-year period (i.e., 160 hours x 3 years).
22	4.g.(3). (e) – TOA	Changed/Conciseness	A current DOE employee who has a current rating of record of ME or above and is not on a PIP is eligible to receive a TOA
22	4.g.(3). (f) – TOA	Added	A new Federal employee who does not have a recent Federal rating of record is eligible for a TOA provided their first-line supervisor certifies they have been onboard at least 90 days and performing at least at the ME level.
22	4.g.(3). (g) – TOA	Added	Employees on Schedule C appointments are eligible for TOAs as long as they are granted prior to June 1 in a Presidential election year. In accordance with 5 U.S.C. § 4508, Schedule C employees cannot receive TOAs during a Presidential election period, which is defined as any period beginning on June 1 in a calendar year in which the election of the President occurs and ending on January 20 following the date of such election.
22	4.g.(3). (h) – TOA	Changed/ <i>Deleted</i>	Time off must be scheduled and taken within three years after the date the award is effective (i.e., the date of the SF-50 effecting the award, normally the first day of the first pay period following final approval of the award). Scheduling of time off is subject to supervisory approval. If the time is not taken off within three years , it will be forfeited.

Page	Paragraph	Changed	To
			Deleted: <i>In rare occasions, Heads of Departmental elements may approve extensions of up to 90 days on a case-by-case basis for unavoidable circumstances that have prevented or will prevent using the time.</i>
22	4.g.(3). (i) – TOA	Added/Changed/Conciseness	<p>A TOA may not be converted to cash. Any unused time off will be forfeited once an employee retires or separates. If forfeited, no other award or compensation may be substituted.</p> <ol style="list-style-type: none"> 1. A TOA can be transferred to another Federal agency; however, transferring TOAs between Federal agencies is not an employee entitlement. 2. DOE employees who are transferring to another Federal agency may request the gaining agency to transfer the TOA when effecting the transfer personnel action to the gaining agency. This is a discretionary decision by the gaining agency and must be approved by the new agency prior to the DOE employee reporting. If the TOA is not transferred before the DOE employee separates, the TOA is forfeited, and no other award or compensation may be substituted.

Page	Paragraph	Changed	To
			<p>3. Federal employees transferring to DOE may request a special arrangement to honor a TOA granted by their former Federal agency prior to their entrance on duty (EOD) date. If a special arrangement is approved by the HDE or designee, the applicant's SF-75 and/or the final leave and earnings statement from the prior Federal agency, and a copy of the TOA SF-50(s) must be provided to the appropriate Servicing Human Resources Offices/Shared Service Centers (SHRO/SSC) within 30 calendar days of the start date.</p>
23	4.g(4). (a).1- 3 – Group Incentive Awards	Changed/Conciseness	<p>1. The group award is based on the tangible/intangible benefits (e.g., value of benefit and its corresponding extent of application) of their contribution—this determines the maximum individual award amount that can be provided to each employee in the group award;</p> <p>2. All employees to whom the accomplishment or contribution is creditable, including a supervisor, are eligible for a group award; and</p>

Page	Paragraph	Changed	To
			<p>3. Individual awards within a group award can be the same or vary according to the contribution; separate justifications for each member of the group must be included with the overall description of the accomplishment if the members of the group receive different dollar amounts or time off.</p>
23	4.g.(4). (b). – Group Incentive Awards	Added	<p>The individual award amount provided to the employees in the group must be commensurate with the group’s contribution and each individual award amount cannot exceed the amount that would be authorized if the contribution was made by only one individual.</p> <p>Example: a group incentive award recognizes 15 employees and the group’s contribution falls within Substantial/Broad category as defined in Appendix B, each employee can be awarded up to \$1,000 with a cumulative group award value up to \$15,000.</p>
23	4.g.(4). (b).1 – Group Incentive Awards	Deleted	<p><i>The award provided to the employees in the group must be commensurate with the group’s contribution and cannot exceed the amount that would be authorized if the contribution was made by one individual.</i></p>