

# DHS HUMAN RESOURCES GENERAL INSTRUCTION GUIDE PERFORMANCE MANAGEMENT PROGRAM

## I. Purpose

This General Instruction Guide establishes procedures and practices for the DHS Employee Performance Management and Appraisal Program (the Program). The objective of the Program is to support accomplishment of DHS organizational goals by promoting and sustaining a high-performance culture.

## II. Scope

See Appendix A, "Employee Coverage," for an explanation of DHS employees covered by the Program.

## III. Authorities

- A. 5 U.S.C. Chapter 43, "Performance Appraisal."
- B. 5 C.F.R. Part 430, "Performance Management," Subparts A and B.
- C. 5 C.F.R. Part 432, "Performance Based Reduction-in-Grade and Removal Actions."
- D. DHS Performance Appraisal System approved by the Office of Personnel Management (OPM) on February 17, 2010.

## IV. Definitions and Statements of Equivalency

- A. **Acceptable Level of Competence**: Performance by an employee that warrants advancement of the employee's rate of basic pay to the next higher step of the grade or the next higher rate within the grade as defined in 5 C.F.R. § 531.403, "Definitions," of his or her position subject to the requirements in 5 C.F.R. § 531.404, "Earning within-grade increase." To be determined to be at an acceptable level of competence, the employee's most recent rating of record must be at least "Achieved Expectations."
- B. **Appraisal**: The process under which performance is reviewed and evaluated.

- C. **Appraisal Period**: The 12-month time period established under this Program for reviewing employee performance; i.e., October 1 to September 30, except for the United States Coast Guard which is April 1 to March 31.
- D. **Appraisal Program**: The specific guidance, procedures, and requirements set forth in the “DHS HUMAN RESOURCES PERFORMANCE MANAGEMENT PROGRAM GUIDANCE – ISSUED DECEMBER 1, 2008” and in this GENERAL INSTRUCTION GUIDANCE which establishes the DHS-wide performance appraisal program under the OPM approved DHS performance appraisal system.
- E. **Core Competencies**: The measurable or observable knowledge, skills, abilities, behaviors, or other characteristics required by a position that have been validated and which apply broadly to all or many DHS occupations. Each core competency is a **Critical Element**.
- F. **Critical Element**: A work assignment or responsibility of such importance that Unacceptable performance on the element (*Goal* or *Competency*) results in a determination that an employee's overall performance is *Unacceptable*. The performance *goals* and *core competencies* established under this Program **are all Critical Elements**.
- G. **Individual Development Plan (IDP)**: A plan developed by the employee and discussed with the employee's supervisor that identifies an employee's short and long-term learning and developmental goals. It contains elective training, education, and development activities to acquire the competencies to meet career goals.
- H. **Individual performance goals**: Specific goals assigned to an employee by the supervisor/ manager that describe specific results that are to be achieved and which are described in the employee's performance plan. A minimum of one goal must be assigned to an individual; however, three to five goals are encouraged. Each performance goal is a critical element.
- I. **Interim Rating**: A rating describing an employee's work performance when an employee has been placed on a formal performance plan and: (1) completes a detail or temporary promotion of more than 90 days; (2) moves to a new position or supervisor within DHS; or (3) is under the supervision of a rating official who leaves his or her position prior to the end of the formal rating period.
- J. **Minimum period**: The 90-day period of time during which an employee must perform under an approved performance plan before receiving an Interim Rating or a Rating of Record.
- K. **Opportunity to demonstrate acceptable performance**: A reasonable chance for an employee whose performance has been determined to be *Unacceptable* in one or more critical elements (*Goals* or *Competencies*) to demonstrate acceptable performance in the critical element(s) at issue.
- L. **Performance**: The degree of accomplishment of work assignments or responsibilities.

- M. **Performance Expectations**: The performance *goals, core competencies*, and associated *performance standards* set forth in an employee's performance plan.
- N. **Performance Goals**: See "individual performance goals."
- O. **Performance Plan**: A written plan that describes the performance expectations (i.e., performance *goals, core competencies*, and associated *performance standards*) that are to be met during the appraisal period.
- P. **Performance Standard**: The management-approved expression of the performance threshold(s), requirement(s), or expectation(s) that must be met to be appraised at a particular level of performance. A performance standard may include, but is not limited to, quality, quantity, timeliness, and manner of performance. Performance standards under the Program are described at the "Achieved Excellence" and "Achieved Expectations" levels.
- Q. **Progress Review**: A formal documented discussion between an employee and his or her rating official about the employee's actual performance as compared to the performance expectations set forth in the employee's performance plan.
- R. **Rating Official**: The official, generally the first-level supervisor, who prepares the employee's performance plan with input from the employee, conducts progress reviews, and prepares any interim evaluations and the final rating of record.
- S. **Rating Of Record**: A written performance appraisal that is prepared at the end of the appraisal period, covering an employee's performance of assigned duties against performance expectations over the applicable period.
- T. **Reduction-in-grade**: The involuntary assignment of an employee to a position at a lower classification or job grading level.
- U. **Removal**: The involuntary separation of an employee from employment.
- V. **Reviewing Official**: The official, generally the employee's second-level supervisor, who reviews and approves the Performance Plan and the final Rating of Record.
- W. **Self-assessment**: An employee's written assessment of his or her performance of assigned duties and responsibilities as measured against performance expectations.
- X. **Summary Rating**: The performance level ("Achieved Excellence," "Exceeded Expectations," "Achieved Expectations," or "Unacceptable") summarizing the employee's overall performance during the period appraised.
- Y. **Unacceptable Performance**: The failure of an employee to meet established performance standards in one or more critical elements (*Goals* or *Competencies*) of such employee's position.

## V. Content and Procedures

### A. Performance planning process:

1. **General:** Performance planning is the critical first step in a successful performance management and appraisal process and is an essential ingredient to achieving and sustaining a high-performance culture. **At the beginning of the employee appraisal period or at the beginning of a detail or temporary promotion that is expected to last more than 90 days, a written performance plan shall be developed and initiated for each employee that identifies the specific performance expectations for which the employee will be held accountable.** In that regard, the Program endeavors to balance the achievement of *performance goals* and the demonstration of *core competencies*.

### 2. Performance Goals:

a. Establishing performance Goals: The performance plan of each employee will include individual performance *goals* (i.e., results) that describe what the employee is expected to accomplish during the rating cycle. While rating officials must involve employees in the development of their performance goals, rating officials retain sole discretion to determine goals. **Each individual employee performance goal must align with supervisor and/or organizational goals and mission accomplishment (see appropriate location under each Goal in Work Plans).** Performance on *goals* listed on Work Plans account for 60 percent of the annual Rating of Record.

b. Establishing performance standards for individual performance goals: At the time performance *goals* are identified rating officials will also establish specific performance goal *standards* for each goal. These standards will provide specific details associated with each goal (e.g., quality, quantity, timeliness, manner of performance) and will be drafted by the employee and finally approved by the rating official at the “Achieved Expectations” and the “Achieved Excellence” levels. These performance goal *standards* will be used to evaluate progress in achieving the goals.

c. Assigning weights: Once performance goals and standards are established, rating officials will assign weights to each goal. How much weight is assigned to each goal is discretionary, with the rating official taking into account the scope of the goal, the amount of time expected to be devoted to the goal, and the impact of the goal on organizational operations (Note that rating officials do not have the option of assigning weights to the core competencies addressed in the next Section. Core competencies are pre-established and are all equally weighted.).

3. **Core Competencies:**

a. **Specific Core Competencies:** There are five pre-established **critical** core competencies for non-supervisors, plus two additional **critical** core competencies for supervisors and managers, that rating officials will use in appraising performance. Demonstration of these critical core competencies and their associated performance standards account for 40 percent of the annual Rating of Record. The specific critical core competencies are:

- (1) Technical proficiency
- (2) Customer service (except for positions in the 1811 and 1896 series)
- (3) Teamwork/cooperation
- (4) Communications
- (5) Representing the agency
- (6) Assigning, monitoring, and evaluating work (supervisors and managers only)
- (7) Leadership (supervisors and managers only)

b. **Performance standards for core competencies:** The pre-established, Department-wide performance standards for core competencies are based on type and level of work at the “Achieved Expectations” and “Achieved Excellence” level for each competency. Supervisors will use these standards when evaluating performance on these competencies. Unlike performance goals, core competencies are all equally weighted.

4. **Detail or temporary promotion:** Employees expected to be on detail or temporary promotion for more than 90 days will be placed on performance plans by the supervisor of the detail or temporary promotion.

5. **Employee involvement:** Rating officials are expected to involve employees in the development of their performance plans insofar as practicable. Rating officials should obtain input from, and engage in meaningful discussions with, employees regarding specific performance goals and related performance standards for which they will be held accountable. Supervisors should explain what their understanding is of the core competencies and how they interpret the associated pre-established performance standards. Finally, they should inform employees of progress review(s) that will occur during the rating cycle (see Paragraph V.1.B below).

6. **Individual development plan (IDP):** IDPs contain elective training, education, and developmental activities in which employees may engage to acquire the abilities, skills, and experiences needed to meet career development goals. During performance planning, employees

should be encouraged to develop IDPs. Management retains sole discretion to determine the extent to which IDPs may be supported by the organization after considering relevant factors, such as operational requirements and budget limitations.

7. **Changes to performance plans:** Rating officials may update performance plans whenever they determine it is appropriate. If an employee's performance plan is changed within the last 90 days of the rating cycle, the rating official will extend the rating period to allow for the required 90 days under the amended performance plan before the Rating of Record is executed (Please consult CHCO Policy for additional guidance under these circumstances). A rating official may change a plan to reflect new organizational goals, to update goals and standards when outside influences beyond an employee's control make the original goals and standards unachievable, or to reflect new organizational or management priorities. Such changes are to be documented in performance plans and communicated to the employee.

8. **Communicating with employees:** Performance expectations must be communicated to employees in writing before they may be held accountable for them (reflected in the work plan with *signatures* of supervisor and employee in appropriate locations).

9. **Review and approval of performance plans:** Before becoming final, reviewing officials shall review and approve all performance plans to ensure consistency with plans established for similar positions within their jurisdiction and conformity with organizational goals.

10. **Timing of performance plans:** Rating officials shall develop and submit performance plans to employees within 30 days after the beginning of an appraisal period, within 30 days after an employee's entrance into a new position covered under the Program, or within 30 days of an employee's entrance into a detail or temporary promotion that is expected to last more than 90 days.

**B. Progress Reviews:**

1. **General:** Rating officials must monitor employee performance continuously throughout the rating cycle by measuring performance against performance expectations and apprise employees of their performance progress. Progress Reviews document discussions between rating officials and employees on employees' performance. Progress reviews may outline measures and strategies to correct any performance deficiencies (pre-PIP) or to improve performance that is otherwise acceptable. **They are not Ratings of Record and no rating levels or summary ratings of overall performance are assigned. Progress Reviews may take place at any time during the appraisal period.** Employees are encouraged to provide a self-assessment (as discussed in paragraph V.C, below) prior to each progress review.

2. **Required Mid-Cycle Progress Reviews:** **Progress reviews are required at approximately the mid-point of the formal rating cycle, or the mid-point of the employee appraisal period (documented with signatures of supervisors and employees in the appropriate Work Plan locations) .** This review is to focus on performance during the first half of the rating cycle, or the first half of the employee appraisal period. Goals and expectations may be reviewed and changed, if necessary.

3. **Recommended progress reviews:** Additional progress reviews may be appropriate whenever rating officials notice a significant change in performance. The most obvious situation is when the rating official notices a downward trend in performance to the point that performance is at or below the “Achieved Expectations” level. Progress reviews also are appropriate when the rating official notices a marked improvement in performance. This encourages excellence in performance by letting employees know when they are exceeding expectations.

4. **Documentation of progress reviews:** Rating officials shall document progress reviews with *signatures* of supervisors and employees appearing in the appropriate location of the Work plan. The documentation shall reflect that a discussion took place concerning the employee’s performance and summarize that review.

**C. Self-assessment:** Rating officials shall encourage employees to complete a self-assessment of their performance of assigned duties and responsibilities as measured against the established performance plan requirements prior to both the mandatory Mid-Cycle Progress Review and the completion of the Rating of Record. Completion of a self-assessment is voluntary on the part of the employee and supervisors may not coerce an employee into completing a self-assessment. The employee’s self-assessment shall be addressed by the rating official when conducting the formal performance review with the employee.

**D. Dealing with poor performance:**

1. **At any time during the appraisal period, if a Rating Official determines that an employee’s performance is Unacceptable in one or more critical elements (i.e., Goals or Competencies), appropriate action must be taken to address the performance deficiencies as soon as possible.** The supervisor should take into account all the circumstances involved, including the nature and gravity of the unacceptable performance and its consequences, the extent to which the deficiencies may be caused by factors outside of the employee’s control, and whether the deficiencies are based upon poor performance –and/or-misconduct. A supervisor should then consider the range of options available to address the performance deficiencies. Available courses of action include, but are not limited to, formal consultation with the employee, remedial training, an oral warning, a letter of counseling, a reassignment, a proposal to reduce the employee’s grade, or a proposal

to remove the employee from Federal service. However, proposals to reduce-in-grade or remove an employee for unacceptable performance taken under 5 C.F.R. Part 432 may be taken only after the employee has been given an opportunity to demonstrate acceptable performance, as described below. **Before electing an appropriate course of action, a supervisor should consult with a representative from the appropriate Human Resources Office for advice, guidance, and to ensure proposed actions comply with applicable regulations issued in 5 CFR 432.**

2. Opportunity to Demonstrate Acceptable Performance (*prior* to taking an unacceptable performance-based action under 5 C.F.R. Part 432): **At any time during the performance appraisal cycle that an employee's performance is determined to be unacceptable in one or more critical elements (*Goals or Competencies*), the employee is to be notified of the critical element(s) for which performance is *Unacceptable* and of the performance requirement(s) or standard(s) that must be attained in order to demonstrate acceptable performance.** The employee should also be advised that unless his or her performance in the critical element(s) improves to, and is sustained at an acceptable level, he or she may be reduced-in-grade or removed. For each critical element in which the employee's performance is unacceptable, the employee shall be afforded a reasonable opportunity to demonstrate acceptable performance, commensurate with the duties and responsibilities of the employee's position. As part of the employee's opportunity to demonstrate acceptable performance the employee shall be offered assistance in improving unacceptable performance.

3. When a supervisor or manager performs poorly, particularly on a supervisory or managerial competency (i.e., assigning, monitoring, and evaluating work; leadership), his or her supervisor should review previous actions taken to improve the supervisor's or manager's performance on these competencies. This should include review of the training (e.g., Performance Leadership training), coaching, or mentoring provided; actions taken during the supervisory probationary period or under a formal training plan; or any prior remedial actions that may have been taken against the supervisor for performance reasons.

#### **E. Performance Evaluations:**

##### **1. Completion of Ratings of Record:**

a. Rating officials must complete Ratings of Record within 30 days after the end of the appraisal period except as otherwise provided in this Instruction and should encourage employees to provide input prior to completing the rating. **Rating Officials submit Ratings of Record to Reviewing Officials who approve the ratings before the Rating Official discusses it with the employee.** The Rating of Record becomes final when issued to

the employee with all appropriate reviews and signatures (Employee *signature* simply acknowledges discussion and receipt of the Rating-of-Record, not necessarily agreement with the final Rating assigned by the Supervisor). It is an official Rating of Record for the purpose of any provision of Title 5, Code of Federal Regulations, for which an official Rating of Record is required.

b. Extension of rating period: The appraisal period may be extended for up to 90 days beyond the formally established appraisal cycle when warranted by special circumstances. For example:

(1) The employee has not met the 90-day minimum rating period at the end of the formal appraisal cycle.

(2) The rating official has not supervised the employee for a period of time that gives the official sufficient familiarity with the employee's performance to prepare a rating.

**(3) To give an employee whose performance has been found to be *Unacceptable* an opportunity to demonstrate acceptable performance.**

c. A rating of record shall be based only on the evaluation of actual job performance during the employee rating period.

d. The rating of record or performance rating for a disabled veteran shall not be lowered because the veteran has been absent from work to seek medical treatment as provided in EO 5396.

e. When either a regular appraisal cycle or an extended appraisal period ends and an agency-established deadline for providing ratings of record passes or a subsequent rating of record is issued, a rating of record that covers that earlier appraisal period shall not be produced or changed retroactively, except that a rating of record may be changed:

(1) within 60 days of issuance based upon an informal request by the employee;

(2) as a result of a grievance, complaint, or other formal proceeding permitted by law or regulation that results in a final determination by appropriate authority that the rating of record must be changed or as part of a *bone fide* settlement of a formal proceeding; or

(3) where the agency determines that a rating of record was incorrectly recorded or calculated.

2. **Completion of Interim Ratings:** An employee who (1) completes a detail or temporary promotion of more than 90 days, (2) moves to a new position or new supervisor within DHS during the rating period, or (3) is under the supervision of a rating official who leaves his or her position

prior to the last 90 days of the rating period shall receive an Interim Rating. Interim Ratings will be considered by employees' permanent supervisors when ratings of record are prepared at the end of the formal cycle or the employee appraisal period.

3. **Union representatives:** Authorized official time spent by union representatives on representational matters will not be considered when appraising their performance. Rather, union representatives will be appraised for only that time which they devote to the performance of official DHS duties provided they are covered by performance plans for at least the minimum 90-day period.

4. **Consideration of employee input and other information:** The rating official shall consider an employee's self-assessment and any other information (e.g., progress reviews, interim ratings) regarding performance. The rating official shall also consider the performance of the work unit as a whole and resolve any inconsistencies between the two (e.g., the unit performance was poor but the employee's individual performance exceeds expectations). The rating official shall then use one of four rating levels to rate the employee's performance for each applicable individual performance goal and core competency against the appropriate performance standard. The rating levels are:

- a. **Achieved Excellence:** The employee performed as described by the "Achieved Excellence" standards. This equates to a performance level of 5.
- b. **Exceeded Expectations:** The employee performed at a level between "Achieved Excellence" standards and the "Achieved Expectations" standards. This equates to a performance level of 4.
- c. **Achieved Expectations:** The employee performed as described by the "Achieved Expectations" standards. This equates to a performance level of 3.
- d. **Unacceptable:** The employee performed below the "Achieved Expectations" standards; corrective action is required. This equates to a performance level of 1.

**F. Summary rating of overall performance:**

1. The summary rating of an employee's overall performance is derived by using the performance levels assigned to each applicable performance goal and core competency as follows:

- a. **Individual Performance Goals:** (Accounts for 60 percent of the overall summary rating): The performance level assigned to each goal will be multiplied by the assigned weight. The sum of that calculation is multiplied by 60 percent to determine the subtotal for this Section. The subtotal will be rounded to the nearest one-tenth (e.g., using standard rounding, 3.45 is rounded up to 3.5; 3.44 is rounded to 3.4).

b. **Core Competencies:** (Accounts for 40 percent of the overall summary rating): The performance level assigned to core competencies will be totaled and then divided by the number of competencies in play to arrive at an average score. The average is multiplied by 40 percent to determine the subtotal for this Section. The subtotal will be rounded to the nearest one-tenth (e.g., using standard rounding, 3.45 is rounded up to 3.5; 3.44 is rounded to 3.4).

2. Subtotal ratings will be added together to obtain the employee's overall summary rating. These numeric ratings will be converted into one of the four summary rating levels below (no additional rounding applied). Written justification is required to support a summary rating above or below "Achieved Expectations." If performance on one or more critical elements is rated as "Unacceptable," then the employee's summary rating of overall performance must be "Unacceptable."

3. The **summary rating** is calculated using the following scale:

- a. 4.5 or higher, the summary rating is "Achieved Excellence"
- b. 3.5 – 4.49, the summary rating is "Exceeded Expectations"
- c. 3.0 – 3.49, the summary rating is "Achieved Expectations"
- d. Less than 3.0, the summary rating is "Unacceptable"

4. **Forced distribution of ratings and/or quotas for ratings are not permitted at any rating level.** This prohibition does not prevent management officials from making distinctions among employees or groups of employees based on performance for other purposes (e.g., for award determinations).

**G. Rating of record disputes:** Employees are encouraged to informally resolve concerns over their ratings of record with their rating and reviewing officials. If the concerns remain unresolved, employees may pursue them through appropriate dispute resolution processes.

1. Bargaining unit employees may grieve a rating of record through a negotiated grievance procedure where an applicable procedure exists and covers such grievances. Where this is not the case, a bargaining unit employee may grieve the rating through an applicable administrative grievance procedure.

2. Non-bargaining unit employees may grieve a rating of record through an applicable administrative grievance procedure.

3. All DHS employees may use the EEO complaint process in 29 C.F.R. Part 1614 if they believe the performance rating of record is based on unlawful discrimination and/or harassment.

H. **Transfer of ratings:** The three most recent ratings of record within the last four years will transfer when an employee is reassigned within DHS or transferred outside of DHS.

I. **Performance-related personnel actions:**

1. General: Governing DHS Directives and policies, as well as other applicable laws and regulations, provide for ratings of record to be used as a basis for taking appropriate personnel actions.
2. **Pay:** Ratings of record shall be used as a basis for making:
  - a. Within-grade increase determinations under 5 C.F.R. Part 531, Subpart D, "Within-Grade Increases." To be eligible for a within-grade increase, an employee's most recent rating of record must be at least "Achieved Expectations."
  - b. Quality step increases under 5 C.F.R. Part 531, Subpart E, "Quality Step Increase." To be eligible for a quality step increase, an employee's most recent rating of record must be "Achieved Excellence."
  - c. A pay determination under any other applicable law or regulation consistent with governing DHS Directives and policies.
3. **Reduction-in-force:** Ratings of record shall be used during reductions-in-force as provided in 5 C.F.R. Part 351.
4. **Promotions:** Ratings of record shall be used in promotions consistent with governing laws and regulations (including DHS Directives and policies) and negotiated agreements.
5. **Awards:** Ratings of record shall be used as a basis for determining whether to grant a performance-based award in accordance with 5 U.S.C. Chapter 45, 5 C.F.R. Part 451, or DHS Directive No. 255-02, "Employee Recognition" and its associated Instruction.
6. **Other purposes:** Ratings of record shall be used for other purposes consistent with governing laws and regulations (including DHS Directives and policies) and negotiated agreements.

## VI. Records

Performance Management System records shall be maintained as Privacy Act Records consistent with governing laws, regulations, and DHS Directives and policies. The Department shall maintain and submit to OPM such records as OPM may require.

## VII. Program Evaluation

In accordance with 5 C.F.R. § 430.209(d), the DHS Chief Human Capital Officer will ensure that the Program is evaluated for effectiveness and for compliance with 5 U.S.C.

Chapter 43; 5 C.F.R. Parts 430 and 432; the DHS performance management system approved by OPM; other DHS implementing Directives and policies; and the provisions of 5 U.S.C. Chapter 23 that set forth the merit system principles and prohibited personnel practices.

## **VIII. Questions**

Address any questions or concerns regarding this General Instruction Guide to the Office of the Chief Human Capital Officer.

## EMPLOYEE COVERAGE

- A. The following employees are eligible for coverage:
  - 1. DHS employees who are covered by 5 U.S.C. Chapter 43, "Performance Appraisal," except as excluded below.
- B. The following individuals are excluded from coverage:
  - 1. Employees excluded pursuant to 5 U.S.C. § 4301(2):
    - a. An employee outside the United States who is paid in accordance with local native prevailing wage rates for the area in which employed.
    - b. An administrative law judge appointed under section 3105 of Title 5, United States Code.
    - c. An individual in the Senior Executive Service.
    - d. An individual appointed by the President.
    - e. An individual occupying a position not in the competitive service excluded from coverage by regulations of the Office of Personnel Management.
    - f. An individual who (i) is serving in a position under a temporary appointment for less than one year, (ii) agrees to serve without a performance evaluation, and (iii) will not be considered for a reappointment or for an increase in pay based in whole or in part on performance.
  - 2. Employees who are not expected to be employed longer than the 90-day minimum period.
  - 3. Employees of the Transportation Security Administration.
  - 4. Members of the uniformed military services.
  - 5. Employees in Executive Schedule positions.
  - 6. Employees paid from non-appropriated fund instrumentalities (NAFIs).
  - 7. Experts and Consultants appointed under 5 U.S.C. § 3109, "Employment of Experts and Consultants; Temporary or Intermittent."
  - 8. Employees appointed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
  - 9. United States Coast Guard Academy Faculty until the Secretary or designee determines they are covered.
  - 10. Employees of the Office of Inspector General.
  - 11. Federal Wage System employees until the Secretary or designee determines they are covered.
  - 12. Individuals excluded from coverage under other applicable law.
  - 13. Individuals specifically covered under any other DHS performance management system.
  - 14. Other employees whom the Department elects on a case-by-case basis to exclude from coverage.
  - 15. Members of the Board of Immigration Appeals.
  - 16. Immigration judges assigned to the Executive Office for Immigration Review.