

**U.S. Immigration and Customs Enforcement
Performance Review Board Charter**

I. AUTHORITY

Each agency is required by federal law to establish at least one Performance Review Board (PRB) responsible for making recommendations to the Appointing Authority on Senior Executive Service (SES) performance ratings, awards, and bonuses. *See* 5 United States Code (U.S.C.) §§ 4314(c) and 5384(c) and 5 Code of Federal Regulations (C.F.R.) § 430.311.

II. PURPOSE

This Charter establishes the U.S. Immigration and Customs Enforcement (ICE) PRB and sets forth its membership, functions, procedures, and duration. The purpose of the ICE PRB is to fairly and impartially review the initial performance appraisals, summary ratings, performance award recommendations, and other performance-based personnel actions of SES members. PRB recommendations, in coordination with the ICE Executive Resources Board (ERB), will be provided to the ICE Director for review and approval.

III. MEMBERSHIP

The PRB shall consist of a minimum of three members who are in the ICE SES Program. The Executive Services Unit (ESU) in the ICE Office of Human Capital (OHC) shall nominate members of the PRB for review and approval by the Chair of the ERB. PRB members shall serve for a one-year period. Members of PRB shall be appointed in such a manner as to assure consistency, stability, and objectivity in evaluating performance appraisals. Diversity in the panel memberships is encouraged. Non-career members of the SES may serve on the PRB. Prior to serving on the PRB, the names of each PRB member must be published in the *Federal Register*.

A. PRB Chair

Any member of the PRB may serve as the Chair of the PRB with the approval of the Chair of the ERB.

The Chair is responsible for:

- 1) Presiding over the PRB;
- 2) Ensuring adherence to ICE policies and procedures;
- 3) Ensuring timely PRB recommendations and decisions; and
- 4) Ensuring appropriate files are maintained to document decisions and recommendations.

B. PRB Members

PRB Members serve as advisors to the Chair, and are appointed based on executive expertise, knowledge of ICE's functions and operations necessary to formulate policy, and the ability to provide meaningful advice and assistance.

The PRB members are responsible for:

- 1) Ensuring the accurate evaluation of SES performance-based criteria that are related to the position and that specify the critical elements of the position;
- 2) Making recommendations to the Director relating to the performance of senior executives at ICE in coordination with the ERB, through the PRB Chair; and
- 3) Making recommendations on the retention of current ICE SES members.

C. PRB Secretary

The Unit Chief of the ESU, or his or her designee, shall serve as the PRB Secretary. The PRB Secretary is a non-voting member of the PRB and shall be responsible for serving as a technical advisor and providing administrative support to the PRB, including, but not limited to:

- 1) Creating and distributing the agenda to PRB members;
- 2) Setting meeting schedules with the approval of the PRB Chair and notifying PRB members;
- 3) Documenting attendance, recording the meeting minutes and distributing final minutes to each member after approval by the PRB Chair;
- 4) Maintaining a file of regulations, policies, and correspondence pertaining to the PRB function;
- 5) Retaining the SES annual summary ratings and the performance plans used for the ratings;
- 6) Preparing and distributing the results of the appraisal process, including distribution of ratings and accompanying awards; and
- 7) Coordinating membership and participation on the PRB, subject to the approval of the ERB Chair.

IV. PRB FUNCTIONS AND RESPONSIBILITIES

A. Performance Agreements and Rating Decisions

- 1) Reviewing annual performance plans for equity, consistency, and adherence to ICE's performance management guidance;
- 2) Reviewing each performance appraisal package including the supervisor's initial summary ratings, the senior executive's written response, if any, as well as any information needed to ensure the recommended rating is supported and appropriate;
- 3) Ensuring all ratings are consistent with individual and organizational performance requirements established during the rating period; and
- 4) Providing a justification for any recommended changes to ratings in instances where the PRB does not concur with the initial appraisal or rating, or the record shows disagreement among members with the initial appraisal and/or rating.

B. Salaries and Awards

- 1) Reviewing ICE SES annual salaries, individual performance awards for career appointees, nominations for Presidential Rank Awards, and monetary award recommendations; and
- 2) Making recommendations to the ERB Chair on SES performance-based bonuses, and performance-based pay adjustments.

C. Non-Participation. A PRB member shall not participate in a performance review when:

- 1) The review pertains to the PRB member;
- 2) The review pertains to another presiding PRB member;
- 3) The PRB member is the rater of the senior executive whose performance is being rated; or
- 4) The PRB member is the direct subordinate of the senior executive whose performance is being rated.

V. EXCEPTIONS

A. Secondary PRB

- 1) A separate PRB shall be appointed by the ERB Chair to review the performance of the primary PRB members. The secondary PRB members will include senior executives from other U.S. Department of Homeland Security (DHS) Components. The ESU will coordinate with the servicing Human Capital Office regarding the appointment of senior executives from other DHS Components to the ICE PRB; and
- 2) The secondary PRB shall review the appraisal of the primary PRB members using the same process outlined above.

VI. PROCEDURES

- A.** The PRB shall meet as necessary to carry out its assigned duties and functions.
- B.** The PRB Secretary shall schedule the PRB meetings with the approval of the PRB Chair. Meeting times and dates will be agreed upon by the PRB.
- C.** PRB meetings shall be attended by members. Delegation of participation on the PRB will only occur with express permission of the PRB Chair.
- D.** A quorum of the PRB will consist of the participation of three voting members and/or designees of the PRB. When the appraisal of a career executive is under review, a majority of the voting members must be career executives. The PRB will make decisions by a majority vote of the voting members when called to a vote by the PRB Chair. Each voting member will issue a single vote to approve or deny the particular decision.
- E.** The PRB Secretary shall distribute all relevant materials to the PRB members. All documentation pertaining to PRB matters shall be sent directly to the PRB Secretary.

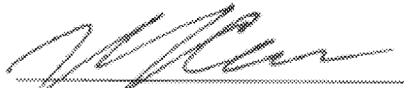
VII. DURATION

Once signed, this PRB Charter shall remain in effect until amended or terminated at the direction of the ICE Director.

VIII. RECORDS

The ESU shall retain the SES annual summary ratings and the performance plans used for the ratings for five years (from the date the appraisal is issued) as mandated by 5 C.F.R. § 293.404 and the Office of Personnel Management's Guide to Personnel Recordkeeping.

APPROVAL OF THE PRB CHARTER



Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement

Date

7/2/19