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SECURITY INFORMATION

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Office Memorandum • UNITED STATES GOVERNMENT

TO : General Counsel

FROM : Assistant Director/Personnel

SUBJECT: CIA Exemption from Performance Rating Act.

DATE: 21 February 1952

1. Careful consideration has been given to the implications of the Agency's inclusion under the Performance Rating Act of 1950 (P.L. 873, 81st Congress). This review has reinforced our earlier opinion that the law contains provisions which are not consistent with CIA's security requirements. Parts of the Act which are objectionable in this respect provide that

a. No employee...shall be given a performance rating regardless of the name given to such rating, and no rating shall be used as a basis for any action except under a performance rating plan approved by the Civil Service Commission (Section 4).

This legislative mandate to the Civil Service Commission represents for the Central Intelligence Agency a continuing security problem as long as this Agency is covered by the Act. The exercise by the Commission of its approval function might involve the disclosure of Agency programs and procedures which make use of rating or evaluation systems. For example, certain groups of Agency personnel are rated at the conclusion of their training in preparation for assignment to various highly secret duties. Personnel actions affecting these individuals depend largely upon the results of these ratings. The requirement that such rating plans have the Commission's approval could result in the release of information regarding Agency missions and activities which are not even divulged to large numbers of Agency employees.

b. The Board of Review which handles appeals by employees will be headed by a Chairman designated by the Civil Service Commission (Section 7 (b)).

c. Each appellant may designate his representative to appear before the Board (Section 7 (d)).

d. The Civil Service Commission is required to inspect the administration of the rating system or systems in use in an Agency; if it does not approve of the plan or of its administration by an Agency, the Commission may revoke the plan and require use of a plan prescribed by the Commission (Section 8).

2. In view of this situation it is strongly felt that every effort should be made to obtain for CIA legislative exemption from coverage under the Performance Rating Act.

OGC HAS REVIEWED

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