Departments of the Army and the Air Force
National Guard Bureau
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Technician Personnel Regulation

PERFORMANCE MANAGEMENT
NATIONAL GUARD TECHNICIAN APPRAISAL PROGRAM

By Order of the Secretaries of the Army and the Air Force:

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Summary. This regulation supersedes TPR 430 dated 1 October 1997. This revision clarifies the timeline for performance appraisals, sets forth performance improvement plan, appeals and grievance procedures. Establishes several new appendices for clarification

Applicability. This regulation applies to all military and competitive National Guard Technicians employed under the provisions of 32 U.S.C. 709 except for technicians occupying temporary positions for which employment is not reasonably expected to exceed the minimum performance requirement in a consecutive 12 month period.

Proponent. The proponent of this regulation is the Chief, National Guard Bureau, Technician Personnel Division. The proponent has the authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

Supplementation. Supplementation of this regulation is authorized. One copy of any supplement should be provided to Chief, National Guard Bureau, ATTN: NGB-HRL, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

Suggested Improvements. Users are invited to submit comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Chief, National Guard Bureau, ATTN: NGB-HRL, 1411 Jefferson Davis Highway, Arlington, VA 22202-3231.

Distribution. B.

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Chapter 1

1-1. Purpose

This regulation establishes the Performance Appraisal Program for National Guard Technicians and is consistent with Title 5 of the Code of Federal Regulations (CFR); Office of Personnel Management (OPM) directives and in compliance with DoD 1400.25-M, CPM Subchapter 430, Appendix A. States will develop their own Performance Appraisal Program in accordance with the requirements of this regulation. Appendices contain general guidance to assist states in developing and administering their own Performance Appraisal Program.

1-2. References

a. DoD Directive 1400.25, DOD Civilian Personnel Management System

b. Chapters 23, 43, 45, 53 and 71 of Title 5 United States Code (USC).

c. Title 5 CFR, Parts 430, 451 and 531.

d. National Guard Technician Act of 1968 PL 90-486 (as amended).

1-3. Objectives

The objectives of the National Guard Technician Appraisal Program are to provide a meaningful and efficient method for the evaluation of individual, team (where elected) and organizational performance. Supervisors and managers will ensure technicians understand clearly what their performance standards are and performance is rated in a timely manner. In achieving these objectives, individual state performance appraisal program shall:

a. Be aimed at meeting organizational and mission goals and objectives and management processes.

b. Be designed and used as tools for executing management and supervisory responsibilities; and communicating and clarifying organizational goals and objectives to employees.

c. Involve technicians in improving organizational effectiveness and in accomplishing organizational missions and goals; and assessing individual, team (where team management concepts apply) and organizational effectiveness and performance.

d. Identify accountability for the accomplishment of organizational and (where applicable) team goals and objectives.

e. Provide for planning, monitoring, developing, and evaluating performance; use appropriate measures of performance to recognize and reward employees; and use the results of performance appraisal as a basis for appropriate personnel actions.

f. Support and be consistent with Merit System Principles in Section 2301 of 5 USC.

g. Provide for involving technicians and their representatives in program development, implementation, and application, as appropriate.

h. Provide appropriate training to those involved in the program.

i. Encourage technicians to take responsibility to continuously improve their performance, support team endeavors, develop professionally, and perform at their full potential.

1-4. Definitions

a. **Appraisal.** The process by which technicians are informed of how their performance compares against established performance standards, resulting in final performance appraisals at the end of the established appraisal period.

b. **Appraisal Period.** The period of time, normally one year but not less than 120 days, for which the technician's performance will be appraised.

c. **Rater.** The individual most responsible for appraising the technician's performance, establishing performance standards, counseling the technician on the critical and major elements of the job, and appraising the technician based on pre-established, mutually understood performance standards. Normally, this is the technician's immediate supervisor.

d. **Critical Job Element.** Any component of a technician's job that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase. It may also be the basis for removing or reducing the grade level of that technician. Such action may be affected without regard to performance on other major job elements of the job.

e. **Non-critical Element.** A major duty or responsibility of the technicians' job that, although important, is not considered critical in relation to other aspects of the job.

f. **Overall Performance Appraisal.** The appraisal assigned at the end of the appraisal period that describes the overall performance level of the technician based on performance in each individual job element.

g. **Performance Feedback.** Information at intervals during the appraisal period that keeps the technician informed as to how they are performing when compared to the previously established expectations.

h. **Performance Standard.** A description of the level of achievement of an element necessary to obtain a designated rating for performance of that element. A performance standard for rating at the "Fully successful" or equivalent level (such as "Pass") must be established for each element. Performance standards for ratings at other levels (for example, "Unacceptable" or "Marginal" or "Excellent" or "Outstanding") may also be established but not mandatory. A performance standard must, to the maximum extent feasible, permit the accurate evaluation of job performance on the basis of objective criteria, such as quantity or timeliness of work.

i. **Approving Official.** The individual in the technician's chain of command who is the rater's immediate supervisor or a higher level official above the rater designated as approving official.

j. **Unacceptable Pe rformance.** Failure to perform any critical element at either (a) the "Fully Successful" or equivalent level, in a system that establishes only performance standards at that level or (b) the lowest acceptable level, in a system that establishes performance levels below "Fully Successful " or its equivalent.

k. **Below Fully Successful Performance.** Performance of any major (non-critical) element below the "Fully successful" or equivalent level; or performance of a critical element at or above the lowest acceptable level, but below the "Fully successful" or equivalent level (in a system that rates acceptable levels of performance below "Fully Successful" or its equivalent—e.g., marginal).

l. **Summary Level.** An overall rating level for an appraisal period. At least three summary levels must be used (unless the pass/fail system is used) – "Fully Successful" (or an equivalent, such as "Pass"), "Below Fully Successful", and "Unacceptable." If unacceptable performance (defined above) has occurred, the summary le vel must be "Unacceptable". If no unacceptable performance has occurred, and the system uses no rating level higher than "Fully Successful" (or equivalent), then (a) the summary level must be "Fully Successful" (or equivalent); and (b) the summary level must be "Below Fully Successful" if the rating on any element is below "Fully Successful" (or equivalent). If no unacceptable performance has occurred, and the system uses at least one rating level higher than "Fully Successful" (or equivalent), the summary level may be defined and determined by any logical, consistent method that combines performance element ratings and covers all possible combinations. A system, for example, could provide for a summary level of "Fully Successful" (or equivalent) if performance of a critical element is "outstanding", though performance of a major (non-critical) element is "Marginal".

1-5. Responsibilities

a. **The Chief, National Guard Bureau (CNGB)** serves as the strategic focal point in developing, managing, and integrating employment of National Guard capabilities for the Office of the Secretary of Defense, the Joint Staff, and the Departments of the Army and Air Force in support of Combatant Commanders. Administers DoD, Joint, Army and Air Force programs; acquires, distributes, and manages resources. Coordinates departmental policies and programs for the employment and use of National Guard technicians under section 709 of Title 32, United States Code, in accordance with the National Guard Bureau Charter.

b. **NGB J-1 Manpower and Personnel Directorate** serves as the primary advisor to the CNGB on all personnel and manpower issues in the National Guard. Provides the CNGB with oversight on human resource technician program development, staffing, and execution of polic ies, plans and programs concerning technician employment.

c. **The Chief, Technician Personnel Division,** NGB-J1-TN, is the primary advisor to NGB-J1, commanders, staff, and operating officials on all human resource matters pertaining to technicians assigned to the National Guard. Develops, maintains and revises technician performance management and appraisal regulations. NGB-J1-TN also establishes policy, plans, and programs concerning technician employment.

d. **The Adjutant General (TAG):**

(1) Establish a Performance Appraisal Program within their respective state, and hold managers and supervisors accountable for proper operation and administration of this program.

(2) Communicate with supervisors and technicians (e.g., through formal training) about relevant

parts of the state's Performance Appraisal Program.

(3) Establish state review and appeal processes to review and resolve complaints about assigned ratings.

(4) Ensure managers and supervisors are appraised on performance in furthering Equal Opportunity goals and objectives. (Appendix D)

(5) Ensure written performance standards are established for each technician position, including those serving in a trial/probationary period.

e. **Joint Force Headquarters -State, JFHQ (St) J-1** provides oversight, with primary responsibility to The Adjutant General, on the state's human resource technician program development, staffing, and execution of policy, plans and programs concerning technician performance management and appraisal.

f. **Human Resources Officer (HRO):**

(1) Assists managers in establishing a Performance Appraisal Program for the state that provides a meaningful, efficient method for the evaluation of individual, team (where elected) and organizational performance in partnership with technicians and their union representatives in accordance with law.

(2) Administers the State Performance Appraisal Program. The HRO also provides timely advice and assistance to managers, supervisors, and technicians.

(3) Develops and conducts training necessary to ensure all personnel involved in the appraisal process is adequately trained in the state's performance appraisal program including responsibilities of all parties.

(4) Notifies supervisors and managers of due dates for technician performance ratings and follows up when not received in a timely manner.

(5) Reviews completed ratings for timeliness, completeness, and conformity with the regulatory requirements of the State's Performance Appraisal Program.

(6) Maintains necessary records, evaluates effectiveness of the State's Performance Appraisal Program, and advises The Adjutant General on issues requiring refinement or improvement.

(7) Ensures necessary personnel actions or decisions are taken in timely manner based on the performance appraisal.

(8) Establishes and administers the state's review and appeal process.

g. **Managers, Supervisors and Technicians** are collectively responsible for:

(1) Individual, team, and organizational performance and for creating a work culture and environment that promotes a high-performance, high-involvement organization.

(2) Cooperating in establishment of written performance standards and critical job elements for each individual position.

(3) Maintaining an ongoing dialogue that will inform technicians as to how their performance

compares to established performance standards and provide a clear understanding of the level of performance required for a fully acceptable appraisal.

Chapter 2. Technician Performance Appraisal Program Requirements

The National Guard requires each state to develop a Performance Appraisal Program that complies with 5 CFR Part 430. States are encouraged to develop an appraisal program of at least three levels (e.g., unacceptable, fully successful, excellent) in order to differentiate a performance level above fully successful. The State Performance Appraisal Program may be designed to focus on team performance if desired by the state. Additional performance elements (other than critical and non-critical) may be used to communicate performance expectations, and grant awards, should states choose to do so. State performance management programs must accomplish the following:

a. **Comply with this regulation.**

b. **Specify the effective dates for the rating period.**

c. **Establish a minimum period of performance.** Performance appraisal programs shall contain a minimum period of performance that is normally one year, but no less than 120 days, and must be completed before a performance rating may be completed.

d. **Specify which summary level pattern has been chosen.** Each State Performance Appraisal Program shall provide a method of deriving and assigning a summary level from the eight patterns based on appraisal of performance on critical elements, and where applicable, non-critical elements.

e. **Provide for Trial/Probationary Ratings.** New technicians will be carefully observed and appraised during their trial/probationary period to determine whether they have the qualities required for permanent Government service. During this period, supervisors should provide specific training and assistance to improve the technician's work performance if required. For retention beyond the trial/probationary period, the technician's work performance must minimally be at a fully successful level.

(1) If retention is not recommended, supporting documentation will be forwarded to the HRO who will advise supervisors and managers on appropriate action(s) to remove the technician from Federal service. Initiation of a removal action may be effected any time during the trial/probationary period. The initial appointment probationary period terminates at the end of the employee's probationary tour of duty. If management decides to terminate the employee during the probationary/trial period, a 30-day advance written notice is not required (two weeks advance notice is desirable).

(2) A technician serving a trial/probationary period will not be given an official performance appraisal until after completing the required 12 months of Federal service.

(3) After completing the 12 months of service, the technician will be given an official performance rating in accordance with the established performance period.

f. **Specify Procedures for Technicians on Detail.** When a technician has been detailed to another position, either with the same or with a different supervisor, for a period covering 120 days or more, written performance standards and critical job elements will be established for this position before the detail starts.

g. **Consider Postponement of Annual Performance Ratings of Record.** Annual performance ratings to determine a rating of record may be postponed (with documentation of circumstances) when there has been insufficient time to observe the technician's performance in their present assignment because:

(1) the supervisor or the technician is newly-assigned (less than 120 days);

(2) the technician has not been performing the regularly assigned work because of extended details or absences

(3) the technician has not worked under the performance standard for at least 120 days. The postponement should not be extended any longer than necessary to permit 120 days under the standards

(4) the technician has been deployed for a long period of time, in which case the technician's performance is presumed fully successful. The last rating of record will be used for all official purposes until the technician is observed for at least 120 days under an appraisal cycle.

h. **Specify procedures, retention periods and requirements for documentation of the Performance Appraisal Program and individual performance ratings.**

(1) Official performance records may be made available for review by the technician and his/her representative. These records include, but are not limited to, performance standards, ratings, certifications in connection with within-grade increases; incentive award determinations, merit promotion material, trial/probationary period certification, and other related human resource documents.

(2) Any document that is used in support of a performance appraisal will be placed in a separate envelope (which will be removed when the technician leaves the National Guard) and maintained by the supervisor in the supervisor's technician work folder. During the processing phases of performance ratings, only individuals directly in the technician's chain of command, and those with an official need to know for the performance of their assigned duties will be permitted to review performance ratings. This applies even after the final action has been accomplished.

i. **Use performance as a basis for personnel actions to include:**

(1) Within Grade Increases/Step Increases (5 CFR Parts 531 and 532).

(2) Incentive Awards (5 CFR Part 451)

(3) Reassignments, Reductions in Grade or Removals (5 CFR Part 430).

(4) Promotions (5 CFR Part 335 and TPR 300(335)).

(5) Reduction in Force (TPR 300 (351)).

j. **Performance Appraisal Should Contain a Grandfather Provision comparable to Section 430.201(b) of 5 CFR, Part 430, 451 and 531.** For example, administrative actions (such as action for unacceptable performance) initiated prior to the effective date of the program, shall continue to be processed consistent with the procedures and requirements of the program in effect when the action was initiated.

***k.* Specify criteria for performance standards:**

(1) Technicians must have approved written, or otherwise recorded performance standards based on position descriptions, work assignments and responsibilities. The standards shall cover the official appraisal period.

(2) Performance standards shall be provided to employees at the beginning of each appraisal period (normally within 30 days). They shall include all critical and, where used, non-critical elements and related performance standards. They may also include additional performance elements and related performance standards. Performance standards may contain any combination of critical and non-critical elements reasonably related to the job and related performance standards. However, each performance standard shall have at least one critical element that addresses individual performance.

***l.* Provide for Technician Involvement**. Programs shall provide employee participation through program development, implementation, and application. For technicians who are represented by a labor organization that is accorded exclusive recognition under 5 USC 7114, employee involvement shall take place consistent with the requirements of that chapter and any local contract provisions. For other employees, states shall determine the method of employee involvement consistent with applicable law and regulation. State programs should encourage employee participation in establishing performance standards.

***m.* Specify Appraisal Periods**. A rating of record shall be given to each employee as soon as practicable after the end of the appraisal period. When a rating of record cannot be prepared at the time specified in the program, the appraisal period shall be extended until the conditions necessary to meet the minimum period of performance have been met. Thereafter, a rating of record shall be prepared as soon as practicable.

***n.* Provide for a minimum of two rating levels for each critical and non-critical level.** For critical elements, summary levels shall include at a minimum the "Fully Successful" or equivalent level and the "Unacceptable" level. Unacceptable performance is performance that fails to meet established standards in one or more critical elements.

***o.* Establish criteria for performance standards.** Performance standards shall be established at the "Fully Successful" or equivalent level for all critical elements and also may be established at other levels.

***p.* Provide for communicating performance standards to employees.** These standards include elements, performance expectations, plus any goals and objectives. Performance Standards shall also include the methods for appraising each critical and non-critical element during the appraisal period. Ongoing counseling of technicians by supervisors is encouraged when the employee is at risk of not meeting performance expectations. To the maximum extent possible, progress reviews shall be informative and developmental in nature and shall focus on how to improve future performance.

***q.* Require assignment of summary level when a performance rating is prepared as part of a rating of record.** Assigning a summary level at other times is optional.

***r.* Do not establish a forced distribution of summary levels.** This does not prevent making other distinctions among employees or groups of employees based on performance for purposes other than assigning a summary level (e.g., for award determinations and promotion decisions).

Chapter 3. Below Fully Successful Performance

Programs shall provide for assistance to employees whose performance is determined to be below Fully Successful or its equivalent, but above Unacceptable at any time during the appraisal period (e.g., minimally successful). If a technician is not meeting performance expectations, the supervisor will consult with the Human Resources Office and implement a formal Performance Improvement Plan (PIP)[1] for the technician (see Appendix B)[2]. The PIP must thoroughly specify the performance deficiencies and the specific performance required to become fully successful. It must establish a reasonable time for improvement, consider the extent of the deficiencies, and the reasonable time required to apply and obtain results from improvement methods specified. A PIP must last a minimum of 30 days and should be appropriately longer (usually up to 90 days) for employees whose jobs do not involve repetitive, short-term tasks. When the PIP is issued, consideration may also be given to referring the technician to the Technician Assistance Program (TAP) Coordinator. Participation in the TAP is voluntary.

Chapter 4. Unacceptable Performance

a. Performance appraisal programs require managers and supervisors provide proactive assistance to non-probationary employees who are performing at an unacceptable level. Assistance may be provided at any time during the appraisal period that performance is determined to be unacceptable in one or more critical elements. Programs shall also provide for reassigning, reducing in grade, or removing employees who continue to have unacceptable performance but only after the opportunity to demonstrate acceptable performance. Programs shall also provide for review and approval of Unacceptable ratings of record by a higher-level management official.

b. Personnel actions based on unacceptable performance must comply with the Technician Act of 1968 (Public Law 90-486) and 5 CFR, Part 430. (See Appendix C), and this regulation.

c. Periodically technicians will be reminded of the critical job elements and expected performance standards for their positions. They will be assisted in improving areas of unacceptable performance by such proactive actions as counseling, increased supervisory assistance, additional training, etc. Technicians will be advised in writing and placed on a formal PIP if, despite these reasonable informal efforts, their performance remains unacceptable in any element of the job.

d. A PIP must document instances of unacceptable performance and state specifically what must be accomplished to perform at a fully successful level. When the PIP is issued, consideration may also be given to referring the technician to the Technician Assistance Program (TAP) Coordinator. Participation in the TAP is voluntary. If the technician's performance in any critical element continues to be unacceptable despite efforts by the supervisor or manager to improve performance, the technician and representative will be advised the technician must be reassigned, reduced in grade (demoted), or removed from employment.

e. Before initiating an action to reduce in grade or remove a technician based on

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[1] Probationary/trial period employees may be terminated at any time for unacceptable performance. (32 USC Section 709(5)).

[2] Management has the option of taking a performance-based action under TPR 752 (adverse action) if it believes that a PIP is not appropriate or in the best interests of the federal activity. This usually occurs when management can establish evidence there is a substantial likelihood that providing the employee with an opportunity to demonstrate acceptable performance before proposing the action will result in injury, death, and breach of security or great monetary loss. Actions under TPR 752 require many of the same procedural/due process entitlements as those listed above, except opportunities to improve performance are not required.

unacceptable performance, consideration may be given to reassignment to other vacant positions for which the technician is qualified. No action based on unacceptable performance may be taken until critical job elements, performance standards, and performance deficiencies have been identified in writing, the technician has been given a copy of these standards, and the technician has been given an opportunity to improve performance.

f. Requirements. The formal PIP is initiated by the technician's supervisor after consultation with the Human Resources Office and legal counsel, if appropriate. The technician's supervisor may initiate such action if the technician has been afforded a reasonable opportunity to perform the critical elements of their job; the supervisor has made reasonable informal efforts to obtain acceptable performance; and despite these reasonable informal efforts the technician's performance has remained unacceptable in one or more critical job elements. The supervisor is not required to wait until the end of the appraisal period to initiate these actions. Reassignment may be accomplished anytime during the PIP. Should a determination be made to reduce in grade or remove from employment following the formal PIP, a technician is entitled to:

(1) A minimum 30-day advance written notice of the action to be taken (reduction in grade or removal), which identifies the critical job element(s) and documents instances of unacceptable performance in detail, on which the action is based (see sample memorandum in Appendix B). An official who is in a higher-level position than the immediate supervisor must concur with this advance written notice. This requirement does not apply when the action is being taken by the State Adjutant General. This is not a proposed notice, but is considered a final notice of the action to be taken since subsequent to the final step the technician would have been given adequate assistance and time to improve performance. The 30-day requirement does not apply to trial/probationary employees.

(2) If a technician submits a request to the supervisor to change an unacceptable performance appraisal, the supervisor will carefully review this information and advise the technician in writing whether the unacceptable performance appraisal is sustained or will be changed. A request submitted to the State review and appeals board will be processed in accordance with instructions in Appendix C.

g. Records. Actions taken based on unacceptable performance will be recorded in the program established under paragraph 4c (6).

Chapter 5. Review and Appeal Process

a. The Adjutant General is the final appellate authority on the question of whether a technician should be demoted or removed rather than reassigned as a result of a performance-based action. The Adjutant General is the final appellate authority on the accuracy of performance appraisals unless the technician is a member of a collective bargaining unit with a negotiated grievance procedure, the procedure does not expressly exclude from its coverage grievances challenging appraisal accuracy, and the technician elects to use the grievance procedure. In these circumstances, the grievance-arbitration process is the final appellate authority. The Adjutant General is the final appellant authority on other aspects of compliance with this regulation if the technician is not a member of a collective bargaining unit with a negotiated grievance procedure or the negotiated procedure expressly excludes from its coverage grievances concerning compliance with this regulation; otherwise, the grievance-arbitration process covers exclusively, and is the final appellate authority on these issues.

b. Each Adjutant General will establish an appeals process for technicians to appeal a

performance appraisal. An example of an appeals process, one that utilizes a Review and Appeals Board, is contained in Appendix C. States may establish a standing or ad hoc Review and Appeals Board to provide an impartial review of performance appraisal appeals. For appeals of performance ratings other than unacceptable performance, states may choose to provide for a supervisory chain of command review process in lieu of a board appeal. A higher level official in the supervisory chain (not previously involved in this appraisal process) performs an impartial review and provides a recommendation to The Adjutant General.

APPENDIX A
SUMMARY LEVEL PATTERNS

The following table summarizes the eight summary level patterns approved by OPM:

	Summary Level				
Pattern	1	2	3	4	5
A	X		X		
B	X		X		X
C	X		X	X	
D	X	X	X		
E	X		X	X	X
F	X	X	X		X
G	X	X	X	X	
H	X	X	X	X	X

Under the above patterns, Level 1 through Level 5 are ordered categories, with Level 1 the lowest and Level 5 as the highest. Level 1 is "Unacceptable;" Level 2 is "Marginal," Level 3 is "Fully Successful," Level 4 is "Excellent" and Level 5 is "Outstanding." The term "Outstanding" shall be used only to describe a Level 5 summary level.

Model 1
(Pass-Fail)
Premise: OPM and DoD have deregulated the performance management process. The National Guard has greater flexibility to develop and recommend performance management programs, or the states may develop their own programs in accordance with law and regulation.
Considerations: The pass/fail approach eliminates tension and litigation over artificial, unclear and arbitrary distinctions between levels of performance. This helps to set the stage for a more productive dialogue of individual and organizational performance. This approach also simplifies the administration of the performance appraisal program and links individual performance to organizational accomplishments, and reduces win/lose competition among technicians.

Features of the Pass-Fail Model (Pattern A):
This model eliminates the requirement for a numerical summary rating. It establishes a two-tier, pass-fail program at the unacceptable (level 1) or fully successful (level 3) levels. An unacceptable rating requires justification to be approved at the next higher level and documentation must be provided. A fully successful rating requires the supervisor's signature indicating an annual appraisal has been accomplished. If no action is taken at level 1, level 3 is assumed and no action beyond giving the employee an annual performance appraisal and signing a statement to that effect will be required.

Cash awards may be given but must be related to better than fully successful performance with justification.

Technicians whose performance is determined below fully successful will be given an opportunity to improve via a PIP that specifies the deficiencies, outlines the methods for improvement and establishes a

reasonable time period (e.g. 30 to 90 days) for improvement. Failure to pass the PIP will lead to reassignment, reduction in grade or removal

Model 2
(Three levels)
Features of a three-level model (Patterns B, C, D):
This model establishes a three-tier program. Unacceptable ratings (level 1) require justification to be approved at the next higher level and documentation must be provided. A marginal rating (level 2) allows the supervisor to deny a within-grade or step increase. A PIP is required when this rating is given.

Technicians who receive a rating below fully successful (level 3) will be given an opportunity to improve via a PIP that specifies the deficiencies, outlines the methods for improvement and establishes a reasonable time period (e.g., 30 to 90 days) for improvement. Failure to pass the PIP will lead to reassignment, reduction in grade or removal.

An overall numerical summary rating of fully successful or above (levels 3, 4 or 5) must be indicated in this model with justification for the level of performance.

Model 3
(Four levels)
Features of the four-level model (Patterns E, F, G):
This model establishes a four-tier program. Unacceptable ratings (level 1) require justification to be approved at the next higher level and documentation must be provided. A marginal rating (level 2) allows the supervisor to deny a within-grade or step increase. A PIP is required when this rating is given.

Technicians who receive a rating below fully successful (level 3) will be given an opportunity to improve via a PIP that specifies the deficiencies, outlines the methods for improvement and establishes a reasonable time period (e.g. 30 days) for improvement. Failure to improve under the PIP will lead to reassignment, reduction in grade or removal.

An overall numerical rating of fully successful or above (levels 3, 4, 5) must be indicated in this model with justification for the level of performance.

Model 4
(Five levels)
Features of the five-level model (Pattern H):
This model establishes a five-tier program. Unacceptable ratings (level 1) require justification to be approved at the next higher level and documentation must be provided. A marginal rating (level 2) allows the supervisor to deny a within-grade or step increase. A PIP is required when this rating is given.

Technicians who receive a rating below fully successful (level 3) will be given an opportunity to improve via a PIP that specifies the deficiencies, outlines the methods for improvement and establishes a reasonable time (e.g., 30 to 90 days) for improvement. Failure to improve under the PIP will lead to reassignment, reduction in grade or removal.

An overall numerical rating of fully successful or above (levels 3, 4, 5) must be indicated in this model with justification for the level of performance.

Performance Plans (All Models)
Individual performance standards should encompass both critical and non-critical performance elements reasonably related to the job. All plans must contain at least one critical element. In order to establish a link between individual and organizational performance, outcome-based performance standards will be

established for the "fully successful" level. Results or outcome-based standards measure and inform individuals where they stand in their efforts to affect customers through products, services, client benefits and program consequences. Outcome-based standards also help measure and establish accountability for the accomplishment of organizational and team goals and objectives.

Time Periods (All Models)
An annual review and signature are required. A minimum appraisal period is 120 days.

APPENDIX B
Performance Improvement Plan

Memorandum for: XXXXX Date: XXXXX

From: XXXXX

Subject: **Notice of Opportunity to Improve Performance**

1. This memorandum is official notice that your current performance in your position of Personnel Officer, GS-201-12, is unacceptable. I discussed with you your current performance standards on XX Dec XXXX, and you signed your standards on XX Dec XXXX. You were assigned an unacceptable rating which was closed on XX May XXXX. The performance appraisal is attached for your review.

2. Specifically, your performance is unacceptable in that you have not met the performance standard for critical element 1. The performance deficiencies and the required improvements are listed below:

***Performance Element 1*:** Provides supervision for approximately seven employees on effective personnel and performance management. Critical.

Performance Standard A: Ensures positive EEO and human relations concepts are applied in personnel activities. Ensures responsible recruitment in consultation with the squadron commander. Supports the EEO Program through positive personal involvement, e.g. complaint resolution, participation in special emphasis programs, community action, interaction with EEO officials, and identification and correction of institutional barriers to equality and opportunity.

Performance Deficiencies: A Social Actions Unit Staff Assistance Visit rated the human relations climate in the Squadron as unsatisfactory. The Civilian Personnel Flight Squadron was specifically mentioned as one of the problem areas. In my XX Dec XXXX feedback session I charged you to find ways to improve your area and told you some specific improvements you could make. You have not discussed with me any ideas for improvement nor have I seen any change in this area.

Several months ago, you received from a Services Squadron employee a grievance which contained allegations of discrimination and racism. You have taken no action to process this grievance or refer the employee to the EEO Counselor. You did not inform me of this grievance.

Improvement Required: Take steps to improve the human relations climate in your organization. Discuss with me what you plan to improve this climate. Process the grievance immediately or refer to EEO Counselor as appropriate.

Improvement Required: Establish professional, effective working relationships with all your customers. Prepare a written plan on how you are to improve the labor management climate.

3. I have outlined the critical elements and specific standards of your performance plan for which your performance is now considered unacceptable. I will allow you 90 days from the date of this memorandum to improve your performance to an acceptable level. I will periodically discuss with you your progress in attaining acceptable performance during this improvement period. I will be available whenever you need assistance and will furnish any appropriate guidance or training you need in order for you to meet your performance standards. At the end of 90 days, I will again evaluate your performance. This evaluation will include all aspects of your performance as outlined in your performance standards. Additionally, your

performance must be at least fully successful for all critical elements in the performance standards, not just the elements and standards listed above.

4. My intention is to provide you the opportunity to improve your performance. If you believe your current unacceptable performance is the result of a medical condition of which I am unaware, please discuss this matter with me immediately and provide any necessary medical documentation and requests for accommodation for my consideration. If there are other personal problems which you believe are affecting your performance, I strongly recommend you consult with me so that I may refer you to an appropriate professional. If at the end of the performance improvement period, your performance is considered acceptable, no further action will be required. If, however, your performance continues to be unacceptable in any critical element, I will be forced to take appropriate action. Such action could include reassignment, demotion, or removal from the federal service based on unacceptable performance. Be advised, such action may be affected for up to one year following the beginning of the performance improvement period should your performance again deteriorate to an unacceptable level. I regret the need for this memorandum, and I sincerely hope that no further action will be required.

Supervisor's Signature Block

Encls

APPENDIX C
SAMPLE NOTICE OF WRITTEN DECISION BASED ON UNACCEPTABLE PERFORMANCE

(OFFICE SYMBOL)

MEMORANDUM FOR

SUBJECT: Decision to Remove/Change to Lower Grade (Unacceptable Performance)

State the specific action being taken, i.e., removal, or change to lower grade. Furnish a copy to the exclusive representative for technicians in the bargaining unit. Include series and grade of position incumbent occupies and show full unit name and mailing address to which the technic ian is assigned. For example...

1. This memorandum will serve as your formal notice of (removal/change to lower grade) not earlier than thirty (30) calendar days from the date of your receipt for this notice. The reasons for this removal are:

(Refer to TPR 430 and 5 CFR 430. Give the reason for removal action. Use all available information in sufficient detail so the technician will understand why the action is being taken.)

a. On 2 January 20xx, you and I established written performance standards and identified critical job elements for your position. At that time you acknowledged our discussion of these standards and critical elements.

b. On 2 March 20xx, I informed you orally and in writing that your performance regarding critical element number__ pertaining to__was unacceptable because you had failed to (list specific instances of unacceptable performance on which this action is based). On 16 March 20xx, I provided you with specific written instructions on how to improve your performance on this critical job element.

c. Despite counseling and on-the-job training, your performance of this critical job element continues to be unacceptable. Therefore, I have initiated this process to remove you from your position. You were provided a performance improvement period.

2. Copies of the performance appraisal materials relied upon to support this proposal are attached. You may reply to this notification, either orally or in writing, or you may appeal the unacceptable performance appraisal to the State Review and Appeals Board. You may submit affidavits in support of your response. Your response will be considered an appeal unless you specify otherwise. To be considered your response must arrive within fifteen (15) calendar days of receipt of this notice. Consideration will be given to extend this period if you submit a request stating your reasons for requiring additionaltime. You will be given a final determination as soon as practicable after the Board has made its recommendations to The Adjutant General.

3. You may contact Barbara Jones in the Human Resource Office for procedural guidance at DSN xxx-xxxx or Commercial (xxx) xxx-xxxx.

Encls

Supervisor's Signature Block

(Copy Furnished to **Human Resource Office)**

_____ _____

(Signature) (Date)

Waive/Do not waive the 15 day response.

APPENDIX D
TIMELINES

Scenario A

Technician demonstrates below fully acceptable or unacceptable performance

Recommended 30 to 90 days Performance Improvement Plan (PIP). A PIP may be introduced any time, not just at the end of the appraisal period.

No improvement or unacceptable level of improvement

PIP ends (may be extended at the discretion of the supervisor)

Official appraisal rendered citing unacceptable performance

Reassignment notice or reduction/removal 30 day notice memorandum issued (this is not a proposed notice, but is considered as a final notice of the action to be taken. This is because before this final step, the technician would have been given adequate assistance and time to improve performance).

During the first 15 days of the notice period technician may appeal to the State Review and Appeals Board*

Reassignment, reduction or removal may be extended awaiting the final decision of the Appeals Board

Appeals Board hears case and makes recommendation on the final appraisal score (not the follow-on personnel action)

TAG renders the final decision on the final appraisal score and personnel action

A technician has no appeal rights beyond the TAG

*If the technician is a member of a collective bargaining unit with a negotiated grievance procedure covering the challenge of performance ratings, the technician may appeal or grieve, but not both.

Scenario B

Performance appraisal issued (with other than an unacceptable or below fully successful rating)

Technician may appeal to the State Review and Appeals Board no later than 30 days after issuance of the appraisal*

Appeals Board hears case and makes recommendation to TAG on the final appraisal score

TAG renders the final decision

A technician has no appeal rights beyond the TAG

*If the technician is a member of a collective bargaining unit with a negotiated grievance procedure covering the challenge of performance ratings, the technician may appeal or grieve, but not both.

APPENDIX E
APPEALS

1. State Review and Appeals Board. The State Review and Appeals Board will consist of (at least three) members to provide an impartial review on performance appraisal appeals. Members serving on this board cannot be in the chain of command of the technician who is filing an appeal and should not be in a lower graded position than the technician appealing. Peers of appellant can be chosen to serve on the board. The technician is entitled to representation during the board process at no cost to the government. The board will not review appeals that have been grieved through the negotiated grievance procedure.

2. Filing an Appeal. A technician desiring to file an appeal of a performance appraisal, other than for unacceptable or below fully successful performance, may file an appeal to the HRO (who will convene the board) no later than 30 calendar days after the technician's receipt of the appraisal. An appeal based on unacceptable or below fully successful performance must be filed within the I5-day advance written notice period outlined in Appendix C. In reviewing performance appraisal appeals including unacceptable performance, the board by majority vote will recommend to The Adjutant General to either change the appraisal or sustain the appraisal without change. When reviewing unacceptable performance ratings, the board will only be concerned with the performance appeal; it will not review the personnel action taken as a result of an unacceptable appraisal. Supervisors have the right to present their case. The Adjutant General will make the final decision. All members of the board must be present at all times during the hearing, and must participate in proposing on a recommendation. A technician has no appeal rights beyond The Adjutant General on these matters.

3. Appeal Processing. An appeal to the board is submitted through the Human Resource Officer (HRO). The HRO will notify the technician that such appeal must contain the following information:

a. Name of the technician

b. Organization

c. The appraisal being appealed

d. Why the appraisal should be changed

e. Performance level requested

f. Date notice received

When any of the necessary information is not available, the technician should submit what is available, and state why the other information is not available. HRO will establish the board.

4. Board Procedures. During the proceedings, the board may admit oral and/or written evidence from the technician or the technician's immediate supervisor. The technician and the technician's representative (if desired by the technician), and the representative of The Adjutant General will submit any additional information they deem pertinent. Such information may be presented orally, by presentation of witnesses, or in writing. In the submission of evidence, both oral and written information may be submitted to reach a decision, as long as the technician, the technician's representative, and the representative of The Adjutant General are given the opportunity to hear, and reply to the information submitted by the other parties, and given an opportunity to question any witnesses. If any of these individuals are absent during the oral presentation, the absentee(s) must be furnished in writing any evidence admitted during their absence. The board may not use any written information to render a recommendation until the technician, the technician's representative (if any), and the representative of The Adjutant General have had an opportunity to examine and reply to the incidence. Board members must serve as impartial fact finders and review each case objectively. They must give consideration to the merits of each case. Within 15 calendar days of completion of the board's proceedings, the board will complete a review of the evidence and submit their recommendations directly to The Adjutant General with an information copy to the HRO.

APPENDIX F
GUIDELINES FOR APPRAISING SUPERVISORS AND MANAGERS ON THEIR PERFORMANCE IN EEO

Performance standards for furthering equal employment opportunity (EEO) will be appropriate to the technician's position and should be stated in terms of visible affirmative efforts. Therefore, the following guidelines should be used when appraising managers and supervisors on their performance in EEO:

a. Has the manager/supervisor communicated to all subordinates his/her commitment to EEO and what is expected from each member of the work force?

b. Has the manager/supervisor discussed the State EEO affirmative action plan with subordinates and solicited recommendations for implementation, modification, or improvements?

c. What specific actions has the manager/supervisor taken to identify and eliminate any barriers to the employment and advancement of minorities and women?

d. Do the managers/supervisors support the state's plan, including goals and timetables, to address identified problem areas within the work force?

e. Does a review of the manager's/supervisor's decisions relative to selection, training, and awards indicate that full consideration is being given to all employees?

f. What actions has the manager/supervisor taken to provide upward mobility opportunities for eligible technicians in the work force?

g. Has the manager/supervisor insured that the complaints processing poster is posted on the bulletin board?

h. What specific affirmative steps, including setting a personal example, has the manager/supervisor taken to assure the acceptance of all technicians?

i. Does the manager/supervisor maintain records that show formal EEO training of all subordinate managers/supervisors including both initial and updated orientation?

j. Does the record indicate that the manager/supervisor assigns like penalties for like offenses regardless of race, color, religion, sex, national origin, age, or other non-merit factors?