

Civilian Employee Regulation 430

Human Resources

Civilian Employee Performance Planning and Appraisal Program

**Joint Force Headquarters
Oregon National Guard
Salem, OR
15 June 2023**

UNCLASSIFIED

SUMMARY OF CHANGE

CER 430

Civilian Employee Performance Planning and Appraisal Program

This major revision, dated 15 June 2023 ---

- This publication revision updates previous Oregon National Guard (ORNG) Technician Personnel Regulation (TPR) 430 dated 4 September 2013.
- Changes the name of the regulation from "Technician Performance Planning and Appraisal Program" to "Civilian Employee Performance Planning and Appraisal Program" (cover).
- Replaces all instances of the word "Technician" from TPR 430 with "Employee" (throughout).
- Replaces all instances of the words "Interim Reviews" from TRP 430 with "Progress Reviews" (throughout).
- Replaces all instances of the words "NGB 430" with "DD Form 2906" (throughout).
- Updates the Rating Level Evaluation Method from five levels to three levels (para 2-2*a*).
- Adds policy for appraisal cycle (Adds paras 2-3*a, b*).
- Changes policy implementing a new performance plan for employees detailed to a different position with a planned period of more than 120 days to more than 90 days (para 2-4*d*).
- Changes policy for communicating performance expectations to employee from no later than 120 days prior to the end of the appraisal period to no later than 90 days prior to the end of the appraisal period (para 2-4*h*).
- Adds 'SMART' policy for standards used in the creation of an employee's performance plan job objectives (para 2-5*b(1)*).
- Changes policy for adding or changing job objectives from no more than 120 days prior to end of appraisal period to not more than 90 days prior to end of appraisal period (para 2-5*e*).
- Adds policy for a previously approved performance plan that has been modified, requiring new approvals and acknowledgements for it to be considered completed (para 2-5*e*).
- Changes policy on narrative assessments related to a change of rater for an employee's performance plan from more than 120 days to more than 90 days (para 2-10*b*).
- Addition of appendix B: Specially Situated Employees; addressing employees with unique situations that require special performance management actions.
- Addition of appendix C: Linkage of Performance Management to Other Personnel Actions; detailing the impact of employee performance on other personnel actions.
- Addition of appendix D: Mandatory Supervisory Job Objectives; covering mandatory supervisory and managerial standards within the Department of Defense (DoD) Performance Management System.

Joint Force Headquarters
Oregon National Guard
Salem, OR
15 June 2023

*Civilian Employee Regulation 430

Effective 15 June 2023

Human Resources
Civilian Employee Performance Planning and Appraisal Program

By Order of the Governor:



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History. This publication supersedes the previous Oregon National Guard (ORNG) Technician Personnel Regulation (TPR) 430, dated 4 September 2013. The TPR is redesignated to Civilian Employee Regulation 430 (CER 430) Civilian Employee Performance Planning and Appraisal Program. This publication contains major revisions, as listed in the Summary of Change

Summary. This Regulation implements and expands on the processes contained in Chief of National Guard Bureau Issuances (CNGBI) 1400.25, Vol. 431, National Guard (NG) Technician and Civilian Personnel Performance Management and Appraisal Program and is in compliance with Title 5 Code of Federal Regulations (CFR) Part 430. It provides guidance for ORNG supervisors to develop and implement performance plans for their subordinate employees and evaluate employee performance.

Applicability. This regulation applies to Oregon National Guard Federal Civilian Employees. The term "NG Employees" throughout this instruction is defined in accordance with references listed in appendix A as Title 32 Military Technician (Dual Status) excepted service employees and Title 5 NG excepted or competitive service employees within the state. This regulation does not apply to temporary employees with an appointment less than one year.

Proponent and exception authority. The proponent for this regulation is the director of Human Resources. The director has authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The director may delegate this approval authority in writing, to deputy director, a branch chief or specialist in the proponent office.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to: Oregon Military Department PO Box 14350, Salem, OR 97309.

Distribution. This publication is available on the State of Oregon-Military Department website: <https://www.oregon.gov/omd/fedhro/pages/default.aspx> or in print media requested through the Human Resources Office (HRO) at 971-355-3325.

*This regulation supersedes ORNG TPR 430, dated 4 September 2013

ORNG CER 430 – 15 June 2023

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Chapter 1

Introduction

1-1. Purpose

This regulation establishes the Oregon National Guard Performance Planning and Appraisal Program for federal employees. The program fully integrates organization and mission goals and objectives into the planning and appraisal process. It encourages employee involvement in the process that is ultimately the responsibility of the supervisor to complete. The program provides for the application of appropriate personnel actions based on performance appraisals.

1-2. References, Forms, and Explanation of Abbreviation.

See appendix A. The abbreviations, brevity codes, and acronyms (ABCA's) used in this electronic publication are defined when you hover over them. All Department of Army (DA) ABCA's are listed in the ABCA database located at <https://armypubs.army.mil/abca/>.

1-3. Responsibilities

In addition to those responsibilities outlined in CNGBI 1400.25 Vol 431, the Adjutant General has made the following persons responsible for the indicated actions.

a. The Director of Human Resources will:

(1) Communicate with commanders, supervisors, and employees about relevant parts of the performance management program.

(2) Ensure written performance plans are established for all NG employees.

b. Commanders, Managers and Supervisors will:

(1) Plan, review, evaluate, and rate each eligible employee in accordance with this regulation.

(2) Document performance management actions in the DoD approved system.

(3) Solicit employee input to performance plans and appraisals.

(4) Clearly specify in the performance plan, the ORNG, unit, and work center objectives the employee's work supports.

(5) Ensure timely completion of performance management actions.

(6) Ensure consistent and equitable ratings of employees across their organization.

(7) Address poor performance immediately in accordance with this regulation. Consultation with the Human Resources-Labor Relations Specialist (HR-LRS) is recommended.

(8) Consider if an unacceptable performance personnel action for an employee could be more appropriately processed under conduct rules. Consultation with the HR-LRS is recommended.

1-4. Objectives

The objectives of the performance planning and appraisal program are stated in CNGBI 1400.25 Vol 431. These objectives are summarized below with additional ORNG specifics:

a. Integrate ORNG, unit, and work center goals into the performance management process.

b. Improve organizational effectiveness.

c. Establish accountability for achieving established goals and objectives.

d. Establish a record on which to base the following types of personnel actions:

(1) Within-grade/step increases

(2) Incentive awards

(3) Promotions

(4) Reassignments, reductions in grade or removals

(5) Reduction in force

e. Consistently apply merit systems principles.

- f. Involve employees in the performance program development, implementation, and application.
- g. Encourage employees to take responsibility for performing to their full potential by:
 - (1) Documenting their objectives for the appraisal plan period.
 - (2) Documenting their professional development desires.
 - (3) Documenting their long-range career objectives.

Chapter 2
The Performance Plan, Progress Review, and Appraisal Process

2-1. General

a. The performance plan is comprised of job objectives, including at least one critical element outlining expected performance. A supervisor may create job objectives using the employee’s position description in addition to specific required tasks. The performance plan and appraisal together are required to establish a rating of record and may be used to justify performance awards. The rating of record will be required to justify a negative personnel action in accordance with 5 CFR 430.

b. The progress review is a tool used to facilitate ongoing communication between the supervisor and employee regarding performance. Progress reviews are not a rating of record and cannot be used to justify a negative personnel action. A progress review is mandatory to initiate a Performance Improvement Plan (PIP).

2-2. Three-Level Rating Evaluation Method

a. The three-level rating evaluation method is used to provide consistent ratings of record. The rating may also be used in application with other related regulations, including, but not limited to:

- (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)
- (5) Reduction in force (5 CFR Part 351)

The three rating levels are:

Job Objective Rating	Descriptors: The following definitions shall apply to the summary or overall performance appraisal rating.
5 – Outstanding	Outstanding performance is an average score of 4.3 or higher in all critical elements. No objective may be scored 1.
3 – Fully Successful	Overall score of less than 4.3 is considered fully successful performance.
1 – Unacceptable	Fails to meet at least the marginal performance standard in one or more job objectives, and where any critical element is rated 1.
Not Rated	Employee did not have an opportunity to perform the job objective due to extenuating circumstances.

Table 1-Performance Rating Levels

2-3. Annual Performance Management Cycle

a. The appraisal cycle for NG employees covered by this regulation is April 1 through March 31 of each calendar year. The minimum period of performance is 90 calendar days. Employees who perform under an approved performance plan for a minimum of 90 calendar days in a rating period, even if there is a change of supervision, will be rated on the period of demonstrated performance.

b. A rating of record is final when the rating official, higher level reviewer, and employee have completed all required approvals and acknowledgements. A rating of record finalized before June 1 will be effective June 1. The effective date of an appraisal for a shortened appraisal period is the latter of:

- (1) the date the appraisal is approved or,
- (2) the end date of the appraisal period.

c. During the performance management appraisal cycle supervisors will:

- (1) Implement a performance plan, conduct progress reviews, and complete performance appraisals in accordance with the instructions in this regulation and other governing policies.
- (2) Comply with the performance management timing criteria, realigning off cycle appraisals (coordinate with HRO) and fitting scheduled progress reviews and appraisals into the overall training and operations plan.

d. To assist command in monitoring the performance management cycle, HRO will provide reports as needed. The following are some examples of available reports:

- (1) Overdue Performance Plan Report: Listing of employees who have been assigned, reassigned, or promoted for more than 30 days and no performance plan has been completed in the approved performance management system.
- (2) Suspense Report for Upcoming Performance Appraisals: Listing of employees whose last performance appraisal is 10 to 12 months old.
- (3) Overdue Performance Appraisal Report: Listing of employees whose last performance appraisal is over 12 months old.

e. Postponement of performance appraisals beyond one year from the last appraisal will occur only with HRO approval.

2-4. Developing and Communicating Performance Plans

a. The supervisor will document the performance plan using the approved DoD Performance Management System.

b. Establishing the performance plan is a joint effort of the supervisor and employee. The supervisor begins the plan development process by explaining to the employee how his or her work contributes to the goals and objectives of the work element and higher headquarters. The supervisor then develops the performance plan with employee input. The plan is comprised of clearly written performance elements associated with established performance indicators and objectives.

c. The employee is required to accept/sign the performance plan indicating receipt. The signature does not indicate agreement. If the employee refuses to accept/sign, he or she is subject to disciplinary action. The supervisor will immediately contact HRO for guidance. If the employee disagrees with the content of the performance plan, they may utilize the appropriate grievance procedure to seek resolution (ORNG TPR 752 or CNGBI 1400.25 volume 752 for bargaining unit members and ORNG CER 771 for non-bargaining unit members.)

d. Supervisors will implement a new performance plan:

- (1) within the first 30 days of the employee assignment to a new position,
- (2) if a new position description is applied to the employee's current position,
- (3) or when the employee is detailed to a different position for a period of more than 90 days.

Supervisors must initiate a new performance plan in the performance management system upon completion of a performance appraisal each calendar year. The new plan may be copied from the previous plan.

e. Performance plans shall support and align with the ORNG mission and its strategic goals, organizational program and policy objectives, and other measures of performance. The ORNG, state, and sections/directorates' mission and goals combine to form the basis for individual performance expectations.

f. Performance expectations may include:

- (1) goals or objectives that set general or specific performance targets for the individual, team, and/or organizational level.

(2) organizational, occupational, or other work requirements, such as standard operating procedures, operating instructions, manuals, internal rules, additional duties, directives, and/or other instructions that are generally applicable and available to the employee.

(3) specific work assignments or other instructions may be used to amplify performance expectations. These work assignments or instructions may specify the quality, quantity, accuracy, timeliness, or other expected characteristics of the completed assignment or some combination of such characteristics.

g. Communication between supervisors and employees is critical to the success of the performance management program. Performance expectations and year-to-date progress should be the subject of several discussions throughout the year between supervisors and employees. At least one documented progress review is required.

h. Performance expectations will normally be communicated to the employee in writing within 30 days from the start of the rating cycle, entrance on duty of a new employee, or employee job change, but no later than 90 days prior to the end of the appraisal period. Employees are always accountable for demonstrating professionalism and standards of appropriate conduct and behavior, such as civility and respect for co-workers, supervisors and the general public. Performance expectations, even if not stated in a job objective, include the general behavioral expectations for all employees as stated in the Standards of Ethical Conduct for Employees in the Executive Branch, (5 C.F.R. Part 2635), and the DoD Joint Ethics Regulations, (5500.07-R).

i. Supervisors and employees should have meaningful dialogue on performance expectations, including but not limited to:

(1) job objectives appropriate for the grade and current salary to which the employee is assigned and how they relate to organizational mission and goals

(2) weight of each job objective, if applicable.

j. Every eligible employee shall be issued a performance plan containing the employee's job objectives and performance standards. Performance plans must be documented in the approved DoD Performance Management System.

k. The performance plan is subject to higher-level review to ensure consistency and fairness within and across organizations. The performance plan is considered approved after higher-level review and the supervisor has communicated the plan to the employee in writing. The supervisor shall record the employee's receipt of the performance plan and how it was provided (face-to-face, telephone, etc.) to the employee in the performance management system.

l. If adjustments to performance plans are needed, the supervisor will communicate changes to the employee within 30 days of the update. A previously approved performance plan that has been modified requires new approvals and acknowledgements.

m. Supervisors will provide regular and timely feedback in the form of meaningful dialogue with employees regarding their performance. Face-to-face is the preferred method of supervisory/employee dialogue for performance-based issues. Although supervisors have the primary responsibility for providing employees feedback, employees share the responsibility of identifying and communicating successes and challenges relative to their assigned performance plan.

n. Employees may request periodic feedback and dialogue regarding their own performance. To the extent practicable, supervisors will accommodate such requests.

2-5. Job Objectives

a. Each eligible employee will have their work assignments and responsibilities described in their performance plan as a job objective. Supervisors are encouraged to involve employees in the development of their job objectives. This process will include at least one face-to-face discussion between supervisor and employee. Final decisions regarding performance standards, including job objectives, are within the sole and exclusive discretion of management.

b. Job objectives should include specific, measurable, achievable, relevant, and timely (SMART) criteria, which provide the framework for developing effective results and expectations. SMART criteria objectively express how well an employee must perform his or her job to achieve performance at the fully successful level by providing standards that are:

- (1) Specific: Goals are sufficiently detailed in describing what needs to be accomplished.
- (2) Measurable: The accomplishment of the performance element is clear and can be quantified or substantiated using objective criteria.
- (3) Achievable: Goals are realistic yet challenging and can be accomplished with the resources, personnel, and time available.
- (4) Relevant: The critical element aligns with, or links to, organizational mission and success.
- (5) Timely: Goals will be completed within a realistic timeframe.

c. Each eligible employee shall be assigned at least two and generally three to five job objectives. While each employee may have up to a maximum of ten job objectives, the best practice is to assign three to five. These job objectives shall be commensurate with duties and responsibilities assigned to the employee and the salary paid to that employee.

d. Job objectives and performance standards will be documented in the performance management system on the automated DD Form 2906.

e. When new job objectives are assigned (e.g., due to a job change, additional duties, promotion, etc.) the objective must communicate the added or changed objective can be accomplished within the time remaining in the appraisal period. Job objectives may not be added or changed 90 days prior to the end of the appraisal period. If a previously approved performance plan is modified, new approvals and acknowledgements are required before it can be used.

f. Job objectives may be weighted to reflect priority of the elements included in the performance plan. No job objective may be weighted less than 10 percent. Weighted job objectives must total 100 percent. If job objectives are not weighted, they are all considered equal.

2-6. Mandatory Job Objective(s) for Supervisors

a. A supervisor's performance plan shall include at least one supervisory performance element. The number of supervisory performance elements on performance plans for supervisors will equal or exceed the number of non-supervisory (technical) performance elements. (See Appendix D for suggested language for mandatory job objectives for supervisors.)

b. The mandatory job objective will hold supervisors accountable for carrying out the responsibilities outlined in this regulation, including but not limited to:

- (1) Clearly communicating the performance plan and holding employees responsible for accomplishing their critical elements and performance standards.
- (2) Making meaningful distinctions among employees based on performance and the employee's contributions aligned with the strategic goals and objectives.
- (3) Fostering and rewarding excellent performance.
- (4) Addressing poor performance.
- (5) Ensuring employees are assigned a rating of record each calendar year.
- (6) Adhering to laws and regulations concerning merit system principles and prohibited personnel practices.
- (7) Ensuring continuing application of, and compliance with, Equal Employment Opportunity & Whistleblower Protection laws, regulations, and policy.

2-7. Monitoring Performance

a. As part of monitoring employee performance, supervisors will:

- (1) Engage in dialogue with the employee concerning performance.
- (2) Conduct one or more documented progress reviews with each employee.
- (3) Maintain performance information.
- (4) Update job objectives and performance standards if they change.

- (5) Anticipate and address performance deficiencies promptly.
- (6) Reinforce effective, professional behavior.

b. Supervisors need to properly monitor employee performance to identify, address, and resolve performance deficiencies during the appraisal cycle. A level 1 rating of record (rating of 1 for all objectives) does not need to be formally assigned to the employee in order to address a performance deficiency or initiate a PIP.

2-8. Employees on Temporary Assignment/Promotion

a. An employee on a short-term detail, temporary reassignment, or temporary promotion during the appraisal period shall be assigned an annual rating of record by the supervisor/rater of the permanent position.

b. At the time of the temporary assignment, the employee, temporary (gaining) supervisor, and supervisor of the permanent position shall jointly review and determine the need to adjust previously assigned job objectives.

c. The supervisor of the permanent position has final authority to determine and document the appropriate job objectives and performance plan. Both supervisors will cooperate to ensure the employee is provided meaningful feedback during the temporary assignment or temporary promotion and is issued at least one documented interim review.

d. The temporary supervisor may provide feedback to the supervisor of the employee's permanent position which may be included in the annual appraisal at the supervisor's discretion. In the case of long-term details, temporary reassignments or temporary promotions, it may be more appropriate for the temporary (gaining) supervisor to prepare the annual rating of record. To the extent practicable, the rater and reviewing official will consider feedback provided by the supervisor of the temporary position.

2-9. Progress Reviews

a. While ongoing informal dialogue and feedback are essential throughout the rating cycle, one or more formal progress reviews shall be conducted between supervisors and employees. At least one progress review must be prepared and documented during the appraisal period. The progress review shall be documented on an automated DD Form 2906 in the performance management system.

b. A formal progress review shall acknowledge achievements and suggest areas for improvement and provide meaningful dialogue and exchange of concerns. Developmental suggestions may be provided to the employee, as appropriate.

c. The employee shall be provided a copy of the progress review. Supervisors will record the employee's receipt of the progress review and how the review was communicated (e.g., face-to-face, telephone, etc.).

d. The immediate supervisor will accomplish the progress review. To the extent practicable, if the immediate supervisor is unable to accomplish the progress review, he or she shall provide meaningful input to the manager responsible for accomplishing the review.

e. Progress reviews are subject to higher-level review to ensure consistency and fairness within and across organizations. The progress review is considered approved after higher-level review, and the supervisor has communicated the review to the employee in writing.

2-10. Change of Rater Narrative Assessment

a. When it is known a supervisor will cease to exercise duties related to monitoring, developing, and rating employee performance (due to job change, extended absence, retirement, etc.) for an employee, the supervisor will provide the employee with a brief narrative description of performance, achievements, and contributions of the current appraisal period. This condition may result from a job change by either the supervisor or the employee.

b. A narrative assessment is only required if an employee has been assigned to a specific supervisor on an approved performance plan for more than 90 calendar days.

c. Narrative assessments will normally be accomplished within 10 calendar days after the supervisor ceases to exercise duties related to monitoring, developing, and rating the employee's performance and shall be considered by the appropriate rating official when determining the annual rating of record.

d. A narrative assessment for an employee prepared during the most recent appraisal period shall be available for review by the following:

- (1) The employee,
- (2) The employee's supervisor (or rating official, if different), and
- (3) The higher-level reviewer.

2-11. Progress Reviews for Trial/Probationary Employees

a. Progress reviews improve communication between the supervisor and the employee concerning performance expectations and results. Progress reviews can, and should be, conducted by the supervisor as many times as necessary. However, a trial/probationary review and mid-year progress reviews are mandatory.

b. A trial/probationary period review is used by the supervisor to document whether the employee has the qualities needed for permanent federal government service. The review is mandatory to document the supervisor's recommendation to retain or not retain a trial/probationary period employee. ("Trial" period is the term used for Title 32 Technician Employees and "Probationary" is used for Title 5 NG Employees). The trial/probationary period is the amount of time a supervisor can observe the employee to validate if they meet the performance standards of their position, description, performance plans, and the core values of the organization.

c. The supervisor will receive an automated email from the civilian personnel data system by the end of the 10th month of the trial/probationary employee's first year of employment with instructions for certifying a retain/non-retain decision.

d. At the end of the first year in trial/probationary status, if the new employee's performance is satisfactory and the supervisor wishes to retain the employee, the supervisor will complete the full performance appraisal at the end of the first year of employment.

e. At the end of the 10th month of employment, if the supervisor recommends non-retention, the supervisor must consult with the HR-LRS and provide rationale for non-retention. The HRO will evaluate the supervisor's justification, and ensure the employee was given an opportunity to improve. Between the date of the original recommendation and the end of the trial/probationary period, the HRO will make a final concur/non-concur decision and coordinate with the supervisor to establish a termination date if necessary.

2-12. Timing of Performance Appraisal

a. The performance appraisal is the formal documentation of the supervisor's assessment of the employee's performance. The supervisor evaluates the employee's performance against the previously established performance plan to formulate his or her evaluation and the summary rating. The supervisor will document the performance appraisal by completing it in the performance management system.

b. The supervisor:

(1) Will ensure completion of the performance appraisal for an employee by 31 March (rating period is 1 April to 31 March) or at any time provided the employee's performance plan has been in place for a minimum of 90 days. The effective date of the appraisal is 1 June of the same year. Completion is accomplished when the supervisor, higher level reviewer, and employee all sign the performance appraisal.

(2) Must complete a performance appraisal no more than one year after the performance plan is implemented.

(3) Must complete an appraisal for all subordinate employees they have supervised for at least 90 days when the supervisor leaves the supervisory position or when the employee is assigned to another supervisor or provided a new performance plan.

(4) Discuss the appraisal with the employee and fully explain his or her rationale for the ratings and comments.

c. Annual performance ratings, when used to determine a rating of record, may be postponed (with documentation of circumstances) when there has been insufficient time to observe the employee's performance in their present assignment because:

(1) The supervisor or the employee is newly assigned (less than 90 calendar days).

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

(3) The employee has not worked under the performance plan for at least 90 calendar days. The postponement should not be extended any longer than necessary to permit 90 calendar days under the performance plan.

(4) The employee has been in an Absent-US or Leave Without Pay status and has less than 90 days performing duties under an approved plan during a rating year.

(5) The employee is absent at the end of the appraisal period due to a work-related injury. Eligible employees who are still on agency rolls at the end of the appraisal period but who are absent due to a work-related injury will be rated based on the work performed during the appraisal period, provided they have satisfied the minimum 90-day performance period.

Chapter 3

Unacceptable Performance

3-1. Performance Versus Conduct

a. This section addresses actions that must be taken by command, IIRO, the immediate supervisor, and the subordinate employee when the employee fails to meet the criteria needed to be rated fully successful in the performance elements of the performance plan.

b. This section does not address inappropriate conduct by the employee. Supervisors should refer to CNGBI 1400.25 Vol 752 and ORNG TPR 752, Discipline and Adverse Action, to address inappropriate conduct issues. If you are unsure whether it is a performance issue or a conduct issue, contact the HR-LRS.

3-2. Recognizing Unacceptable Performance

a. Commanders and supervisors are responsible for monitoring the work of their subordinate employees and helping them succeed. When the supervisor sees signs of unacceptable performance, he or she must take steps to help the employee meet the standards of the performance plan.

b. With a well-written performance plan and expectations that are understood by the subordinate employee, the supervisor and employee should be able to discuss performance issues in a non-adversarial manner.

3-3. Performance Review Associated with Unacceptable Performance

a. When the supervisor first sees signs of unacceptable performance, they will conduct a progress review with the employee to begin the process of helping the employee improve. The supervisor will use the performance management system to document the progress review.

b. If the employee is not meeting the standards of any job objective of the performance plan, the supervisor will discuss with the employee the need for a PIP and follow the PIP process described in paragraph 3-4 below. The supervisor should remind the employee that a PIP is not a roadmap to termination but will be designed to clearly explain expectations and any training necessary for the employee to succeed.

c. If the employee needs to improve performance identified in the performance plan, the supervisor will counsel the employee. However, a PIP is not required unless the employee's deficiency brings a job objective to an unacceptable rating.

d. After completing the performance review, the supervisor will contact IIRO and request assistance to write a PIP, if one is warranted.

3-4. Performance Improvement Plan, an Opportunity to Succeed

The purpose of a PIP is to help the employee succeed. The PIP process is not meant as the first step toward removal, but a constructive step to help the employee.

a. Some of the actions that can be taken by the supervisor in conjunction with a PIP are:

- (1) Closer supervision.
- (2) Counseling.
- (3) More frequent scheduled feedback.
- (4) Informal or formal training.
- (5) Supervisory or peer coaching.
- (6) Special job focused assignments.

b. The employee's immediate supervisor defines the PIP parameters. A PIP will accurately and specifically narrow the focus of the employee, allowing them to concentrate on job objectives of the performance plan needing improvement while not ignoring other elements. The content of a PIP must include the job objective(s) in which the employee's performance is unacceptable, in what manner it is considered as such, and exactly what is required to bring the performance above an unacceptable level. The PIP must be written in language that the employee fully understands.

c. A PIP must contain certain elements required to ensure compliance with federal regulations. Before writing a PIP for an employee, contact the HR-LRS for additional guidance, specific language, or a sample PIP. All PIP's must be coordinated through the HR-LRS.

3-5. Unacceptable Performance After a PIP

a. If the employee cannot meet the standards of the performance plan after being afforded the opportunity to improve under a PIP, the supervisor will complete a full performance appraisal using the performance management system. The appraisal will clearly indicate where the employee has failed to meet the requirements of a job objective.

b. The immediate supervisor and second level supervisor will contact the HRO to discuss options such as grade reduction, transfer to another job, or removal for the employee.

Chapter 4

The Review and Appeal Process for Non-Bargaining Unit Members

4-1. Appeal Rights

a. Employees may appeal a performance appraisal to have the comments on the appraisal changed and/or have the summary rating changed. The employee, supervisor, HRO, the State Review and Appeals Board (SRAB), and the Adjutant General all play a part in the appeal process.

4-2. Employee Actions

a. The employee should notify their immediate supervisor they intend to appeal the appraisal. The employee may not appeal a progress review because it is not a rating of record in accordance with 5 CFR 430 and no personnel action can result from a progress review other than the implementation of a PIP.

b. To appeal a marginal or above appraisal, the employee may file an appeal to the HRO no later than 30 calendar days after the employee receives the completed appraisal.

c. To appeal an unacceptable appraisal, the employee must file an appeal to the HRO within the 15-day advance written notice period that a "Notice of Written Decision Based on Unacceptable Performance" letter will identify. This letter will be presented to the employee after a decision has been made to take a personnel action as a result of unacceptable performance. This letter may be presented sometime after the employee receives the unacceptable performance appraisal.

d. The employee must file the appeal in writing and submit it to the HRO for consideration by the SRAB. The appeal must contain the following information:

- (1) Name of the employee's organization;
- (2) The appraisal being appealed;
- (3) Why the appraisal should be changed;
- (4) Performance level requested; and
- (5) Date of notice received.

e. When any required information for the appeal is not available, the employee should submit what is available and state why the other information is not available.

f. An employee has no appeal rights beyond the Adjutant General.

4-3. HRO Actions

a. The HRO will establish a SRAB on an ad hoc basis. The SRAB will consist of at least three members, to provide an impartial review on a performance appraisal appeal. Personnel serving on the board cannot be in the chain of command of the employee who is filing an appeal and should not be in a lower graded position than the employee. Peers of the appellant may be chosen to serve on the board. The employee is entitled to representation (representation may be a union representative for bargaining unit employees or a non-union representative for non-bargaining unit employees) during the board process.

b. The HRO will not establish a board to review appeals that have been grieved through the negotiated grievance procedure.

c. The HRO will assist the board in presenting their formal recommendation to the Adjutant General.

4-4. State Review and Appeals Board Actions

a. After being formed by the HRO, a board will convene as soon as practical, elect a spokesperson to run the meetings and present its findings to the Adjutant General.

b. 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 any personnel action taken because of an unacceptable appraisal. The Adjutant General will make the final decision. All members of the board must be present at all times during the hearings and must participate in deciding on a recommendation.

c. During the proceedings, the board may admit oral and/or written evidence from the employee and the employee's immediate or 2nd level supervisor. The employee and the employee's representative (if desired by the employee), and the management representative (appealing employee's 1st or 2nd level supervisor) will submit any additional information deemed pertinent. Such information may be presented orally, by presentation of witnesses, or in writing. The employee, the employee's representative, and the management representative must be given the opportunity to hear, question any witnesses, and reply to the information submitted by the other parties. 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.

d. The board may not use any written information to render a recommendation until the employee, the employee's representative (if any), and the management representatives have had an opportunity to examine and reply to it. Board members must serve as impartial fact finders and review each case objectively. They must consider the merits of each case on which the board will base their recommendation.

e. Within 15 calendar days of completion of the board's proceedings, the board will complete its review of the evidence and submit the board's recommendation directly to the Adjutant General with an information copy to the HRO.

4-5. Adjutant General Actions

The Adjutant General will publish a final decision on the appeal after receiving the recommendation of the SRAB. The original copy of the decision will be sent to the employee and copies sent to the immediate supervisor and the HRO.

Appendix A

References

Section I - Required Publications

Unless otherwise indicated, all Army publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil>. DoD publications are available on the Executive Services Directorate (ESD) website at <https://www.esd.whs.mil>. The National Guard Bureau Publications Library is available at the following website <https://www.ngbpmc.ng.mil/publications1/cngbi>. The Public Laws, United States Codes, and Code of Federal Regulations are available at the following website <https://www.govinfo.gov>.

CNGBI 1400.25 VOL 431

National Guard Bureau Employee Appraisal Program (Cited in para 1-3, 1-4c)

CNGBI 1400.25 Vol 752

Discipline and Adverse Action (Cited in para 2-4c and para 3-1b)

5 CFR, Part 335

Promotion and Internal Placement (Cited in para 2-2a(4))

5 CFR, Part 351

Reduction In Force (Cited in para 2-2a(5))

5 CFR, Part 430

Performance Management (Cited in para 2-1a, 2-2a(3), and 4-2a)

5 CFR, Part 451

Awards (Cited in para 2-2a(2))

5 CFR, Part 531

Pay Under the General Schedule (Cited in para 2-2a(1))

5 CFR, Part 532

Prevailing Rate System (Cited in para 2-2a(1))

5 CFR, Part 2635

Standards of Ethical Conduct for Employees of the Executive Branch (Cited in para 2-4h.)

Section II – Related Publications

DoD 5500.07-R

The Joint Ethics Regulation

Section III – Prescribed Forms

This section contains no entries.

Section IV - Referenced Forms

Unless otherwise indicated, DA forms are available on the APD Web site (<http://www.apd.army.mil>); DD forms are available on DOD Web site (<http://www.dtic.mil/>).

DA Form 2028

Recommended Changes to Publications and Blank Forms

DD Form 2906

Department of Defense Civilian Performance Plan, Progress Review and Appraisal

APPENDIX B SPECIALLY SITUATED EMPLOYEES

NG employees have unique situations that require special performance management actions to ensure compliance with statute, regulation, and policy. The following procedure should be applied for each situation outlined in this enclosure.

- a. Specially situated employees listed below may have more than one appraisal in an appraisal period, but the appraisal periods and effective dates will not overlap.
- b. The start date of an appraisal period should be the first day the employee is in a duty status after the previous appraisal period end date.
- c. The effective date of an appraisal for a shortened appraisal period is the later of, the date the appraisal is approved or the end date of the appraisal period.

NG Employees Absent for Uniformed Service (Absent-US) or Leave Without Pay

NG employees who are Absent-US or Leave Without Pay and have a minimum of 90 calendar days performing duties in an approved plan during a rating year must be rated. The rating official may change the end date to the last day the employee was in a duty status, but the effective date remains 01 June. At the end of a rating year, if an employee has less than 90 days performing duties under an approved plan no rating should be accomplished. Generally, approved performance documents are closed because employees are considered ineligible.

NG Employees Returning to Duty from Extended Absent-US

NG employees who have extended periods of Absent-US that causes one or more appraisal period of ineligibility may, at supervisor discretion, receive a shortened appraisal period to ensure eligibility for personnel actions. This shortened period is a minimum of 90 calendar days under an approved plan.

When the Supervisory and NG Employee Relationship Changes

Personnel actions cause changes to employee and RO relationships during the appraisal period. A performance plan is a flexible document that may be changed during the appraisal period. A performance plan may be changed due to reassignments, changes to lower grade, promotions, new appointments, separations, or changes to duty status of either the employee or the RO.

- a. Plans that are changed during the appraisal period must be re-approved.
- b. This volume does not require a minimum period of supervision to rate an employee. State policy may require no more than 90 days of supervision over the rated employee before a rating is accomplished.
- c. There is no minimum period of HLR relationship required to approve performance documents. Performance narratives and appraisals must be completed in accordance with section 3.8 of reference e.

Ratings of Record for Veterans

The rating of record for a disabled veteran will not be lowered because the veteran has been absent from work to seek medical treatment for the rated disability in accordance with section 208 of reference f. This includes Veterans whose preference is not recorded on personnel actions due to exclusions in accordance with reference b.

Employees Who Have Failed to Successfully Complete a Performance Improvement Plan (PIP)

Employees who fail to improve to an acceptable level upon completion of a PIP will be issued a rating of record of 1 at the conclusion of the PIP, as long as the PIP is in relation to a performance plan that has been in place for a minimum of 90 calendar days.

Employees Who Request Reconsideration Upon Issuance of a PIP

An employee may request reconsideration of a rating of record upon receipt of a PIP. Reconsideration is of the appraisal process and not the PIP. When an employee requests reconsideration, both the PIP and reconsideration process will continue concurrently. However, the reconsideration must be approved or denied by the approval authority prior to the determination of successful performance or failure of the PIP.

Performance Documents with the Same Employee as the RO and HLR

Only if the NG supervisor is the Adjutant General or Commanding General may have the Adjutant General or Commanding General also be listed as the HLR. No other exceptions are authorized.

APPENDIX C

LINKAGE OF PERFORMANCE MANAGEMENT TO OTHER PERSONNEL ACTIONS

Employee performance may impact other personnel actions, and the DoD Performance Management and Appraisal Program links the following employee personnel actions to performance appraisals for employees:

Promotion

To be eligible for a promotion under a merit promotion plan pursuant to Section 335.103 of Title 5, CFR, an employee must meet minimum qualification standards and other promotion criteria. Due weight will be given to performance appraisals and incentive awards. To be eligible for a career ladder promotion under a merit promotion plan pursuant to Section 335.104 of Title 5, CFR, an employee must be performing at the Fully Successful level, or higher. However, the fact that employees are rated Fully Successful or higher at the time they are eligible for promotion does not mean promotions are automatic.

Within-Grade Increase (WGI)

A WGI or periodic step increase is an increase in an employee's rate of basic pay from one step of the grade of his or her position to the next higher step of that grade pursuant to Sections 531.404 and 532.417 of Title 5, CFR and 5335 of Title 5, U.S.C.

As part of ongoing communication with employees, the supervisor will discuss an upcoming WGI with the employee and may document the date of this conversation in the section designated for progress reviews in the MyPerformance Appraisal System: <https://compo.depds.cpms.osd.mil/>.

The decision to grant or deny a WGI is based on the employee's most recent rating of record issued within the WGI waiting period. To receive a WGI, the employee must be performing at the "Fully Successful" level or higher with a rating of record of "3" or higher.

When a WGI decision is not consistent with the employee's most recent rating of record, a more current rating of record must be prepared. When considering denying a WGI, supervisors should contact their servicing human resources office for further information and assistance in following the requirements in Sections 531.409 and 531.411 of Title 5, CFR.

Quality Step Increase (QSI)

The purpose of a QSI is to recognize excellence in performance by granting an accelerated step increase. A QSI is a permanent salary increase for General Schedule employees only, and careful consideration should be given before granting a QSI. QSIs must be limited to those cases where exceptional performance has extended over a significant period of time and is expected to continue into the future. To be eligible for a QSI, an employee must:

- a.* Currently be paid below step 10 of his or her grade.
- b.* Have a most recent rating of record of Level 5 ("Outstanding").
- c.* Have demonstrated sustained performance of high quality for a significant period of time.
- d.* Have not received a QSI (or QSI-equivalent under a personnel system other than the General Schedule) within the preceding 52 consecutive calendar weeks.

Reassignment, Reduction in Grade, or Removal Based on Unacceptable Performance

Consistent with the requirements in Section 432.105 of Title 5, CFR, employees who fail to demonstrate performance at the Fully Successful level may be reduced in grade or removed from federal service. The employee may also be subject to reassignment at the DoD Component's discretion.

Performance-Based Awards

Refer to ORNG CER 451 Incentive Awards for Federal Employees, CNGBI 1400.25 volume 451 National Guard Technician Incentive Awards Program, and collective bargaining agreements, if applicable, for more information on performance-based awards.

APPENDIX D

MANDATORY SUPERVISORY JOB OBJECTIVES

Under all DOD performance management systems, there are mandatory supervisory/managerial standards that must be included under one or more critical elements. The mandatory standards address the following three areas:

- a. Hiring reform.
- b. Innovation in the workplace
- c. Whistleblower protections

In addition, mandatory standards pertaining to other basic supervisory/managerial responsibilities must be included in the performance plans of supervisors. The three elements in paragraphs 1 through 3, below, incorporate the required standards for supervisors and managers. Elements may be combined, and standards may be modified to include additional performance evaluation factors and specific measurements. For example, rating officials may want to combine the standards for critical elements 1 and 2 into one element titled "Leadership and Supervision" and include an additional standard dealing with effective handling of employees who are injured on the job.

The Defense Personnel Management and Appraisal Program (DPMAP) requires the number of supervisory job elements, must equal or exceed, the number of technical job elements.

***Note:** Standards language in bold may not be modified as it is directed by higher authority (DoD or NGB).

(1) Critical Element 1: Workforce Management/Hiring Reform

The standard below must be included in the performance plan of every senior executive, manager, and supervisor.

Standard: Effectively attracts/recruits a high caliber workforce. Identifies current/future position requirements to ensure recruiting is appropriately focused and timely to produce high quality candidate pools. Support new hires successful transition to the Federal workforce. Acts responsibly by ensuring the staffing process is conducted IAW merit systems principles. Provide opportunities for orientation and tools for enabling employees to successfully perform during the probationary period and beyond. Ensures effective internal controls are in place and acts as a good steward of public funds.

(2) Critical Element 2: Supervision and Employee Engagement

The standard below applies to all supervisors and managers.

Standard: Effectively monitors employee performance by completing performance management tasks in a timely manner, ensuring performance plans, progress reviews and appraisals are prepared, completed, and communicated as required. Communicates regularly with employees, monitors employee performance and conduct, addresses declining and poor performance and conduct in a timely manner and takes appropriate action. Recognizes employees' contributions by optimizing the use of monetary and non-monetary awards fairly and consistently. Monitors employee development; establishes Individual Development Plans; and ensures training is completed within established deadlines. If applicable, fulfills labor relations responsibilities in a timely and effective manner. Fosters teamwork and respect among the staff.

***Note:** For supervisors in grades 13 and above and equivalents in other pay systems, the following additional standard must be added to the above element:

Effectively develop and champion innovative ideas to improve the organization and to create an environment that fosters innovation.

(3) Critical Element 3: Safety, EEO, and Whistleblower Protections

The standard below applies to all supervisors and managers.

Standard: Ensures consistent application of, and compliance with, applicable laws, regulations and policies governing merit systems principles, prohibited personnel practices, and equal employment opportunity. Promptly addresses allegations of discrimination, harassment, and retaliation. Maintains a safe work environment. Supports the Whistleblower Protection program by responding constructively to employees who make protected disclosures under 5 U.S.C. 2302(b) (8); taking responsible actions to resolve disclosures; and fostering an environment in which employees feel comfortable making such disclosures to supervisors or other appropriate authorities.

Glossary

Section I Abbreviations

CER
Civilian Employee Regulation

CFR
Code of Federal Regulations

CNGBI
Chief of the National Guard Bureau Instruction

DA
Department of the Army

DoD
Department of Defense

HR-LRS
Human Resources - Labor Relations Specialist

HRO
Human Resource Office

NG
National Guard

NGB
National Guard Bureau

OPM
Office of Personnel Management

ORNG
Oregon National Guard

PIP
Personnel Improvement Plan

RO
Rating Official

SMART
Specific, Measurable, Achievable, Relevant, Timely

TAG
The Adjutant General

TPR
Technician Personnel Regulation

U.S.C.
United States Code

Section II Terms

Appraisal Period

April 1st to March 31st each year, the period shall be no less than 90 days and no more than one year in which a performance plan will be in effect and at the conclusion of which the employee will receive a formal appraisal.

Summary Rating

The three-level summary rating pattern approved by the Office of Personnel Management (OPM) and was chosen for use by the National Guard Bureau.

Position Description (PD)

The NGB approved document that states the PRIMARY duties and responsibilities for an employee duty position. The duties and responsibilities are the key factors used to determine the pay plan, occupational code, and grade of the position. The PD's do not outline all of the duties an employee is required to perform as part of their day or how the employee is supposed to accomplish the duties, nor do they describe the ORNG, unit, work center, or individual employee objectives.

Job Objective/Performance Element/Critical Element

The terms, job objective, performance element and critical element, are interchangeable and considered synonymous. A job objective describes duties and responsibilities that are "mission essential" and essential to the overall success of the employee in his or her position. Each job objective outlines one or more components of the employee's duties and responsibilities and should be stated in clearly understood terms. Job objectives detail actual performance expectations and do not simply restate the words in the employee's position description. A series of job objectives describe the full range of duties and responsibilities assigned to an employee.