

Performance Management
National Guard Technician Appraisal Program

Summary of Changes. This regulation establishes the Appraisal Program for all Army and Air National Guard technicians. It implements the references listed in the following paragraph. It is purposely intended to allow State National Guard Programs the flexibility to stay with the current five level program, or to implement four level; three level; or Pass-Fail programs.

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.

Supplementation. Supplementation of this regulation is authorized. One copy of any supplement will be provided to NGB-HRL.

Suggested Improvements. Users of this regulation are invited to send comments and suggested improvements directly to the Labor and Employee Services Division (NGB-HRL), National Guard Bureau, 4501 Ford Avenue, Alexandria, VA 22302-1454.

Content (listed by paragraph number)

	Para	Page		Page
Purpose.....	1	2		
Reference	2	2		
Objective.....	3	2		
Responsibilities	4	2		
Technician Appraisal				
Program Requirements.....	5	3	Appendix A - Summary Levels Patterns	7
Below Fully Successful			Appendix B - Sample Decision Memo.....	9
Performance	6	5	Appendix C - Appeals.....	10
Unacceptable Performance.....	7	5	Appendix D - EEO Guidelines.....	11
Review and Appeal Process	8	6		

* This regulation supersedes Technician Personnel Manual Number (TPM) 430, 1 October 1980.

1. Purpose

This regulation establishes the Performance Appraisal Program for National Guard Technicians and is consistent with 5 CFR Part 430 and in compliance with DOD 1400.25-M, CPM Subchapter 430, Appendix A. States will develop their own Performance Appraisal Programs in accordance with the requirements of this regulation. Appendices contain general guidance to assist states in developing and administering their own Performance Appraisal Programs.

2. References

- a. DOD Directive 1400.25, "DOD Civilian Personnel Management System," November 25, 1996
- b. Chapters 23, 43, 45, 53 and 71 of title 5, United States Code
- c. Title 5, Code of Federal Regulations, Parts 430, 451 and 531
- d. National Guard Technicians Act of 1968 PL 90-486 (as amended)

3. Objective

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

- a. Be designed to meet and fully integrate into organizational or mission goals and objectives and management processes.
- b. Be designed and used as tools for executing management and supervisory responsibilities; communicating and clarifying organizational goals and objectives to employees; involving 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.
- c. Identify accountability for the accomplishment of organizational and (where applicable) team goals and objectives.
- d. 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.
- e. Support and be consistent with Merit System Principles in Section 2301 of 5 U.S.C. (reference (b)).

f. Provide for involving technicians and their representatives in program development, implementation, and application.

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

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

4. Responsibilities

a. The Chief, National Guard Bureau, through the Director of Human Resources (NGB-HR) is responsible for the establishment, management and evaluation of the National Guard Performance Appraisal Program

b. Adjutants General, in their respective states, are responsible for:

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

(2) Communicating with supervisors and technicians (e.g., through formal training) about relevant parts of the state's Performance Appraisal Program.

(3) Establishing a state review and appeal process to review and resolve complaints about assigned ratings.

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

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

c. The Human Resources Officer (HRO) in each state or territory is responsible to the Adjutant General (TAG) for:

(1) Assisting managers in setting up 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) Administering the State Performance Appraisal Program. Providing timely advice and assistance to managers, supervisors, and technicians.

(3) Developing and conducting training necessary to ensure that all technicians (and non-technicians involved in the appraisal process) are adequately trained in the state's performance appraisal program including responsibilities of all the parties.

(4) Notifying supervisors and managers of due dates for technician performance ratings and following up when they are not received in a timely manner.

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

(6) Keeping necessary records, evaluating effectiveness of the state's Performance Appraisal Program, and bringing to the attention of the Adjutant General those areas needing refinement or improvement.

(7) Ensuring that necessary personnel actions or decisions based on the performance appraisal are carried out.

(8) Establishing and administering the state's review and appeal process.

d. 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) Maintain an ongoing dialogue that will keep technicians informed 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.

5. Technician Appraisal Program Requirements

The National Guard Performance Appraisal Program requires that each state develop a Performance Appraisal Program that complies with 5 CFR Part 430. States are encouraged to consider innovative approaches, such as Pass/Fail Ratings and multi-directional feedback. The state performance appraisal program can be designed to focus on team performance if desired by the state. Additional performance elements (other than critical and non-critical) can be used to communicate performance expectations, and used to grant awards, should states choose to do so. State performance appraisal programs must do the following:

a. **Comply with this regulation.**

b. **Specify the effective date.**

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

d. **Specify which summary level pattern** has been chosen from among the eight (8) available in appendix A. 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 are to be carefully observed and appraised during the trial/probationary period to determine whether they have the qualities needed for permanent Government service. During this period, supervisors should provide specific training and assistance to improve the technician's work performance if needed. For retention beyond the trial/probationary period, the technician's work performance must minimally be at a fully successful level. If retention is not recommended, supporting documentation will be forwarded to the HRO who will then advise supervisors and managers on taking appropriate action to remove the technician from the Federal service. Initiation of a removal action may be taken anytime during the trial/probationary period. A technician serving a trial/probationary period is not to be given an official performance appraisal until after completing the required 12 months of Federal service. After completing the 12 months of service, he/she 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 officially 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, and the technician's performance while on the detail will be appraised by the detail supervisor.

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 the immediate supervisor has not had enough time to observe the technician's performance in his/her 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; or (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.

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

ratings. Official performance records are available for review by the technician and his/her representative. These include, but are not limited to, performance standards, ratings, certifications in connection with within-grade increases, incentive awards determinations, merit promotion material, trial/probationary period certification, and other related personnel management documents. 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, those having the right under 5 U.S.C. Chapter 71 Section 7114 (b)(4), and those with an official need to know in 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 decisions and actions** to include:

- Within Grade Increases/Step Increases (5 CFR parts 531 and 532)
- Incentive Awards (5 CFR Part 451)
- Reassignments, Reductions in Grade or Removals (5 CFR Part 430)
- Promotions [5 CFR part 335 and TPR 300 (335)]
- Reduction in Force [TPR 300 (351)]

j. **Contain a savings provision** comparable to that in 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 plans:

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

(2) Performance plans 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, if any. Performance plans may contain any combination of critical, non-critical, and additional elements reasonably related to the job and related performance standards. However, each

performance plan shall have at least one critical element that addresses individual performance.

l. **Provide for Technician Involvement.**

Programs shall provide for employee participation in 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. 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 element.** For critical elements, summary levels shall include at a minimum the "Fully Successful" or equivalent level and the "Unacceptable" level. Unacceptable performance is that which 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 plans** (e.g., elements, performance expectations and any goals and objectives) to employees. Performance plans shall also include the methods for appraising each critical and non-critical element during the appraisal period against the employee's performance standards. Ongoing counseling of technicians by supervisors is encouraged, particularly when the employee is at risk of not meeting 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. **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).

6. 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. If a technician is not meeting performance expectations, the supervisor will consult with the Human Resource Office and implement a formal Performance Improvement Plan (PIP) for the technician. The PIP must specify the deficiencies, outline the methods to become fully successful, and establish a reasonable time (normally 30 days) for improvement. When the PIP is issued, consideration should also be given to referring the technician to the Technician Assistance Program (TAP) Coordinator. If performance is affected by use of alcohol or other drugs referral to the TAP is required.

7. Unacceptable Performance

a. Performance appraisal programs require that managers and supervisors provide proactive assistance to employees to improve unacceptable performance. 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 an 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 430. (See Appendix C)

c. Actions Based on Unacceptable Performance. Technicians will be periodically reminded of the critical job elements and expected performance standards for their positions. They will be advised in writing and put on a formal PIP should their performance become unacceptable in any element of the job. Technicians will be assisted in improving areas of unacceptable performance by proactive counseling, increased supervisory assistance, additional training, etc. When the PIP is issued, consideration should also be given to referring the technician to the Technician Assistance Program (TAP) Coordinator. If performance is affected by

use of alcohol or other drugs, referral to the TAP is required. However, 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 his/her representative will be advised that the technician must be reassigned, reduced in grade (demoted), or removed from employment. Before initiating an action to reduce in grade or remove a technician based on unacceptable performance, consideration may be given to reassignment to another position for which the technician is qualified. No action based on unacceptable performance may be taken until critical job elements and performance standards 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 his/her performance.

d. Requirements. The formal PIP (normally 30 days) is initiated by the technician's supervisor after consultation with the Human Resource Office. Such action may be initiated anytime by the technician's supervisor if the technician's performance is unacceptable in one or more critical job elements. The supervisor does not need 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 documented instances of unacceptable performance on which the action is based (see sample letter Appendix B). This advance written notice must be concurred on by an official who is in a higher level position than the immediate supervisor. (This requirement does not apply when the action is being taken by the state Adjutant General). This is not a proposed notice, but is to be considered as a final notice of the action to be taken because before this final step the technician would have been given adequate assistance and time to improve performance.

(2) If a technician submits a request to his/her 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. If the exclusive representative (Labor Organization) has negotiated that unacceptable performance ratings are grievable, the technician may appeal or grieve, but not both. A request submitted to the State review and appeals board will be handled in accordance with instructions in Appendix C.

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

8. Review and Appeal Process

The State Adjutant General is the final appellate authority. 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. Technicians covered by a negotiated grievance procedure that does not exclude performance ratings from its coverage may use the State Appellate Program or the negotiated grievance procedure but not both.

APPENDIX A
SUMMARY LEVEL PATTERNS

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

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 as 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 dialog of individual and organizational performance. This approach also simplifies the administration of the performance appraisal program and links individual performance to organization accomplishments, and reduces win/lose competition among technicians.

Features of the Pass-Fail Model (Pattern A):

- Eliminates the requirement for a numerical summary rating.
- Establishes a two-tier, pass-fail Program - Unacceptable (level 1) or Fully successful (level 3).
- Unacceptable (level 1) ratings require justification, to be approved at the next higher level; documentation must be provided.
- Fully Successful(level 3) rating requires the supervisor’s signature indicating that an annual appraisal has been accomplished. If no action is taken at level 1, level 3 is assumed and no action beyond actually 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 to be below Fully Successful will be given an opportunity to improve via a PIP that specifies the deficiencies, outlines the methods and establishes a reasonable time period (normally 30 days) for improvement.

“MODEL 2”

(Three levels)

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: Simplify performance management administration, recognize high performers and link individual performance to organizational accomplishment.

Features of a three-level model (Patterns B, C, & D)

- Eliminates the requirement for a numerical summary rating.
- Establishes a three-tier, rather than the current five-tier Program.
- Unacceptable (level 1) ratings require justification, to be approved at the next higher level; documentation must be provided.
- Marginal (level 2) ratings allow 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 and establishes a reasonable time period (normally 30 days) for improvement.
- Fully Successful (level 3) or above ratings only require the supervisor’s signature indicating that an annual appraisal has been accomplished. If no action is taken at levels 1 or 2, Fully Successful (level 3) is assumed and no action beyond actually giving the employee an annual performance appraisal and signing a statement will be required.

“MODEL 3”

(Four levels)

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: Simplify performance management administration, recognize high performers, identify marginally acceptable performance, and link individual performance to organizational accomplishment.

Features of a four-level model (Patterns E, F, & G):

- Eliminates the requirement for numerical summary rating.
- Establishes a four-tier, rather than the current five-tier Program.
- Unacceptable (level 1) ratings require justification, to be approved at the next higher level; documentation must be provided.
- Marginal (level 2) ratings allow 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 and establishes a reasonable time period (normally 30 days) for improvement.
- Fully Successful (level 3) or above ratings only require the supervisor’s signature indicating that an annual appraisal has been accomplished. If no action is taken at levels 1 or 2, Fully Successful (level 3) is assumed and no action beyond actually giving the employee an annual performance appraisal and signing a statement will be required.

Performance Plans (All Models)

- Individual performance plans should encompass both critical and noncritical 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 satisfactory” level. Results or outcome-based standards measure and tell individuals where they stand in their efforts to affect customers through products, services, client benefits 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.
- Minimum appraisal period of 120 days.

**APPENDIX B
SAMPLE NOTICE OF WRITTEN DECISION BASED ON UNACCEPTABLE PERFORMANCE
(ON LETTERHEAD)**

(OFFICE SYMBOL)

(DATE)

MEMORANDUM FOR

SUBJECT: Decision to Remove/Reduce in 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 technician is assigned. For example...)

1. This memorandum will serve as your formal notice of (removal/reduction in 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 that the technician will understand why the action is being taken.)

a. On 1 January 19xx, 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 19xx, 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 19xx, 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 . . .

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 more time. You will be given a final determination within fifteen (15) calendar days of our receipt from you.

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)

Receipt acknowledged: _____
(Signature) (Date)

I (Technician's name): _____ the fifteen (15) day response.
Waive/Do not waive

APPENDIX C 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. 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 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 performance must be filed within the 15-day advance written notice period outlined in Appendix 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 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 hearings, and must participate in deciding on a recommendation. A technician has no appeal rights beyond the state Adjutant General on these matters.

3. Appeal Processing. An appeal to the board is submitted through the Human Resource Officer (HRO). He/she 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 assemble 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 are 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 it. 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 is to complete review of the evidence and submit their recommendations directly to the Adjutant General with an information copy to the HRO.

**APPENDIX D
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:

- Has the manager/supervisor communicated to all subordinates his/her commitment to EEO and what is expected from each member of the work force?
- Has the manager/supervisor discussed the State EEO affirmative action plan with subordinates and solicited recommendations for implementation, modification, or improvements?
- What specific actions has the manager/supervisor taken to identify and eliminate any barriers to the employment and advancement of minorities and women?
- Do the managers/supervisors support the state's plan, including goals and timetables, to address identified problem areas within the work force?
- 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?
- What actions has the manager/supervisor taken to provide upward mobility opportunities for eligible technicians in the work force?
- Has the manager/supervisor insured that the complaints processing poster is posted on the bulletin board?
- What specific affirmative steps, including setting a personal example, has the manager/supervisor taken to assure the acceptance of all technicians?
- Does the manager/supervisor maintain records that show formal EEO training of all subordinate managers/supervisors including both initial and updated orientation?
- 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 nonmerit factors?

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

EDWARD D. BACA
Lieutenant General, USA
Chief, National Guard Bureau

Official:

DEBORAH GILMORE
Chief
Administrative Services

DISTRIBUTION: ARNG: B
 ANG: F
 Plus: 10 ea HRO