

**STATE OF OHIO  
ADJUTANT GENERAL'S DEPARTMENT  
2825 West Dublin Granville Road  
Columbus, Ohio 43235-2789**

**Ohio National Guard Technician and Civilian Personnel Performance Management and  
Appraisal Program**

**15 March 2022**

Supplement to Chief National Guard Bureau Instruction (CNGBI) 1400.25 Vol. 431, 20 January  
2022 "National Guard Technician and Civilian Personnel Performance Management and  
Appraisal Program" and Department of Defense (DoDI) 1400.25 Vol. 431, 04 February 2016,  
"DoD Civilian Personnel Management System: Performance Management and Appraisal,"  
Incorporating Change 2, 01 July 2020

OPR: Ohio National Guard Human Resources Office

**UNCLASSIFIED**

## **SUMMARY of CHANGE**

Supplement to CNGBI 1400.25 Vol. 431, National Guard Technician and Civilian Personnel Performance Management and Appraisal Program 20 January 2022 and Department of Defense (DoDI) 1400.25 Vol. 431, 04 February 2016, “DoD Civilian Personnel Management System: Performance Management and Appraisal,” Incorporating Change 2, 1 July 2020  
Effective: 15 March 2022

- Implements CNGBI 1400.25, Vol 431, 20 January 2022, National Guard Technician and Civilian Personnel Performance Management and Appraisal Program, 20 January 2022
- Implements Department of Defense (DoDI) 1400.25 Vol. 431, 04 February 2016, “DoD Civilian Personnel Management System: Performance Management and Appraisal,” Incorporating Change 2, 01 July 2020
- Changes should be compliant with proposed rules from OPM on changes to 5 CFR 432
- Addresses specially situated employees for Absent US, Supervisory Changes, Ratings for Veterans, PIPs, Reconsiderations
- Tells supervisors to “close” plans when an employee is ineligible for a rating of record
- Provides direction for employees who return to duty (RTD) after extended Absent US periods
- Addresses specially situated employees

**Ohio Army and Air National Guard  
Human Resource Office  
Columbus, OH 43235-2789**

**Performance Management and Appraisal Program**

**Ohio National Guard Technician and Civilian Personnel Performance Management and Appraisal Program**

**By order of The Adjutant General for Ohio:**

**John C. Harris Jr.  
Major General  
The Adjutant General**

**Official:**

**Clarence K. Maynus Jr.  
Col, OHANG  
Director of Human Resources**

**History.** This publication is a supplement to CNGBI 1400.25, Vol 431, 20 January 2022, National Guard Technician and Civilian Personnel Performance Management and Appraisal Program, and replaces CNGBI 1400.25, Vol 431, 24 January 2018, National Guard Technician Performance Appraisal Program,

**Summary.** This regulation prescribes one performance management program for all NG employees. The term “NG employees” throughout this supplement is defined in accordance with (IAW) references a, b, and c as Title 32 Military Technicians (Dual Status) excepted service and Title 5 NG excepted or competitive service employees of the Ohio National Guard.

**Applicability.** This supplement applies to all NG employees of the Ohio National Guard.

**Cancellation.** This supplement rescinds and replaces Ohio National Guard Joint Instruction (ONGJI) 1400.25, Vol. 431, 04 May 2018, Ohio National Guard Technician Performance Management Program

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**Proponent and exception authority.** The proponent of this regulation is the Adjutant General of Ohio. The proponent has the authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

**Management Control Process.** This supplement is not subject to the requirements of Army Regulation (AR) 11-2 (Management Control) or Air Force Instructions (AFI).

**Purpose.** This supplement establishes the Performance Management Program for Ohio National Guard employees and is consistent with Chief National Guard Bureau Instruction (CNGBI) 1400.25, Vol 431, 20 January 2022 and Department of Defense Instruction (DoDI) 1400.25, Vol 431, 04 February 2016, Incorporating Change 2, 1 July 2020). It is National Guard Bureau (NGB) policy that NG Employee Personnel Performance Management and Appraisal Program is a fair and transparent process that links individual employee performance with organizational goals. NG employees who perform at the “fully successful” level or higher are eligible for performance-based personnel actions.

a. Supervisors complete performance management actions IAW reference e. Applicable employees must receive, at minimum, a plan, progress review, and appraisal for each appraisal period. Supervisors address unacceptable performance immediately IAW Enclosure E and F. Performance is generally separate from conduct, unless the conduct affects the performance of the duties of the position.

b. Reconsiderations for a rating of record are processed IAW Enclosure F.

**2. References.** Required and related publications are listed in Appendix L.

**3. Explanation of abbreviations and terms.** Abbreviations and special terms in this supplement are explained in Enclosure GL.

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## Enclosures

A - Responsibilities  
B - Staff Functions  
C - NG employee Performance Management Program Requirements  
D - Specially-Situated Employees  
E - Addressing Unacceptable Performance  
F - Request for Reconsideration  
G - Review and Appeal Process  
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I - Review and Appeal Process  
J - Soft Skills and Additional Process Guidance  
K - Supervisory Critical Element  
L - References  
GL - Glossary

## Appendices

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B to Enclosure C - Soft Skills and Additional Process Guidance  
A to Enclosure E - Performance Improvement Period Memorandum

A to Enclosure F - Proposed Action Memorandum  
B to Enclosure F - Final Agency Decision  
A to Enclosure G - Reconsideration Approval Memorandum  
A to Enclosure H - Sample Within-Grade Increase Denial

**ENCLOSURE A**

**RESPONSIBILITIES**

1. **The Adjutant General (TAG).** TAG will:
  - a. Direct the execution of the NG Employee Performance Management and Appraisal Program IAW reference e and this supplement.
  - b. Establish State policy on requests for reconsideration of ratings of record.
  - c. Direct employees and assign work through the establishment of performance plans.
  - d. Establish a minimum period a Rating Official (RO) can supervise an NG employee before a rating may be accomplished, if necessary.

## **ENCLOSURE B**

### **STAFF FUNCTIONS**

1. **Explanation of Staff Functions.** Positions identified below are appointed and administered by TAG. It is understood that TAG maintains authority to assign work to their staff. Therefore, the personnel chosen for the assignment of these functions may be determined by TAG. The below indicate suggested assignments.

2. **Human Resource Officers (HROs).** HROs:

- a. Advise TAG on performance management and appraisal policy.
- b. Implement performance management and appraisal policy IAW this supplement.
- c. Report to NGB-J1-TCPL on overdue appraisals, as requested.
- d. Provide education and training for assigned NG employees, military and civilian supervisors, and managers to promote a better understanding of performance management statutes, regulations, and policies.
- e. Develop State policy on reconsiderations of ratings of record.

3. **Human Resources (HR) Specialists (Employee Relations).** HR Specialists (Employee Relations):

- a. Execute education and training for assigned NG employees, military and civilian supervisors, and managers to promote a better understanding of performance management statutes, regulations, and policies.
- b. Report to the HRO on organizations in the State that are successful or unsuccessful at meeting the standard.
- c. Provide advisory services to supervisors regarding performance management and appraisals ensuring compliance with this supplement.
- d. Advise supervisors or proposing officials of the differences between unacceptable performance and conduct actions.

4. **HR Specialists (Labor Relations).** HR Specialists (Labor Relations):

- a. Exclude, whenever reasonable, decisions to remove NG employees due to unacceptable performance from negotiated grievance procedures.
- b. Facilitate, when applicable, the negotiation of the exclusion of a requirement to remove NG employees for unacceptable performance instead of conduct.

5. **Supervisors (ROs).** ROs:

- a. Plan, review, evaluate, and rate each eligible NG employee IAW this volume.
- b. Document performance management actions in the DoD approved system.
- c. Address poor performance immediately IAW Enclosure E.
- d. Consider if an unacceptable performance personnel action for a NG employee could be more appropriately processed under conduct rules.

6. **Supervisors (Higher Level Reviewers).** Higher Level Reviewers (HLRs):

- a. Ensure ROs timely completion of performance management actions.
- b. Ensure ROs are consistent and equitable in rating employees across their level of the organization, especially when multiple ROs supervise employees with like critical elements.
- c. Ensure ROs who are NG employees and eligible for a rating of record are rated based on their required performance elements. Table 1 lists supervisor performance element components that must be included in the RO performance plan in one or more critical elements.

<b>Performance Element</b>
Equal Employment Opportunity or Equal Opportunity
Whistleblower Protections
Prohibited Personnel Practices
Performance Management Actions

**Table 1.** Required Rating Official Performance Element Components

7. **NG Employees.** NG employees should attempt to understand performance elements and the standard of those elements directed in the Performance Plan.

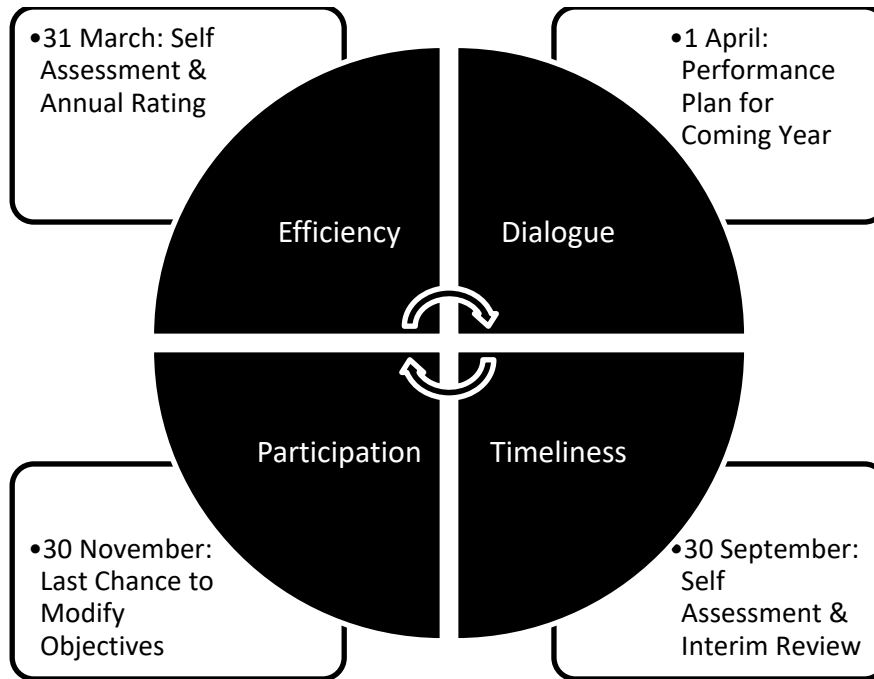


**ENCLOSURE C**

**NG EMPLOYEE PERFORMANCE MANAGEMENT PROGRAM REQUIREMENTS**

**1. The Performance Management Cycle**

The Ohio National Guard has one standard performance management cycle for all permanent (Tenure 1) NG employees, beginning 1 April of the current year and ending 31 March of the following year. Performance plans with objectives will be established each year in April. A mandatory interim review will take place no later than 30 September. Annual appraisals will be due 31 March. The Chief of the National Guard Bureau, Adjutant General for Ohio (or designee) may designate other periods as dictated by situation or circumstance.



**Figure 1.** The Performance Management Cycle

a. **Appraisal Pattern.** The Performance Management and Appraisal Program uses a three-level rating pattern, Summary Level Pattern B, as identified in Section 430.208(d)(1) of Title 5, CFR, and the performance rating levels (also known as “summary levels”) listed in Table 1 must be used.

Level 5 – Outstanding
Level 3 – Fully Successful
Level 1 – Unacceptable

**Table 1.** Performance Rating Levels

b. **Appraisal Cycle.** The appraisal cycle for NG employees covered by the DoD Performance Management and Appraisal Program is 1 April through 31 March of each calendar year. Refer to Figure 1.

c. **Effective Date of the Appraisal.** A rating of record is final when it is signed by the NG employee's supervisor, in his or her capacity as rating official and, where required by Component policy, by a higher-level reviewer (HLR). A rating of record finalized before 1 June will be effective 1 June.

d. **Minimum Period of Performance.** The minimum period of performance is ninety (90) calendar days. NG employees who perform under an approved performance plan for a minimum of ninety (90) calendar days will be rated based on the period of demonstrated performance.

e. **Performance Discussions.** To foster a culture of high performance, supervisors and NG employees should engage in two-way performance feedback throughout the appraisal cycle. Supervisors are required to hold a minimum of three formal documented performance discussions during the appraisal cycle. These required discussions will include the initial performance plan meeting to discuss performance expectations, one progress review, and the final performance appraisal discussion to communicate the rating of record. Additional progress reviews are highly encouraged throughout the appraisal cycle.

f. **Core Values.** In order to develop common awareness of and reinforce a high-performance culture, core values will be discussed with NG employees at the beginning of the appraisal cycle and will be annotated on all performance plans. The core values, which form the foundation of the performance culture are: leadership, professionalism, and technical knowledge through dedication to duty, integrity, ethics, honor, courage, and loyalty. In addition to the core values that will be annotated on performance plans and discussed with NG employees, Supervisors may include organizational values and may include organizational mission statements or goals which apply to the employee's performance elements. This aids in developing a common awareness and to reinforce the individual's contribution to the overall success of the organization's mission. NG employees will only be assessed on the core values or organizational values to the extent applicable to the assessment of a performance element.

g. **MyPerformance Appraisal Tool.** The MyPerformance appraisal tool provides an automated system to create, review, and approve performance plans; document modifications to performance plans; document progress reviews; document NG employee's input on his or her individual performance; and document performance appraisals.

(1) The MyPerformance appraisal tool is the only automated appraisal tool that has been authorized for use in administering and documenting activities under the DoD Performance Management and Appraisal Program, and MyPerformance generates a completed DD Form 2906, "Department of Defense Civilian Performance Plan, Progress Review, and Appraisal."

(2) When supervisors or NG employees do not have access to the electronic MyPerformance appraisal tool, they must use the paper copy of DD Form 2906 to document the performance plan, progress review(s), and rating of record. The HRO will develop any needed processes for completing appraisals using a blank DD Form 2906.

h. **Retention Schedule for NG Employee Performance Files.** Performance ratings of record, including the performance plans on which they are based, will be retained for four (4)

years or as otherwise required by Section 293.404 of Title 5, CFR. Since the MyPerformance tool maintains performance records for four (4) years, supervisors and NG employees are advised to print performance records they wish to maintain beyond the 4-year period. Where any performance-related document is needed in connection with an ongoing administrative, negotiated, quasi-judicial, or judicial proceeding, the rating of record must be retained for as long as necessary.

i. **Transfer of Employee Performance Files.** When a NG employee transfers to another DoD Component or is assigned to another organization within the Component, the organization, IAW with Sections 430.209 and 293 of Title 5, CFR, will transfer with the NG employee:

- (1) The most recent ratings of record as required by Paragraph 2.h. of this supplement.
- (2) Any subsequent performance ratings.

2. **Planning Performance.** NG employee and supervisor engagement that provides opportunity for NG employee input is the first step in establishing ongoing communication and understanding of performance expectations and organizational goals throughout the appraisal cycle. This results in effective performance planning. Specific performance measures will be used to determine whether expectations and goals are being met. Each NG employee must have a written performance plan established and approved normally within thirty (30) calendar days of the beginning of the appraisal cycle or the NG employee's assignment to a new position or set of duties. The supervisor will communicate the performance plan to the NG employee after it has been approved IAW with DoD Component procedures.

a. **Employee Performance Plan.** The performance plan will clearly document for each NG employee how the expected outcomes and results are linked to the organization's goals and objectives and how his or her performance will be measured throughout the appraisal cycle. The performance plan includes the NG employee's performance elements and performance standards for the appraisal cycle. Changes to mission, organizational goals, work unit priorities, or assigned duties that occur during the appraisal cycle may necessitate revisions to the performance plan.

b. **Performance Elements.** Performance elements describe the expectations related to the work being performed. All performance elements must be critical elements and clearly align with organizational goals. For ratings of record, each ratable element will be assigned a performance element rating. For assistance with alignment of performance elements to organizational goals, supervisors should review organizational plans and may consult with their performance improvement officer, or equivalent, as necessary. The USD(P&R) must approve DoD-wide performance elements for groups of NG employees, as needed. The two types of performance elements are:

(1) **Critical Element.** Performance plans must include at least three (3) and no more than ten (10) critical performance elements, and each element must have associated performance standards that define expectations. A critical element is a work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is rated as "Unacceptable." Critical elements are only

used to measure individual performance; supervisors must not establish critical elements for team performance.

(2) Supervisory Element. All performance elements related to supervisory duties are critical elements. The number of supervisory performance elements on performance plans for supervisors will equal or exceed the number of non-supervisory (technical) performance elements. The requirement for the number of supervisory performance elements to exceed the number of non-supervisory elements does not apply to employees coded as Supervisor Civil Service Reform Act (CSRA) code "4" in the Defense Civilian Personnel Data System.

c. **Performance Standards.** Performance standards describe how the requirements and expectations provided in the performance elements are to be evaluated. Performance standards must be provided for each performance element in the performance plan and must be written at the "Fully Successful" level. The standards should include specific, measurable, achievable, relevant, and timely (SMART) criteria, which provide the framework for developing effective results and expectations. SMART standards 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.

d. **Developing and Communicating Performance Expectations.** Written performance plans must be developed and approved by supervisors, clearly communicated to NG employees, and acknowledged by NG employees.

(1) Normally within thirty (30) days of the beginning of each appraisal cycle, supervisors and NG employees should discuss performance goals for the upcoming cycle. Supervisors must allow NG employees the opportunity to provide input into their performance elements and standards. While NG employees have the opportunity to provide input into their performance plans, supervisors must develop and approve the performance elements and standards.

(2) Supervisors must communicate each approved performance plan and how the performance expectations link to any organizational goals with their NG employees. This also provides an opportunity for the supervisor and NG employee to achieve a common understanding of the performance required for mission success.

(3) The date of the meeting or communication will be documented in the MyPerformance appraisal tool or on the DD Form 2906 and acknowledged by the NG employee.

**h. Modifying the Plan during the Appraisal Cycle.** A performance plan is a flexible, living document and should be reviewed and discussed throughout each appraisal cycle. Plans may be modified as organizational goals and priorities or NG employee's responsibilities change. All approved modifications to performance elements or standards must be discussed with and communicated to the NG employee, and the NG employee should acknowledge the revisions in the MyPerformance appraisal tool or on the DD Form 2906. If considering a change to an element or standard within ninety (90) calendar days of the end of the appraisal cycle when work requirements change or new duties are assigned, the supervisor may:

(1) Revise the element or standard at the beginning of the next appraisal cycle;

(2) Update the plan. If the NG employee does not have an opportunity to perform the new element(s) for the minimum ninety (90) calendar-day period, do not rate the revised element(s); or

(3) Extend the appraisal cycle by the amount of time necessary to allow ninety (90) calendar days of observed performance under the revised element or standard. Extending the appraisal cycle will affect the start date of the NG employee's subsequent appraisal cycle; however, the subsequent appraisal cycle should still end 31 March of the following calendar year.

**3. Monitoring Performance.** Monitoring performance consists of ongoing assessment of performance compared to the stated expectations and ongoing feedback to NG employees on their progress toward reaching their goals.

**a. Continuous Monitoring of Performance.** By monitoring performance throughout the appraisal cycle, supervisors can provide timely feedback on meeting expectations and identify unacceptable performance during the appraisal cycle in order to provide assistance to improve performance, rather than waiting until the end of the cycle when a rating of record is assigned. Additionally, while monitoring performance, supervisors may identify a NG employee's need for training or developmental opportunities in order to enhance the knowledge, skills, or abilities related to the employee's job performance in his or her current position.

**b. Performance Discussions.** The supervisor and NG employee will discuss the NG employee's work performance and its link to organizational effectiveness. The discussions may consist of verbal feedback sessions, regular one-on-one meetings, or impromptu recognition or acknowledgement of performance. Supervisors or NG employees may initiate performance discussions at any time during the appraisal cycle to foster ongoing engagement and understanding. Performance discussions help ensure that the performance plans accurately reflect the work being evaluated. Effective communications include ongoing, constructive feedback to contribute to overall NG employee and organizational success.

c. **Progress Reviews.** Progress reviews may only be initiated by supervisors. They are performance discussions that must be documented in the MyPerformance appraisal tool. While NG employees must have at least one documented progress review, providing additional progress reviews throughout the appraisal cycle are encouraged. NG employees are not given a performance narrative or performance element ratings on progress reviews. The supervisor and NG employee should engage in meaningful communications throughout the appraisal cycle to review and convey:

- (1) Organizational goals and priorities.
- (2) Performance elements and standards, including ensuring the performance plan accurately reflects the work being evaluated.
- (3) Supervisor's expectations.
- (4) NG employee's accomplishments and contributions.
- (5) NG employee's level of performance, including any areas that need improvement.
- (6) Barriers to success.
- (7) NG employee's developmental needs and career goals.

4. **Evaluating Performance.** The supervisor will evaluate NG employee performance by assessing performance against the elements and standards in the NG employee's approved performance plan and assigning a rating of record based on work performed during the appraisal cycle. A written rating of record must be provided at the end of the appraisal cycle for each NG employee who has been under an approved performance plan for ninety (90) calendar days during the cycle.

a. **Preparation and Submission of Performance Appraisals.** Performance appraisals will be prepared consistent with this volume and documented in the MyPerformance appraisal tool.

(1) **NG Employee Input.** NG employees can provide written input about their performance accomplishments for supervisors to consider in evaluating each of the performance elements and overall performance accomplishments.

(a) NG employee input, while not mandatory, is highly encouraged and valuable for progress reviews during and at the end of the appraisal cycle where the NG employee input becomes a part of the NG employee's performance file.

(b) The absence of NG employee's input does not relieve the supervisor of the responsibility for writing a narrative statement assessing the NG employee's performance standards and contributions.

(2) **Performance Narrative.** Supervisors will write a performance narrative that succinctly addresses the NG employee's performance measured against the performance standards for the appraisal cycle.

(a) The performance narrative justifies how a NG employee's ratings are determined and provides support for recognition and rewards (or any administrative or adverse action, if necessary).

(b) Performance narratives are required for each element rated "Outstanding" and "Unacceptable." Additionally, performance narratives are highly encouraged for each element rated "Fully Successful" as a means of recognizing all levels of accomplishments and contributions to mission success.

**b. Descriptions of Performance Rating Levels.** The performance rating assigned should reflect the level of the NG employee's performance as compared to the standards established. Some samples that may be useful in developing standards for a NG employee are provided in the following subparagraphs. These samples are intended to be illustrative only, do not apply to all work situations, and must be tailored to each particular situation.

(1) **Level 5 – Outstanding**

(a) Produces exceptional results or exceeds expectations well beyond specified outcomes.

(b) Sets targeted metrics high and far exceeds them (e.g., quality, budget, quantity).

(c) Handles roadblocks or issues exceptionally well and makes a long-term difference in doing so.

(d) Is widely seen as an expert, valued role model, or mentor for this work.

(e) Exhibits the highest standards of professionalism.

(2) **Level 3 – Fully Successful**

(a) Effectively produces the specified outcomes, and sometimes exceeds them.

(b) Consistently achieves targeted metrics.

(c) Proactively informs supervisor of potential issues or roadblocks and offers suggestions to address or prevent them.

(d) Achieves goals with appropriate level of supervision.

(3) **Level 1 – Unacceptable**

(a) Does not meet expectations for quality of work; fails to meet many of the required results for the goal.

(b) Is unreliable; makes poor decisions; misses targeted metrics (e.g., commitments, deadlines, quality).

(c) Lacks or fails to use skills required for the job.

(d) Requires much more supervision than expected for an employee at this level.

**c. Rating NG Employee Performance**

(1) The supervisor will assign an individual performance element rating of either 5, 3, or 1 to each critical element. All performance element ratings are averaged to calculate the rating of record, which reflects the NG employee's overall job performance during the appraisal cycle based on the rating criteria outlined in Table 2.

<b>Rating Level</b>	<b>Rating Criteria</b>
Level 5 – Outstanding	The average score of all critical element performance ratings is 4.3 or greater, with no critical element being rated a '1'(Unacceptable), resulting in a rating of record that is a '5'
Level 3 – Fully Successful	The average score of all critical element performance ratings is less than 4.3, with no critical element being rated a '1'(Unacceptable), resulting in a rating of record that is a '3'
Level 1 – Unacceptable	Any critical element rated as '1'

**Table 2.** Rating Criteria

(2) IAW Section 430.208(c) of Title 5, CFR, the DoD Performance Management and Appraisal Program does not establish a forced distribution of performance rating levels.

(3) A rating of record of "Unacceptable" (Level 1) must be reviewed and approved by an HLR.

(4) If a NG employee does not have an opportunity to perform work associated with a performance element for ninety (90) calendar days during the appraisal cycle, no performance element rating will be assigned for that performance element. An unratable performance element cannot be used as a factor in deriving a rating of record.

(5) The rating of record or individual performance element rating assigned to a critical element for a disabled veteran will not be lowered because the veteran has been absent from work to seek medical treatment, as provided in Section 430.208(f) of Title 5, CFR.



d. **Reconsideration of a Performance Appraisal.** NG employees may seek reconsideration of issues related to the performance appraisal process (e.g., individual performance element ratings and ratings of record) through the administrative grievance system or, where applicable, negotiated grievance procedures. NG employees may not challenge contents (e.g., performance elements or standards) of a NG employee performance plan and decisions to grant or not grant a performance award or quality step increase (QSI) through the administrative grievance system or, where applicable, negotiated grievance procedures.

**5. Recognizing and Rewarding Performance.** Supervisors recognize and reward performance by providing incentives to and recognition of NG employees for individual and team achievement and for their contributions to the organization's mission. The Ohio National Guard will develop recognition and rewards programs that embody strong business principles through the development of policies and rules. Supervisors can strengthen the performance culture and influence NG employee engagement by using recognition throughout the appraisal cycle. It is important to recognize performance and achievements as they occur, preferably as close as possible to the act(s) being recognized. Policy and procedures for awarding performance are covered in CNGBI 1400.25 Volume 451 as well as in Ohio NG policy and guidance.

a. When a supervisor publicly recognizes NG employee or team efforts, he or she communicates the types of activities and accomplishments the organization values in a meaningful way. Recognition and reward programs are valuable tools to increase NG employee performance, morale, and commitment to support the organization's mission.

b. Recognition and rewards are not entitlements. Achievements or contributions should be related to organizational mission and goals and to exceeding expectations.

c. Rewards should be an integral part of performance management.

**6. Linkage of Performance Management to Other Personnel Actions.** NG employee's performance may impact other personnel actions, and the DoD Performance Management and Appraisal Program links the following employee personnel actions to performance appraisals for NG employees:

a. **Promotion.** To be eligible for a promotion under a merit promotion plan pursuant to Section 335.103 of Title 5, CFR, a NG 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 (developmental) promotion under a merit promotion plan pursuant to Section 335.104 of Title 5, CFR, a NG employee must be performing at the "Fully Successful" level or higher. However, the fact that NG employees are rated "Fully Successful" or higher at the time they are eligible for promotion does not mean promotions are automatic.

b. **Within-Grade Increase (WGI).** A WGI or periodic step increase is an increase in a NG 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. A WGI is not an entitlement; a supervisor may approve, delay, or deny a WGI, based on a NG employee's performance.

(1) As part of ongoing communication with NG employees, the supervisor will discuss an upcoming WGI with the NG employee and may document the date of this conversation in the section designated for progress reviews in the MyPerformance Appraisal Tool.

(2) The decision to grant or deny a WGI is based on the NG employee's most recent rating of record issued within the WGI waiting period. To receive a WGI, the NG 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 NG employee's most recent rating of record a more current rating of record must be prepared. When considering denying a WGI, supervisors should contact the human resources office for further information and assistance in following the requirements in Sections 531.409 and 531.411 of Title 5, CFR.

c. **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:

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

d. **Reassignment, Reduction in Grade, or Removal Based on Unacceptable Performance.** Consistent with the requirements in Section 432.105 of Title 5, CFR, NG employees who fail to demonstrate performance at the "Fully Successful" level may be reduced in grade or removed from federal service. The NG employee may also be subject to reassignment at the Ohio National Guard's discretion.

e. **Performance-Based Awards.** See CNGBI 1400.25 Volume 451, HRO policy, and Collective Bargaining Agreement (CBA) for more information on performance-based awards.

7. **Specially-Situated Employees.** There are a number of special circumstances that may affect a NG employee's eligibility for a performance rating. Refer to enclosure D.

a. **NG Employees on Detail.** When a NG employee is detailed, it remains the responsibility of the supervisor of record to seek input from the detail supervisor for use in developing the performance plan, conducting progress reviews, and completing the rating of record.

b. **NG Employees Absent for Military Service.** NG employees who are absent for military service (Absent-US) will be rated provided they have performed work under an approved performance plan for a minimum of ninety (90) calendar days. If NG employees performing military service do not meet the ninety (90) calendar day requirement, the NG employee is not eligible to receive a rating of record and the supervisor cannot assign the most recent rating of record for the current appraisal cycle.

c. **NG Employees on Leave Without Pay or Extended Paid Leave.** If a NG employee is absent during the appraisal cycle because he or she was on leave without pay or extended paid leave (including disabled veterans seeking medical treatment), the NG employee is eligible to receive a rating of record if he or she has performed work under an approved performance plan for a minimum of ninety (90) calendar days. However, if a NG employee does not meet the ninety (90) calendar day requirement, he or she is not eligible to receive a rating of record.

d. **NG Employees on Long-Term Full-Time Training.** NG employees attending a program of long-term full-time training greater than ninety (90) calendar days may have a performance plan developed related to the training. The plan could include elements related to the achievement of specific training objectives. In this situation, supervisors may wish to contact the respective training activity for assistance and recommended input to the performance plan.

e. **NG Employees Who Transfer or Supervisors Who Leave During the Appraisal Cycle.** The length of time a NG employee serves under an approved performance plan determines what is required when a NG employee or supervisor leaves the organization.

(1) If a supervisor leaves the organization, a performance narrative statement is required when a NG employee has performed under an approved performance plan for ninety (90) calendar days and there are more than ninety (90) calendar days left in the appraisal cycle. This narrative statement will be considered by the incoming supervisor.

(2) A rating of record is required when a NG employee has performed under an approved performance plan for ninety (90) calendar days and the NG employee or supervisor leaves the organization with fewer than ninety (90) calendar days remaining in the appraisal cycle. If circumstances preclude the departing supervisor from carrying out this responsibility, the higher-level management official may serve as the rating official, subject to Ohio National Guard's policy.

8. **Identifying and Improving Unacceptable Performance.** Supervisors who communicate their expectations and provide constructive, timely, and meaningful feedback to their NG employees on a regular basis about performance may more readily identify and reduce instances of performance deficiencies and prevent issues from becoming serious performance problems.

a. **Addressing Performance Issues Early.** At any point during the appraisal cycle, when a supervisor detects a decline in performance, early intervention is imperative. Assistance should be provided to the NG employee early on, whenever there is a need for improvement or any time there is a decline in performance. The supervisor should take the following actions, as appropriate:

(1) Document and clearly communicate to the NG employee that current performance fails to meet the performance standards described in the performance plan; provide clear guidance as to what is needed in order for the NG employee to improve; and provide specific examples of what and how work has not met expectations, as well as examples of work that would meet expectations.

(2) Offer appropriate assistance.

(3) Provide ideas of where the NG employee may go to obtain additional assistance or training, if applicable.

(4) Provide closer supervision and feedback. This might include more frequent reporting, special assignments, or on-the-job training.

(5) If performance issues persist, use a more formal approach to help NG employee improve and seek assistance from the HRO.

**b. Addressing Unacceptable Performance.** If the NG employee's performance declines to less than "Fully Successful" in one (1) or more performance elements, the supervisor, in consultation with the HRO, will determine whether action is more appropriate under Section 432.105 or Part 752 of Title 5, CFR, and must provide notice of the performance deficiencies. The supervisor, or other appropriate management official, must follow the procedures contained in Sections 432.104 and 432.105 of Title 5, CFR and this section if action is being taken under Sections 432.105 of Title 5, CFR. The procedures are:

(1) Provide notice to the NG employee by issuing a rating of record of "Unacceptable." A rating of record of "Unacceptable" will be effective the day it is communicated to the NG employee. The time spent improving performance to the "Fully Successful" level will not count toward the completion of the necessary waiting period for a WGI (referred to in this supplement as the "WGI delay offset period"). The effective date of the rating of record will establish the start date of the WGI delay offset period.

(2) The supervisor must identify in writing (i.e., in a Performance Improvement Plan (PIP):

(a) Element(s) in which performance is "Unacceptable" and a description of the unacceptable performance.

(b) What standards the employee must attain in order to demonstrate "Fully Successful" performance.

(c) The time allowed for the opportunity to demonstrate "Fully Successful" performance. This amount of time must be reasonable and commensurate with the duties and responsibilities of the position. Generally, this should be no more than ninety (90) calendar days, except when it is determined that a longer period is necessary to provide sufficient time to evaluate a NG employee's performance or complete formal training.

(d) Statement of the possible consequences of failure to raise performance to the “Fully Successful” level during the PIP period.

(3) The supervisor must provide assistance designed to help the NG employee improve his or her performance during the period of the PIP.

(4) If the NG employee succeeds in demonstrating acceptable performance at the “Fully Successful” level by the end of the PIP, a new rating of record will be recorded. The date the NG employee is eligible for a WGI will be reset to accommodate the WGI delay offset period. The “Fully Successful” rating of record will establish the end date of the WGI delay offset period.

(5) If the NG employee fails to demonstrate performance at the “Fully Successful” level despite the PIP, the NG employee may be reduced in grade or removed from federal service pursuant to Section 432.105 of Title 5, CFR. The NG employee may also be subject to reassignment at the Ohio National Guard’s discretion. In cases of voluntary or management-directed personnel actions, such as change to lower grade, reassignment, resignation, separation, or removal, the effective date of the action will establish the end date of the WGI delay offset period.

**APPENDIX A TO ENCLOSURE C**  
**SUPERVISORY CRITICAL ELEMENTS**

**1. Sample language**

This critical element may be reproduced in full within the MyPerformance as the required supervisory critical element or it may be modified as long as it fulfills the requirement described in paragraph 9. Each critical element must be stated in no more than 1000 characters.

**5 Outstanding**

For two or more items: results were far superior in quality, quantity, and/or impact as compared to the Level 3 expectation; overcame significant obstacles; demonstrated the highest standards of personal and professional conduct; represented the organization effectively.

**3 Fully Successful**

Administer the performance management process in a timely and effective manner; ensure effective administration and compliance with laws, regulations and policies concerning merit system principles, prohibited personnel practices, EO/EEO, and safety.

**1 Unacceptable**

Following counseling, fails in any two (2) or more items in the Level 3 standard

**2. Clarification**

a. The supervisory critical element is meant to provide an encompassing block for supervisors to be rated on and receive credit for their supervisory duties. There is a great diversity of work locations and types of work performed in the Ohio Army and Air National Guard. It is understood that, while the fundamentals of supervision are relatively uniform, different situations will require that successful supervisory performance will be varied throughout the state. The standard provided here is drafted to provide the necessary flexibility.

b. The supervisory critical element incorporates a great deal of terminology supervisors may not be directly familiar with. On balance, they comprise the boundaries within which Federal supervisors must operate. Here is some additional information on the terminology used above:

(1) Performance management process includes clearly communicating the performance plan and holding NG employees responsible for accomplishing their critical elements and performance standards; making meaningful distinctions among NG employees based on performance and the NG employee's contributions (aligned with the strategic goals and objectives); fostering and rewarding excellent performance and addressing poor performance; assuring NG employees are assigned a rating of record in a timely manner; and fully cooperating with the performance appeal process.

(2) Merit system principles are codified reflections of the public's expectations of a system that is efficient, effective, fair, open to all, free from political interference, and staffed by

honest, competent, and dedicated NG employees. Supervisors are obligated to uphold these principles in their management of the workforce. They are as follows:

(a) Recruit qualified individuals from all segments of society and select and advance on the basis of merit after fair and open competition, which assures that all receive equal opportunity.

(b) Treat NG employees and applicants for employment fairly and equitably, without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(c) Provide equal pay for work of equal value and appropriate incentives and recognition for excellence in performance.

(d) Maintain high standards of integrity, conduct, and concern for the public interest.

(e) Manage the Federal work force efficiently and effectively.

(f) Inadequate performance should be corrected and NG employees who cannot or will not improve their performance to meet required standards should be separated.

(g) Educate and train NG employees when it will result in better organizational and individual performance.

(h) Protect NG employees against arbitrary action, personal favoritism, or coercion for partisan political purposes and prohibit NG employees from using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

(i) Protect NG employees against reprisal for the lawful disclosure of information which is believed to evidence a violation of any law, rule, regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(3) Prohibited personnel practices are actions a Federal NG employee with personnel authority may not take. Supervisors have personnel authority because they are empowered to take, direct others to take, recommend or approve any personnel action (including appointments, promotions, discipline, details, transfers, reassignments, or reinstatements; any decision concerning pay, benefits or training; or any significant change in duties, responsibilities or working conditions). Prohibited personnel practices are as follows:

(a) DISCRIMINATE on the basis of race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation.

(b) SOLICIT or CONSIDER any personnel recommendation or statement not based on personal knowledge or records of performance, ability, aptitude, general qualifications, character, loyalty, or suitability.

- (c) COERCE a NG employee's political activity.
- (d) DECEIVE or OBSTRUCT any person with respect to such person's right to compete for employment.
- (e) INFLUENCE a person to withdraw from competition for the purpose of improving or injuring the prospects of another person for employment.
- (f) GRANT any preference or advantage not authorized by law, regulation, or rule to any NG employee or applicant for the purpose of improving or injuring the prospects of another person for employment.
- (g) EMPLOY or ADVOCATE a relative.
- (h) RETALIATE against a whistleblower, whether a NG employee or an applicant.
- (i) RETALIATE against NG employees or applicants who exercise their appeal rights, testify, or cooperate with an Inspector General or the Special Counsel, or refuse to break the law.
- (j) DISCRIMINATE based on actions not adversely affecting performance.
- (k) VIOLATE any law, rule, or regulation implementing or directly concerning the merit principles.

(4) The EO/EEO includes ensuring continuing application of and compliance with EEO laws, regulations and policy and ensuring the effective administration of EEO. This includes ensuring necessary training is provided, that a discrimination-free climate is actively pursued, and that if discrimination complaints occur, they are addressed in a timely manner. As the regulations that enforce these provisions are diverse, please contact the State Equal Employment Manager for more information.

(5) Safety includes enforcing applicable safety regulations, fostering a safe workplace, and proactive management of individual Worker's Compensation claims when on-the-job injuries occur.



## APPENDIX B TO ENCLOSURE C

### SOFT SKILLS AND ADDITIONAL PROCESS GUIDANCE

1. **Overview.** The appraisal process is more than an annual meeting between supervisor and NG employee during which performance over the past year is evaluated and recorded on an appraisal form. The National Guard (NG) employee Performance and Appraisal System requires that the supervisor and subordinate jointly, at the beginning of the performance management cycle, review the requirements of the NG employee's job, identify job elements, and establish job-related expectations of performance (performance elements). During the appraisal period, the NG employee must be kept informed as to how he or she is doing in meeting or exceeding the established expectations through an interim review. The final step, the overall performance appraisal (rating), should be of no surprise to the NG employee. Following are the major components of the appraisal process:

a. **Reviewing the Job.** The NG employee's position description should be the basic source of information for identifying performance elements. From this and the supervisor's knowledge of workload priorities and mission requirements, the performance elements can be identified and established.

b. **Setting Performance Elements.** Specific expected manners of performance are identified for each performance element and communicated to the NG employee. It is expected that NG employees will have the opportunity to participate in the development of standards, and that standards will evolve over time.

c. **Reviewing Progress.** In addition to the on-the-spot feedback, supervisors are required to complete at least one interim review for each NG employee partway through the appraisal period. The interim review ensures each NG employee understands exactly what is expected of him or her during the appraisal period. Each NG employee will have the opportunity to participate in the review process by means of self-assessment. Critical elements may be adjusted due to a review.

d. **NG Employee Self-Assessment.** The NG employee has the option of contributing to the process by completing self-assessments. The self-assessment is a narrative description provided by the NG employee for interim reviews, closeouts, and annual assessments.

e. **Appraising NG Employee Performance.** At the end of the appraisal period, performance is discussed with the NG employee, and the final evaluation (rating) is arrived at by the supervisor.

f. **Recommending Personnel Actions.** The annual performance evaluation may be the basis for both positive and negative personnel actions.

2. **Creating Performance Standards by identifying critical elements and matching them with performance standards.**

a. **In the My Performance, you will build performance plans by establishing performance elements.** A Performance Element is a single narrative statement that identifies a critical element (what must be done) and matches it with a performance standard (how success will be evaluated). Each performance element must be described within a maximum of 1000 characters.

b. **Critical elements are broad categories of duties and responsibilities that will be rated.** Critical elements must be written carefully, because an Unacceptable rating in any critical element will result in an overall Unacceptable rating for the entire appraisal period. One method for identifying critical elements is to list all individual duties for the position in “verb/object” format (e.g., types letters; proofs correspondence; maintains files, etc.). Set the list aside and write down three (3) to five (5) (recommended) broad categories of work that should be rated. Then refer to your list of duties and examine how your elements cover the most important aspects of the job. If you can, simplify your set of elements by deleting and/or combining to have fewer rather than more elements. Not all duties must be rated. Some non-critical elements may be left out of the job objectives. Ultimately, the critical element portion of the job objective should have a relatively simple title, accompanied by a task/duty statement, which briefly names or describes the duties identified in the previous steps.

c. **Each critical element must be accompanied by a performance standard.** Performance standards are a narrative description of how NG employees must perform to earn a given rating. Standards for bargaining unit NG employees are to be developed using the “manner of performance” method. A manner of performance is a standard that focuses on processes required to prevent problems and facilitate desired results. Write standards as described below.

d. **Writing Manner of Performance Standards.**

(1) For the Fully Acceptable Level, consider each element individually when developing standards. Brainstorm a list of things that can go right or wrong in the performance of the element. (These should be within the NG employee’s control). Edit or combine list to a recommended four to seven items. Write methods of performing the work designed to achieve the desired performance and prevent anticipated problems. Avoid ambiguous terms. Avoid overly quantitative statements unless the manner of tracking and evaluating is carefully thought out. Develop standards using the S.M.A.R.T. (Specific, Measurable, Achievable, Relevant, and Timed) format.

(2) For the Outstanding Level, focus again on each individual element. List things that would make a NG employee’s work stand out. These would be things you would like to see performed, but do not currently expect or require. Again, edit the list to the recommended four (4) to seven (7) items. Write methods or manners of performance that will ensure you and the NG employee recognize how to achieve “Outstanding.” Be specific and avoid generalizations whenever possible.

(3) Unacceptable. In all cases, the following language may be used: *“Following formal counseling, fails to follow any \_\_\_\_\_ method(s) shown in the ‘Fully Acceptable’ standard on \_\_\_\_\_ occasions.”*

e. **Finalizing the Performance Element.** Finally, use the critical element to fill in the Performance Element Title block in the MyPerformance. Cut-and-paste or retype the 3-level performance standard you have developed into the large block for the Performance Elements in MyPerformance. You may need to do some additional editing to fit the objective into the allowable 1000 character space.

### 3. Developing Performance.

a. **Performance Counseling.** Supervisors should frequently praise and encourage NG employees who are meeting objectives and assist NG employee who are not. Supervisors should never wait until the formal performance appraisal (end of rating period) to tell a NG employee that performance was not acceptable; the NG employee should be told of a problem as soon as the supervisor is aware of one.

b. **Interim Review.** The interim review is a required action documented online in MyPerformance. The goal of the interim review is a mutual understanding of actual performance by the NG employee in comparison with the supervisor's expectations as stated in the established manner of performance standards. The review should end in an understanding of the current state and identify actions for future improvement. These include:

- (1) Specific efforts to improve performance in areas of identified weakness;
  - (2) Identification of training and developmental activities, both short-term and long-term, to remedy deficiencies and/or expand skills and knowledge for career growth; and
  - (3) Review of job elements and manners of performance standards to insure currency.
- Interim reviews should not involve advising the NG employee of his/her rating for each element or the overall rating.

### 4. Assessing Performance

a. **Gathering Information.** The first step for the supervisor in accomplishing the official annual performance appraisal rating is to request the NG employee provide a self-assessment. Then the supervisor should review current job elements, performance standards, and the achievements of the NG employee during the appraisal period.

b. **Assessing.** Based on the review and self-assessment (if provided by the NG employee), the supervisor may develop the narrative evaluation and numeric rating of each objective. When each objective has been rated, the Performance Appraisal Application (PAA) will calculate an overall rating of record. The supervisor or rating official will review the appraisal and rating with his/her supervisor (approving official) before discussing with the NG employee. This will give the supervisor an opportunity to obtain the view of his/her boss, who may have a different and broader perspective, and will provide a chance to settle any differences of opinion that may exist.

Lastly, the supervisor should discuss the formal rating with the NG employee in person if possible. Recognition for good work during the year should be given. The supervisor and NG employee should discuss any adjustment to the performance plan for the coming year.

## ENCLOSURE D

### SPECIALLY-SITUATED EMPLOYEES

1. **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 NG 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 NG 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.

2. **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 ninety (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 ninety (90) days performing duties under an approved plan, no rating should be accomplished. Generally, approved performance documents are closed because employees are considered ineligible.

3. **NG Employees Returning to Duty from Extended Absent-US.** NG employees who have extended periods of Absent-US that cause 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 ninety (90) calendar days under an approved plan.

4. **When the Supervisory and NG Employee Relationship Changes.** Personnel actions cause changes to NG 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 NG employee or the RO.

a. Plans that are changed during the appraisal period must be re-approved.

b. This supplement does not require a minimum period of supervision to rate a NG employee. State policy may require no more than ninety (90) days of supervision over the rated NG employee before a rating is accomplished.

c. There is no minimum period of HLR relationship required to approve performance documents.

d. Performance narratives and appraisals must be completed IAW section 3.8 of reference e.

5. **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 IAW section 208 of reference f. This includes Veterans whose preference is not recorded on personnel actions due to exclusions IAW reference b.

6. **NG Employees Who Have Failed to Successfully Complete a Performance Improvement Plan (PIP).** NG employees who fail to improve to an acceptable level upon completion of a PIP will be issued a rating of record of one (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 ninety (90) calendar days.

7. **NG Employees Who Request Reconsideration Upon Issuance of a PIP.** A NG employee may request reconsideration of a rating of record upon receipt of a PIP subject to State policy. Reconsideration is of the appraisal process and not the PIP. When this occurs 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.

8. **Performance Documents with the Same Employee as the RO and HLR.** Only NG employees whose immediate supervisor is TAG may have TAG listed as the RO and the HLR. No other exceptions are authorized.

## ENCLOSURE E

### ADDRESSING UNACCEPTABLE PERFORMANCE

1. **Addressing Unacceptable Performance.** ROs and HLR should address unacceptable performance early IAW section 3.9 of reference e. Unacceptable performance, not due to conduct, must be addressed with a Performance Improvement Plan (PIP) to demonstrate successful performance.
2. **Performance Related to Conduct.** Performance processes and actions taken by a supervisor must be directly related to the elements and standards in the approved performance plan. Actions and processes not related to the approved performance plan or elements and standards must be processed IAW references g, h, or any other appropriate authoritative guidance.
3. **Unacceptable Performance by Individuals Not Meeting the Definition of “Employee” IAW reference j.** Generally, individuals who are not employees as defined in reference j, will not be issued a PIP. These individuals who fail to demonstrate fitness for continued government service should be removed IAW references h and i. This category of individuals has formerly been known as “trial period” or “probationary period” employees.
4. **Performance Improvement Period to Demonstrate Successful Performance.** A PIP must be established IAW section 3.9 of reference e. Below is a list of requirements in addition to those in reference e. This volume contains a sample PIP found in Figure 1 of Appendix A to Enclosure F.
  - a. Informal periods prior to written PIPs are not necessary and are strongly discouraged.
  - b. PIPs are ninety (90) calendar days, unless a justification can be provided for an extended period of time.
  - c. PIPs may be issued anytime during an appraisal period, but once issued to an employee, the employee must be allowed to complete the PIP prior to accomplishment of a rating of record. If it becomes necessary to issue a PIP within the thirty (30) days prior to the end of the regular appraisal period, the appraisal period should be extended to accommodate the PIP.
  - d. Reconsideration requests must be approved or denied prior to the determination of successful performance or failure to demonstrate successful performance.
5. **Unacceptable Ratings of Record.** An RO must issue a PIP to an employee when issuing an unacceptable rating of record. An RO who rates an employee as unacceptable will change the effective date of the appraisal period to the date the appraisal is approved or the end date of the appraisal period, whichever is later.
6. **NG Employees Who Improve After Unacceptable Ratings of Record.** ROs should issue an out-of-cycle rating of record when the completion of the PIP shows performance has improved to an acceptable level.

a. The end date and effective date of the appraisal period should be changed to the date the appraisal is approved.

b. Employees who improve may have more than one appraisal in an appraisal period, but the appraisal periods will not overlap.

c. The start date of an appraisal period following the new acceptable rating should be the first day the employee is in a duty status after the previous appraisal period end date.

d. Employees who successfully complete a PIP will be issued a memorandum confirming the successful determination and informing them that, if the employee returns to unacceptable performance in the same critical elements addressed in the PIP within one year of the original issuance, action may be taken to remove or change the employee to lower grade without initiating another PIP. Actions taken for performance after that year will require the issuance of a new PIP.

**7. NG Employees Who Fail To Demonstrate Successful Performance at the End of a PIP.**

An employee whose performance does not improve to an acceptable level is subject to personnel actions IAW Enclosure E.

## APPENDIX A TO ENCLOSURE E

### PERFORMANCE IMPROVEMENT PERIOD MEMORANDUM

1. **Performance Improvement Period (PIP).** A PIP is a formal period of time provided to an employee who has been identified as not performing successfully in one or more critical elements of an approved performance plan.

2. **PIP Memo.** A PIP memo is used to notify the employee of their failure to perform successfully and provide them with clear guidance that allows them the opportunity to demonstrate successful performance in those critical elements. The use of a PIP is at the discretion of the supervisor who also has the right to address failures of performance through standard disciplinary or adverse action procedures IAW reference h.

MEMORANDUM FOR [EMPLOYEE NAME, PAY PLAN SERIES AND GRADE, AND DUTY POSITION TITLE]

Subject: Performance Improvement Period

Reference: Ohio National Guard Joint Supplemental Instruction (ONGJSI) 1400.25, Vol 431, Technician and Civilian Personnel Performance Management and Appraisal Program

1. The purpose of this Performance Improvement Plan (PIP) is the notification of critical deficiencies in the performance of your duties as a [Position Title, Pay Plan- Occupational Series, Grade]. A demonstration of successful performance is necessary in the following critical elements in order to assure your continued employment. You have until [Date normally no more than thirty days from issuance of PIP] to demonstrate successful performance. Specific elements of less than successful performance are:

a. Critical Element 1 -- [Critical Element Title].

(1) This Critical Element requires [enter critical element and standard]. [Enter information as to the overall reason the employee failed to meet the standard on this critical element]. Additional examples of less than fully successful performance in this Critical Element are as follows:

(2) [List additional specific instances of failure and counseling].

b. Critical Element 3 -- [List any additional critical elements the employee failed to meet the standard.]

(1) [Follow the same format in paragraphs a. (1) and (2).] Specific instances of less than fully successful performance in this Critical Element are as follows:

(2) [List additional specific instances of failure and counseling].

**Figure 1.** Sample Performance Improvement Period Memorandum



c. Critical Element 4 -- [List any additional critical elements the employee failed to meet the standard]

(1) [Follow the same format in paragraphs a. (1) and (2).] Specific instances of less than fully successful performance in this Critical Element are as follows:

(2) [List additional specific instances of failure and counseling.]

2. Successful completion of this PIP will be shown by demonstrating the following:

a. Critical Element 1 -- [Critical Element Title] [Detail what actions the employee needs to take to become successful or describe the fully-successful standard clearly including dates and courses, if applicable] If you have any questions or would like to request appropriate assistance, we can discuss that upon your acceptance of this PIP.

b. Critical Element 3 -- [Critical Element Title] [Detail what actions the employee needs to take to become successful or describe the fully-successful standard clearly including dates and courses, if applicable] If you have any questions or would like to request appropriate assistance, we can discuss that upon your acceptance of this PIP.

c. Critical Element 4 -- [Critical Element Title] [Detail what actions the employee needs to take to become successful or describe the fully-successful standard clearly including dates and courses, if applicable.] If you have any questions or would like to request appropriate assistance, we can discuss that upon your acceptance of this PIP.

3. I will be available to discuss your performance as you strive for improvement and provide you with any reasonable training to assist you in becoming successful. During this PIP, we will meet to discuss your progress at thirty (30)/sixty (60)/ninety (90) calendar days from the date this plan is signed [the meeting invites will be an enclosure to the PIP]. A meeting reminder will be utilized to schedule the progress check meeting. At that time, we will discuss your progression, any problems you may be having in meeting your goals, and any assistance you may need to help you get to a Level 3 rating. Should you need assistance prior to the progress check meetings, please don't hesitate to ask.

4. I will notify you in writing at the end of the PIP of the results. If you demonstrate fully successful performance in these critical elements, that will be considered successful completion of this PIP and the notification of successful completion will be filed in your electronic Official Personnel File. If your performance then remains fully successful, or higher, during the year after you receive your satisfactory performance notification, the notification will be removed.

**Figure 1.** continued. Sample Performance Improvement Period Memorandum

5. If you are unable to demonstrate fully successful performance in these critical elements, or if you do show fully successful performance but then return to less than fully successful performance within the one year from the date indicated in paragraph 1, I will propose one of the following:

a. If a position is available that you can be reasonably expected to perform successfully in at, or below your current grade I will propose that you be moved to that position.

b. If no such position is reasonably available, I will propose that you be removed from employment.

6. The point of contact for information regarding this process is [Full Name of HR Specialist for Performance Management], [Phone] or [Email]. This individual is not your representative and can only provide procedural information.

[Signature Block]  
Rating Official

Employee Acknowledgement Signature:

Higher Level Reviewer Acknowledgement Signature:

**Figure 1.** continued. Sample Performance Improvement Period Memorandum

## ENCLOSURE F

### PERSONNEL ACTIONS BASED ON FAILURE TO DEMONSTRATE ACCEPTABLE LEVEL OF PERFORMANCE UPON COMPLETION OF A PERFORMANCE IMPROVEMENT PERIOD

1. **Applicability of Enclosure F.** Personnel actions taken under this enclosure must be taken for performance reasons. Actions taken for performance reasons must reflect a failure to perform critical elements of an approved performance plan as outlined in that plan. Personnel actions due to conduct should be taken IAW reference h. Where management feels it is more efficient to take a personnel action for performance under the procedures in reference h rather than this volume, that is management's right but it must be understood that an action taken under reference h is subject to the full due process and evidence standard of that reference.
2. **Efficiency of the Service.** In general, employees who fail to satisfactorily complete an established PIP will not be allowed to remain in the position of unacceptable performance. It is not in the efficiency of the service to allow employees to remain in positions that they have shown an inability to successfully perform. In general, the only reasonable actions to be taken would be: reassignment to a like grade position in which the employee can be reasonably expected to perform successfully; change to lower grade to a position in which the employee can be reasonably expected to perform successfully; or removal. Sample memorandums can be found in Appendices A and B to this Enclosure.
3. **Reassignment.** In actions taken based on unacceptable performance, as for any other reasons, the agency reserves the right to reassign an employee to a position of like grade and pay when the agency can show that the reassignment is for the efficiency of the service. Reassignments will be accomplished IAW reference g. If an employee is reassigned due to a failed PIP, they will be provided an opportunity to show successful performance in the new position and to have their performance re-evaluated after being under the new performance plan for a minimum of ninety (90) calendar days. If the employee shows successful performance, a rating of record will be issued at that time.
4. **Change to Lower Grade or Removal.** Employees facing change to lower grade or removal have a right to due process procedures IAW references h, j, and k. Management reserves the right to utilize either references h and j, or the following procedures which are modeled IAW reference l.
5. **Due Process Procedures for Adverse Actions Taken for Unacceptable Performance.** Management will ensure the following procedures are followed, at a minimum, to ensure the employee receives appropriate due process when facing a change to lower grade or removal.
  - a. **Notice of Proposed Action.** Upon failure to successfully complete a PIP, if management chooses to remove or change the employee to a lower grade, management will issue the employee a notice of proposed action. That notice of proposed action must include, but is not limited to:

(1) **Proposed Nature of Action.** The proposed nature of action (change to lower grade or removal for failure to perform at a fully successful level).

(2) **Failed Performance.** Reference to the documentation in the failed performance improvement period.

(3) **The Right to Reply to an Official Higher in the Supervisory Chain Than the Proposing Official.** The notice must include the higher official's contact information including email and telephone number and direction that the employee is allowed to reply orally, in writing or both. Additionally, a suspense for this reply must be provided that is not less than five (5) calendar days from the issuance of the notice.

(4) **The Right of the Employee to Appropriate Representation.** Bargaining unit employees may request union representation. Employees have the right to a legal representative of their choice as long as that choice does not constitute conflict of interest.

(5) **Potential Rights to Appeal if the Action is Sustained.** This would include, but is not limited to, the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, or a negotiated or administrative grievance procedure, if applicable.

(6) **Advance Notice Period.** The notice will provide a proposed effective date of the action which will be thirty (30) calendar days after the issuance of the proposal. Advance notice may be extended up to an additional thirty (30) calendar days under policies and procedures developed IAW Enclosure B. Extensions beyond thirty (30) calendar days will only be for the following reasons:

(a) To obtain and/or evaluate medical information when the employee has raised a medical issue in the answer to a proposed change to lower grade or removal;

(b) To arrange for the employee's travel to make an oral reply to an appropriate agency official, or the travel of an agency official to hear the employee's oral reply;

(c) To consider the employee's answer, if an extension to the period for an answer has been granted (for example, because of the employee's illness or incapacitation);

(d) To consider reasonable accommodation of a handicapping condition;

(e) If State procedures so require, to consider positions to which the employee might be reassigned or reduced in grade; or

(f) To comply with a stay ordered by a member of the Merit Systems Protection Board IAW reference m or another body of appropriate jurisdiction.

(7) **Consideration of Medical Conditions.** The State will allow an employee who wishes to raise a medical condition, which may have contributed to his or her unacceptable

performance to furnish medical documentation, as defined in reference n, of the condition for the agency's consideration.

b. **Final Agency Decision.** For performance based adverse actions, the official providing the final agency decision must be higher in the supervisory chain than the proposing official, unless the proposing official is TAG. Upon issuance of the proposed action memorandum, all documents relied upon for the proposed action will be forwarded to the individual identified to make the final agency decision. For these procedures, the decision on a proposed action must be made by the deciding official. For the purposes of this enclosure, the deciding official is TAG or a designee. Decisions must be made no later than thirty (30) days after the expiration of the advance notice period. Once the deciding official receives the employee's reply, the deciding official considers and answers all aspects of that reply. Deciding officials issue the final agency decision based only on the documents included in the proposed action and the employee's reply received on or before the time the action will be effective. The final agency decision will specify the instance(s) of unacceptable performance by the employee on which the action is based and will inform the employee of any applicable appeal or grievance rights, including information on how to proceed with those grievances or appeals.

**APPENDIX A TO ENCLOSURE F**

**PROPOSED ACTION MEMORANDUM**

1. Proposing Official. The Proposing Official, normally the RO, issues a proposed action memorandum when an employee fails a PIP.
2. Proposed Action Memorandum. The proposed action memorandum outlines the proposing official's personnel action recommended, names the deciding official, notifies the employee of the appeal or grievance options, representative options, reply periods, and points of contact. Figure 2 may be used as a sample to ensure the proposed action meets all the minimum requirements.

[DATE]
MEMORANDUM FOR [EMPLOYEE NAME, PAY PLAN SERIES AND GRADE, AND DUTY POSITION TITLE]
Subject: Proposed [Change to Lower Grade or Removal] for Failure to Demonstrate Successful Performance Upon Completion of a Performance Improvement Period
Reference: Ohio National Guard Joint Supplemental Instruction (ONGJSI) 1400.25, Vol 431, Technician and Civilian Personnel Performance Management and Appraisal Program, [DATE]
1. I propose to [change to lower grade/remove] you from your current position based on a failure to demonstrate successful performance upon completion of your Performance Improvement Plan (PIP), which concluded on [DATE]. [If a change to lower grade is proposed, include the pay plan, series and grade, and duty position title of the position being changed to lower grade to]. All documents of the failed PIP used to propose this action have been provided to you by [name of official completing PIP] on [DATE]. However, to ensure that you have all documentation I have relied upon, you will see that information in the enclosure(s).
2. [Name of official who will make final agency decision] will make the final agency decision regarding this proposed action.
3. You have fourteen (14) calendar days after issuance of proposal to provide any testimony (oral or written), documents, or medical documentation you feel should be considered when making the final decision. Unless extended, this action, if sustained, will take place on [thirty (30) calendar days after issuance of proposed action].

**Figure 2.** Proposed Action Memorandum

4. You may designate a legal representative of your choice if that choice does not constitute a conflict of interest. [If the individual is a bargaining unit employee, also include information on union representation]. If you wish to have us communicate directly with your representative, you must provide us a written statement designating such representation, including full contact information.
5. If this action is sustained, you may have a right to appeal or grieve this action through [include as appropriate: Merit Systems Protection Board, Office of Special Counsel, Equal Employment Opportunity Commission, Negotiated or Administrative Grievance Procedure as appropriate]. If the action is sustained, the decision notification will include procedures for accessing and/or filing such appeal or grievance.
6. If you need more time to provide a reply or if an extension of the notice period is necessary and in accordance with (IAW) paragraph 4a(6) of the reference, you may request such extension by making a request directly to the individual named in paragraph 2 above. Such extension may be granted or denied or partially granted based on the content of the request. An extension may also be made directly at the option of the individual named in paragraph 2 if circumstances warrant. If an extension is granted or denied, you will be provided with written notice of extension or denial.
7. [State may include additional applicable State information IAW local policy or bargaining agreements.]
8. The point of contact for information regarding this process is [Full Name of HR Specialist for Performance Management], [Phone] or [Email]. This individual is not your representative and can only provide procedural information.

[Signature Block]  
Proposing Official

Attachment(s):  
As stated

**Figure 2.** continued. Proposed Action Memorandum

## APPENDIX B TO ENCLOSURE F

### FINAL AGENCY DECISION

1. Deciding Official. The deciding official considers all information and comes to a decision upon receipt of the proposed action documentation and after receiving all reply information from the employee, if applicable.

2. Final Agency Decision Memorandum. The deciding official may only sustain the proposed penalty, non-sustain the proposed penalty, or reduce the penalty detailed on the proposed action memorandum. In general, if sustained, the only reasonable actions are removal, change to lower grade or reassignment. Figure 3 may be used as a sample to ensure the final agency decision meets all the minimum requirements.

[DATE]
MEMORANDUM FOR [EMPLOYEE NAME, PAY PLAN SERIES AND GRADE, AND DUTY POSITION TITLE]
Subject: Final Agency Decision on [Change to Lower Grade or Removal] for Failure to Demonstrate Successful Performance Upon Completion of a Performance Improvement Period
1. References:
a. Ohio National Guard Joint Supplemental Instruction (ONGJSI) 1400.25, Vol. 431, Technician and Civilian Personnel Performance Management and Appraisal Program, 15 Mar 2022.
b. Merit Systems Protection Board website, < <a href="https://www.mspb.gov/">https://www.mspb.gov/</a> www.mspb.gov > , accessed [provide Day Month Year last accessed]
c. Title 5 United States Code, Section 2302, "Prohibited Personnel Practices"
d. Ohio National Guard Administrative Grievance Plan for Title 32 Technicians and Title 5 National Guard Employees (Non-bargaining Unit), 31 August 2021
e. Collective Bargaining Agreement [date], Article 13, Negotiated Grievance Procedures (Bargaining Unit)
2. I am in receipt of a proposed action for failure to demonstrate successful performance upon completion of a Performance Improvement Plan (PIP) issued to you on [date] by [proposing official].
3. In your reply, you raised the following concerns: [If the employee provided no reply or additional information, state that fact here.]

**Figure 3.** Final Agency Decision Memorandum



a. You stated that there is an open position at a lower grade to your current position which you have performed successfully in the past. [Answer this and any other statements/claims below clearly showing how the claim was considered and whether that consideration had an affect on the final agency decision.]

b. You claimed that your supervisor was “out to get you” [See above.]

c. Add any additional claims here and below along with consideration language.]

3. Based on all the aforementioned information, I have decided to [sustain/non-sustain/reduce the penalty]. [If the decision is to reduce the penalty, the position information the employee will be changed to lower grade or reassigned to is to be provided] If the decision is to non-sustain, that must be stated here along with information on the disposition of any documents leading to the proposed action.

4. [The State should choose to either directly provide appeal information within the memo or provide that information as an enclosure(s). If the State chooses to provide the information in enclosures, this paragraph would simply direct the employee to those enclosures. In either case, the following is the information that must be provided.]

As this action is a [change to lower grade/removal] you have the right to file an appeal or grievance according to:

a. Merit Systems Protection Board [if change to lower grade or removal]. [Provide full information on how and where to file that appeal and any applicable time limits to filing such appeal. Information can be found at reference b.

b. Office of Special Counsel. If you feel this action is a result of a prohibited personnel practice as described reference c, you may file and appeal with the Office of Special Counsel. [More information can be found at [www.osc.gov](http://www.osc.gov).] [Provide information on how to file an appeal.]

c. Equal Employment Opportunity Commission. If you feel this action is for unlawful discriminatory reasons, you may file an appeal with the Equal Employment Opportunity Commission. [Provide information on how to file an appeal.]

d. Administrative or Negotiated. [Provide the established administrative or negotiated grievance procedure IAW reference d, provide information on how to file IAW that policy.]

**Figure 3.** continued. Final Agency Decision Memorandum

## ENCLOSURE G

### REQUESTS FOR RECONSIDERATION

1. **Reconsiderations.** Reconsiderations are actions taken when an employee, RO, HLR, or any other individual acting on their behalf in an official capacity; requests to review the rating of record assigned by a RO. Reconsideration can be through a formal process identified by the State generally within an administrative or negotiated grievance procedure.

2. **Reconsideration Approval Authority.** Reconsiderations are approved by the individual delegated authority to approve personnel actions for the State. TAG has personnel action authority delegated by the Chief of the National Guard Bureau IAW reference o. TAG may delegate this authority.

#### 3. **What Reconsiderations May Do.**

- a. Change the rating for one or more critical elements.
- b. Replace the rating of one or more critical elements to not rated, as long as two critical elements being rated remain.
- c. Remove an appraisal to be completed again by the RO. This will reset the status of an appraisal and erase the employee and rating official assessments on the appraisal.
- d. Remove or change content of an assessment or critical element that is discriminatory, unlawful, or directed for removal by a bona fide settlement or decision.
- e. Remove a rating of record to allow completion of a progress review for an approved plan.
- f. Change the content of an assessment when the rating of record and the corresponding critical element is also changed. Typically, this is changed to substantiate a higher or lower rating for the element concerned.

#### 4. **What A Reconsideration Cannot Do.**

- a. Change an average rating of record that is inconsistent with the individual critical elements average rating. Requests for changes to the average rating must show which critical element ratings changed to substantiate the overall average change.
- b. Affect a change to a critical element solely due to a request of the employee. Management has the right to assign work. Critical elements are a representation of work assigned to an employee that are critical for successful performance of the position. Employees are not required to agree to the duties assigned but are requested to acknowledge. An employee has the right to refuse to acknowledge, but the assignment of work and approval of the performance plan continues.

c. Change the content of a critical element or standard due to grammatical error, employee disagreement with the assigned duties or assessment, or any other reason that does not affect the rating; except when the change meets the conditions of paragraph 3.f. of this enclosure.

**5. Requirements for Reconsiderations.** HROs are responsible for developing State policy on reconsiderations. Inclusion in administrative or negotiated grievance procedures is an acceptable policy if they meet the requirements in this supplement. HROs must at a minimum require the following items in their State policy.

a. Requests for reconsideration must be in writing.

b. The employee must be offered the opportunity to review any change to an approved rating of record and an opportunity to respond before a reconsideration is approved.

c. The requesting party must be afforded a fair and non-discriminatory process where evidence can be presented or summarized to the approving official to substantiate the change.

d. Approvals of reconsiderations are made in memorandum format IAW Appendix A to Enclosure F and signed by the approving official. The employee, RO, and HLR acknowledge the receipt only. Acknowledgement does not concede agreement. Digital signatures are acceptable. Any partys' refusal to acknowledge is noted on the memorandum.

e. Denials of reconsideration must be communicated to the requesting party in writing.

f. Reconsideration records must be maintained by the State for four (4) years after the case is closed or final.

g. Department of Defense Forms 2906, "DoD Performance Plan and Appraisal," are removed from the employee performance record for approved reconsiderations.

h. States may set policy concerning the number of days a requesting party has to submit a reconsideration request after a rating of record is final, but reconsiderations should be denied for any request later than four years after the effective date of the rating of record.

## APPENDIX A TO ENCLOSURE G

### RECONSIDERATION APPROVAL MEMORANDUM

1. Approving Official. The approving official provides a copy of the reconsideration approval memorandum to the employee or their representative, RO, HLR, and the individual assigned super-user access for the performance management system for the jurisdiction concerned.

2. Reconsideration Approval Memorandum. The memorandum will be used to affect change in the Department of Defense Form 2906, "DoD Performance Plan and Appraisal." Figure 4 provides a sample memorandum with the minimum required information.

[DATE]

#### MEMORANDUM FOR NATIONAL GUARD (NG) EMPLOYEE AND CIVILIAN PERSONNEL POLICY DIVISION

Subject: Reconsideration to Performance Document for [Full Name of Employee], [State]

Reference: 5 CFR 430.208(i), Rating Performance

1. The update to the National Guard Employee's performance documents due to (Choose only one) [an informal request of the employee within sixty (60) days of higher level reviewer approval of the appraisal] [a grievance, complaint, or other formal proceeding permitted by law or regulation that results in a final determination by appropriate authority that the rating of record must be changed or as part of a bona fide settlement of a formal proceeding] OR [the State determined that a rating of record was incorrectly recorded or calculated] as allowed in reference a, is approved. Below is the information required to make the change in the personnel system.

- a. Appraisal Effective Date
- b. Appraisal Period Start Date
- c. Appraisal Period End Date
- d. Appraisal ID #
- e. Plan Status and Current Status
- f. The [insert document type and title of field needing updated (that is, Appraisal, critical element rating number 1)] is changed or corrected to [enter update here] [include multiple updates if applicable].

2. The employee was provided due process, if applicable, prior to this request.

**Figure 4.** Reconsideration Approval Memorandum

3. The point of contact is [Full Name of HR Specialist for Performance Management], [Phone] or [Email].

[Signature Block]  
TAG or Delegated Authority for  
Personnel Actions  
NOTE: Delegates must have delegation  
authority memorandum attached

Employee Acknowledgement Signature:

Rating Official Acknowledgement Signature:

Higher Level Reviewer Acknowledgement Signature:

**Figure 4.** continued. Reconsideration Approval Memorandum

## ENCLOSURE H

### WITHIN-GRADE INCREASE ELIGIBILITY

1. **Within-Grade Increase Eligibility.** An employee receives a within-grade increase based on an acceptable level of competence determinations and the prescribed waiting period for the next step. A General Schedule employee who receives a rating of record of 3 or higher for the most recently completed appraisal period is considered at an acceptable level of competence and is eligible for a within-grade increase. A Federal Wage System employee whose most recent rating of record is 3 or higher is considered at an acceptable level of competence and is eligible for a within-grade increase.
2. **Within-Grade Increase Denial.** An employee whose performance is less than fully acceptable (rating of 1) must be denied a within-grade increase. Denial of within-grade increases for employees for any reason, other than less than fully successful performance, is prohibited. An RO should consult the State's Employee Relations Specialist prior to denying a within-grade increase.
3. **Delaying a Determination for a Within-Grade Increase.** An RO may delay the determination of a within-grade increase for two reasons; due to the employee not performing under an approved plan for the minimum period who has yet to receive a rating of record or the employee was reduced in grade due to unacceptable performance and is eligible for a within-grade increase during the minimum period of performance.
4. **Waiving the Requirement for a Rating of Record to Receive a Within-Grade Increase.** The requirement to have a rating of record to receive a within-grade increase is waived when the employee has not served a minimum of ninety (90) calendar days under an approved plan and one or more of the following conditions exist.
  - a. The employee is in a non-pay status due to workers compensation or military duty or restored to their position under reference p.
  - b. The employee is in long-term training.
  - c. The employee is detailed to another agency.
  - d. The employee had insufficient time to demonstrate successful performance due to authorized activities not subject to appraisal, such as labor management activities.
5. **Ratings of Record for the Purpose of Within-Grade Increase Denial.** When an employee's current performance is not consistent with the employee's most recent rating of record that affords a within-grade increase, a more current rating of record must be prepared. The new rating of record must meet the minimum requirements established for performance plans, progress reviews, and appraisals established in reference e.
6. **Notice to the NG employee for Within-Grade Increase Denial.** An RO must notify the employee of the denial of the within-grade increase in writing. The notice must be provided to

the employee at least fifteen (15) calendar days in advance of the effective date of the expected within-grade increase. Notice requirements are listed in Appendix A to this Enclosure.

7. Effective Date of Within-Grade Increases. Within-grade increases are effective the first day of the first pay period following the completion of a waiting period when an employee has an acceptable level of competence determination. Within-grade increases for employees whose within-grade increase was delayed, are effective retroactively back to the date they would have been effective if not delayed. NG employees whose within-grade increases were denied, receive their step increase the first day of the first pay period following rating of record of 3 or higher.

**APPENDIX A TO ENCLOSURE H**

**SAMPLE WITHIN-GRADE INCREASE DENIAL**

1. Within-Grade Increase Denial. A within-grade increase denial notice must state the within-grade increase is denied due to less than fully successful performance, attach the Performance Improvement Period Memorandum found in Appendix A to Enclosure E, and enclose or reference the State's reconsideration policy.
2. The below example may be used to create a denial notice.

MEMORANDUM FOR [Full Name of Employee]

Subject: Notification of Within-Grade Increase Denial

1. This is to notify you that your within-grade increase, which is due DD MMM YYYY, is denied because your performance is below the fully acceptable level. Your attached appraisal, effective DD MMM YYYY, had an average rating of record of less than fully successful and you were issued the attached performance improvement plan (PIP). You may request a reconsideration of your appraisal in accordance with (IAW) the attached policy.
2. Your performance must be rated at the fully acceptable level in all critical elements to receive a within-grade increase. Specifically, the critical elements identified in the PIP must improve to fully successful and all other critical elements must remain at minimum fully successful. If you successfully complete your PIP, you will be rated and your within-grade increase will process on the first day of the following pay period of the fully successful appraisal effective date.
3. Questions concerning this notification may be directed to [Full Name of HR Specialist for Performance Management or Compensation], [Phone], and [Email].

Signature Block  
[Supervisor]

Attachments:  
As stated

Acknowledgement of Receipt:

\_\_\_\_\_  
Employee                      Date

**Figure 5.** Sample Within-Grade Increase Denial



## ENCLOSURE I

### REVIEW AND APPEAL PROCESS

1. **Final Appellate Authority.** The Adjutant General is the final appellate authority on:
  - a. Whether a NG employee should be demoted or removed rather than reassigned as a result of a performance-based action IAW reference e.
  - b. The accuracy of performance appraisals unless the NG employee is a member of a collective bargaining unit with a negotiated grievance procedure, the procedure does not expressly exclude from its coverage grievances challenging appraisal accuracy, and the NG employee elects to use the grievance procedure. In these circumstances, the grievance–arbitration process is the final appellate authority.
  - c. Other aspects of compliance with this supplement if the NG employee is not a member of a collective bargaining unit with a negotiated grievance procedure or the negotiated grievance procedure expressly excludes from its coverage grievances concerning compliance with this regulation; otherwise, the grievance-arbitration process covers exclusively, and is the final appellate authority on these issues.
2. **Filing an Appeal.** An appeal is submitted through the Human Resource Officer (HRO). The HRO will notify the NG employee that such appeal must contain the following information:
  - a. Name of the NG employee
  - 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 NG employee should submit what is available, and state why the other information is not available. The HRO will ensure the board is established.

### 3. Appeal of Interim Reviews and Ratings at or Above the Fully Successful Level (Supervisory)

- a. Appeals of all interim reviews and performance ratings for Fully Successful performance will be accomplished through a supervisory chain of command review process.

b. An appeal of an interim review or performance appraisal rating of Fully Successful performance must be filed with the HRO no later than thirty (30) calendar days after the NG employee's receipt of the appraisal.

c. A higher-level official in the supervisory chain (not previously involved in this appraisal process) will have thirty (30) days from notification by HRO of an appeal to perform an impartial review and provide a recommendation to The Adjutant General.

#### **4. Appeal of Ratings below Fully Successful (State Review and Appeals Board)**

a. Appeals of performance ratings of below Fully Acceptable will be accomplished by a State Review and Appeals Board consisting of three (3) members.

b. An appeal based on Unacceptable performance may be filed within thirty (30) calendar days after the NG employee receives of the appraisal, or within fourteen (14) calendar days of receiving a notice of personnel action to involuntarily reassign, demote, or remove based upon performance. Only one appeal will be allowed.

#### **5. State Review and Appeals Board Procedures**

a. Members serving on this board cannot be in the chain of command of the NG employee who is filing an appeal and should not be in a lower graded position than the NG employee appealing. Peers of the appellant can be chosen to serve on the board. All members of the board must be present at all times during the hearing and must participate in proposing a recommendation. Board members must serve as impartial fact finders and review each case objectively. They must give consideration to the merits of each case.

b. The NG employee is entitled to arrange for his or her own representation during the board process. The Government will not provide representation. Supervisors also have the right to present their case to the board.

c. The board will not review appeals that have been grieved through the negotiated grievance procedure.

d. The board is charged to review the record and, by majority vote, recommend The Adjutant General either change or sustain the appraisal rating. The board is not charged to review the personnel action to be taken as a result of the rating.

e. At a minimum, the board will review the full record of performance as documented on the DD Form 2906 archived in the My Performance, including performance plan, interim review, self-assessments, and annual assessment.

f. During the proceedings, the board may admit oral and/or written evidence from the NG employee or the NG employee's immediate supervisor. The NG employee or representative (if desired by the NG employee) 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.

g. In the submission of evidence, the NG employee, the NG employee's representative, and the representative of The Adjutant General must be given the opportunity to hear and reply to the information submitted by the other parties, and given an opportunity to question any witnesses. If any of these individuals are absent during the oral presentation, the absentee(s) must be furnished, in writing, any evidence admitted in their absence. The board may not use any written information to render a recommendation until the NG employee, the NG employee's representative (if any), and the representative of The Adjutant General have had an opportunity to examine and reply to the evidence.

h. Within fifteen (15) calendar days of completion of the board's proceedings, the board will complete a review of the evidence and submit their recommendations directly to The Adjutant General with an information copy to the HRO. The Adjutant General will make the final decision.

**ENCLOSURE J**

**REFERENCES**

- a. Chief of the National Guard Bureau (CNGB) Instruction 1400.25A, 11 May 2020, “National Guard NG employee and Civilian Personnel Program”
- b. Title 32 United States Code (U.S.C.), Section 709, “NG employees: Employment, Use, Status”
- c. 10 U.S.C. § 10508, “National Guard Bureau: General Provisions”
- d. Department of Defense (DoD) Directive 5105.77, 30 October 2015, “National Guard Bureau (NGB),” Incorporating Change 1, 10 October 2017
- e. DoD Instruction 1400.25 Vol 431, 04 February 2016, “DoD Civilian Personnel Management System: Performance Management and Appraisal,” Incorporating Change 2, 1 July 2020
- f. Title 5 Code of Federal Regulations (CFR) Part 430, Performance Management
- g. CNGB Instruction 1400.25 Volume 715, 15 September 2021, “National Guard NG employee and Civilian Personnel Voluntary and Non-Disciplinary Actions Program”
- h. CNGB Instruction 1400.25 Volume 752, 08 November 2021, “National Guard NG employee and Civilian Personnel Discipline and Adverse Actions Program”
- i. 5 CFR Part 752, “Adverse Actions”
- j. 5 U.S.C., Chapter 75, “Adverse Actions”
- k. 5 U.S.C., Chapter 43, “Performance Management”
- l. 5 CFR Part 432 “Performance Based Reduction in Grade and Removal Actions”
- m. 5 U.S.C., § 1204, “Powers and Functions of the Merit Systems Protection Board”
- n. 5 CFR Part 339.102, “Purpose and Effect”
- o. CNGB Memorandum, 16 February 2017, “Delegation of Authority to Employ, Appoint, and Administer National Guard Employees,” Available upon request from NGB-J1-TCP
- p. 5 CFR Part 353, “Restoration To Duty From Uniformed Service or Compensable Injury”

## ENCLOSURE GL

### GLOSSARY

#### PART I. ACRONYMS

Absent-US	Absent-Uniformed Service
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
CFR	Code of Federal Regulations
CNGB	Chief of the National Guard Bureau
CSRA	Civil Service Reform Act
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian and Personnel Policy
DoD	Department of Defense
FR	Federal Register
HLR	Higher Level Reviewer
HR	Human Resources
HRO	Human Resource Officer
IAW	In accordance with
NG	National Guard
NGB	National Guard Bureau
NGB-J1	Manpower and Personnel Directorate
NGB-J1-TCP	NG employee and Civilian Personnel Policy Division
PIP	Performance Improvement Period
QSI	Quality Step Increase
RO	Rating Official
SMART	Specific, Measurable, Achievable, Relevant, and Timely
TAG	The Adjutant General
U.S.C.	United States Code
USD(P&R)	Undersecretary of Defense for Personnel and Readiness
WGI	Within-Grade Increase

#### PART II. DEFINITIONS

##### **Acceptable Level of Competence**

Performance by an employee that warrants advancement of the employee's rate of basic pay to the next higher step of the grade or the next higher rate within the grade (as defined in this section) of his or her position.

##### **Acceptable Performance**

Performance that meets an employee's performance requirements or standards in the elements being assessed.

##### **Accountability**

Accountability refers to the pyramid of responsibility beginning with the individual and building to top management. It includes setting appropriate and reachable organizational goals and focusing on the work that must be done to reach those goals; communicating the goals and tasks

to others; clarifying expectations and defining roles and responsibilities; establishing meaningful measurements of success; and fostering effective feedback loops. Accountability requires individuals to dedicate themselves to work toward the organization's goal, taking responsibility for their behavior, their work, and their outcome. It is an essential component in a successful career and a necessary element in a productive and efficient work environment.

### **Appraisal**

The process by which NG employees are informed of how their performance compares against established performance standards, resulting in final narrative assessment and numeric rating of record at the end of the established appraisal period.

**Appraisal Cycle.** A 1-year period (April 1 – March 31) established by the DoD Performance Management and Appraisal Program in which an employee's performance will normally be reviewed, and a rating of record will be assigned.

### **Appraisal Period**

See Performance Management Period

### **Appraisal Period End Date**

The last day of the appraisal period.

### **Approving Official**

The individual in the NG employee's chain of command who is the rater's immediate supervisor or a higher-level official above the rater designated as approving official. Higher Level Reviewer is a senior-level management official above the level of the rating official.

### **Approved Performance Plan**

A performance plan written, reviewed, and approved IAW DoD Component procedures, which communicates expectations and requirements of employee performance for the appraisal cycle.

### **Closeout Assessment**

A narrative description of an eligible NG employee's performance under an approved performance plan. The closeout assessment is completed by the supervisor or rating official and conveys information regarding the NG employee's progress toward the completion of a critical element. A closeout assessment is not a rating of record, but should be used to inform the rating official of NG employee accomplishments and/or needed improvement.

### **Contribution**

A work product, service, output, or result provided or produced by a NG employee or group of NG employees that supports the departmental or organizational mission, goals, or objectives.

**Critical Element**

A work assignment or responsibility of such importance that an unacceptable performance on the element would result in a determination that a NG employee's overall performance is unacceptable. Used interchangeably with the term Job Objective.

**Detail**

A temporary assignment to a different position or a set of duties for a specified period. The employee is expected to return to his or her permanent position of record at the end of the assignment.

**Employee Performance File**

A record containing copies of employees' performance ratings of record, including the performance plans on which the ratings are based. It also includes all performance-related records, such as forms or other documents, maintained as a system of records within the meaning Section 552a of Title 5, U.S.C., also known as the "Privacy Act of 1974."

**Eligible NG employee**

A NG employee who, on the last day of the appraisal period, has satisfied the minimum period of performance under an approved performance plan.

**Interim Review**

An assessment describing a NG employee's year-to-date progress on critical elements and performance standards. At least one interim performance review shall be prepared and documented no earlier than the end of the fourth month and no later than the end of the sixth month of the annual appraisal period.

**HLR**

A senior-level management official, normally above the level of a rating official.

**Minimum Period of Performance**

The minimum appraisal cycle for the DoD Performance Management and Appraisal Program is ninety (90) calendar days on an approved performance plan.

**MyPerformance**

The DoD automated appraisal tool authorized for use by both supervisors and employees to document the performance management process of the DoD Performance Management and Appraisal Program.

**DD Form 2906, Performance Appraisal**

A single form that accommodates the documentation requirements for the lifecycle of performance management (setting the plan to final appraisal).

**Non-Critical Elements**

Not used in the PAA as a Job Objective. A dimension or aspect of individual, team, or organizational performance, exclusive of a critical element, that may be a contributing factor used in assigning a summary level. Such elements may include, but are not limited to, objectives, goals, program plans, work plans, and other means of expressing expected performance. Non-

critical elements are not used in the National Guard NG employee Performance Appraisal Program.

**Objective/Job Objective**

The term used in the PAA to describe a critical element and performance standard. Performance plans in the PAA are built on a series of three to ten job objectives which express performance expectations for the coming performance year.

**Opportunity Period to Demonstrate Acceptable Performance**

A reasonable period for the employee whose performance has been determined to be unacceptable in one or more elements to demonstrate acceptable performance in the element(s) at issue.

**Performance**

The accomplishment of work assignments or responsibilities.

**Performance Appraisal Application (PAA) Tool**

The web-based tool that supports the performance planning and appraisal process, now accessible via *My Biz* or *My Workplace* in the Defense Civilian Personnel Data System (DCPDS).

**Performance Discussion**

Joint communication between the supervisor and employee about the employee's work performance and its link to organizational effectiveness. The discussions may consist of verbal feedback sessions or formal progress reviews.

**Performance Element Rating**

The written, or otherwise recorded, appraisal of performance compared to the performance standards for each element on which there has been an opportunity to perform for the minimum period of performance.

**Performance Improvement Period**

A formal observation period, ninety (90) calendar days, that gives the NG employee the opportunity to improve their performance before a removal or demotion action can be taken based on unacceptable performance.

**Performance Management Period**

The established period of time during which performance will be monitored and assessed. The appraisal period must be established on an annual basis for a 52-week period. The appraisal period for the Ohio National Guard is from 1 April to 31 March of the following year. The Chief, National Guard Bureau, Adjutant General (or designee), may designate other periods as dictated by situation or circumstance.

**Performance Management Program**

The policies and requirements for setting and communicating NG employee performance expectations, monitoring performance and providing feedback, developing performance and addressing poor performance, and rating and rewarding performance.



**Performance Plan**

All of the written, or otherwise recorded, performance elements that set forth expected performance. A performance plan must include all critical elements and their performance standards. It also may include additional performance elements and their performance standards, if any.

**Performance Rating**

An ordered category of performance from Level 1 through Level 5, with Level 1 as the lowest and Level 5 as the highest. Level 1 is “Unacceptable;” Level 3 is “Fully Successful;” and Level 5 is “Outstanding.” Also known as “summary level.”

**Performance Standard**

The management-approved expression of the performance threshold(s), requirement(s), or expectation(s) that must be met to be appraised at a particular level of performance. A performance standard may include, but is not limited to, quality, quantity, timeliness, and manner of performance.

**PIP**

A strategy developed for an employee at any point in the appraisal cycle when performance becomes unacceptable in one or more elements. This plan affords an employee the opportunity to demonstrate acceptable performance and is developed with specific guidance provided by the servicing human resources office.

**Progress Review**

A type of formal performance discussion in which the supervisor communicates with the employee about the employee’s performance compared to his or her performance standards. Supervisors are required to conduct at least one formal progress review during the appraisal cycle.

**Promotion**

A change of an employee, while serving continuously within the same agency, either to a higher grade when both the old and the new positions are under the General Schedule or under the same type graded wage schedule, or to a position with a higher rate of pay when both the old and the new positions are under the same type of ungraded wage schedule, or are in different pay method categories.

**QSI**

An increase in an employee’s rate of basic pay from one step or rate of the grade of his or her position to the next higher step of that grade or next higher rate within the grade (as defined in Section 531.403 of Title 5, CFR). Only an employee who receives a rating of record of “Outstanding” or equivalent is eligible.

**Rating of Record**

The performance rating level assigned at the end of an appraisal cycle for performance of agency-assigned duties over the entire cycle.

**Rating Official**

The supervisor responsible for informing the employee of the duties of the position, establishing performance standards, providing feedback, appraising performance, and assigning the performance rating. Normally this employee is the immediate supervisor of the rated employee.

**Rating of Record**

The performance rating prepared at the end of an appraisal period for performance over the entire period and the assignment of a summary level as specified in section 430.208(d) of reference (c). This constitutes the official rating of record referenced in Part 430 of reference (c).

**Rating of Record Effective Date**

The date the higher-level reviewer signs off on the rating.

**Self-Assessment**

A NG employee's narrative description of his/her year-to-date accomplishments related to his/her critical elements and performance standards. Self-assessments are optional and serve as a means by which a NG employee is able to actively participate in the performance management program. Self-assessments are documented in the PAA tool and are reviewed by the Higher-Level Reviewer.

**Reassignment**

The change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

**Reduction in Grade**

The involuntary assignment of an employee to a position at a lower classification or job grading level. A reduction in grade is also referred to as a demotion.

**Removal**

The involuntary separation of an employee from federal service.

**SMART**

An acronym for criteria that can be used in writing and evaluating performance standards: specific, measurable, achievable, relevant, and timely.

**Supervisor**

An individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, remove, or rate employees, to adjust their grievances, or to effectively recommend such action.

**Unacceptable Performance**

Failure to meet established performance standards in one or more critical elements.

**WGI**

A periodic 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 within that grade. The employee's rating of record must be at the "Fully Successful" level to be eligible for a WGI.