

CHAPTER 9

TECHNICIAN PERFORMANCE APPRAISAL SYSTEM

Section I – General

1-1. Purpose. This chapter establishes the Performance Appraisal Program for National Guard Technicians and is consistent with Title 5 of the Code of Federal Regulations (CFR); and in compliance with DoD 1400.25-M. The Performance Appraisal Program utilizes a five (5) level summary rating method that makes distinctions among employees or groups of employees such as comparing, categorizing, and ranking employees or groups on the basis of their performance.

1-2. Basic Requirements. This chapter requires that Performance Plans:

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

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

c. Involve technicians in improving organizational effectiveness and accomplishing organizational missions and goals and assessing individual, team and organizational effectiveness and performance.

d. Identify accountability for the accomplishment of organizational and team goals and objectives.

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

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

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

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

i. Shall provide for employee participation in program development, implementation, and

application. For employees who are represented by a labor organization that is accorded exclusive recognition under 5 U.S.C. 71 (reference (b)), employee involvement shall take place consistent with the requirements of that chapter. For other employees, organizations shall determine the method of employee involvement consistent with applicable law and regulation. Programs should encourage employee participation in establishing critical elements and their standards.

1-3. Definitions.

a. 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.

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

c. Appraisal Effective Date defaults to the first day after the appraisal period end date. The date the appraisal period typically starts is 1 October.

d. Appraisal Period is the established period which performance is monitored and assessed. Normally, the standard appraisal period will be October 1 through September 30 each year. Additionally, the Adjutant General (or designee) may designate other periods as dictated by situation or circumstance. The period must be at least 120 calendar days.

e. Appraisal Period End Date is the last day of the appraisal period, typically 30 September.

f. Approving Official/Higher Level Reviewer is the individual in the technician's chain of command who is the rater's immediate supervisor or a higher level official.

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

h. Contribution is a work product, service, output, or result provided or produced by an

employee or group of employees that supports the Departmental or organizational mission, goals, or objectives.

i. 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 unacceptable.

j. Eligible Employee is a permanent, indefinite, or conditional employee, who has satisfied the minimum period of performance of at least 120 days under an approved performance plan on the last day of the appraised period.

k. Interim Review is an assessment describing an employee's year-to-date progress on critical elements and performance standards. At least one interim performance review shall be prepared and documented during the appraisal period no later than 31 March.

l. NGB Form 430 - Performance Appraisal is a single form that accommodates the documentation requirements for the lifecycle of performance management (setting the plan to final appraisal). The form is designed to allow users to complete the form electronically and save the text via MyBiz or MyWorkplace in the Defense Civilian Personnel Data System (DCPDS).

m. Non-Critical Elements are not used in the National Guard Technician Performance Appraisal Program.

n. Performance is the accomplishment of work assignments or responsibilities.

o. Performance Appraisal Application Tool is the web-based tool that supports the performance planning and appraisal process, accessible via MyBiz or MyWorkplace in the Defense Civilian Personnel Data System (DCPDS).

p. Performance Appraisal Program is the policies and requirements for setting and communicating employee performance expectations, monitoring performance and providing feedback, developing performance and addressing poor performance, and rating and rewarding performance.

q. Performance Plan is all of the written performance elements that set expected performance. A performance plan must include at least two and no more than ten critical elements and their performance standards.

r. Performance Standard is 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.

s. Rating Official/Reviewer is a representative of management, usually the immediate supervisor, who is approved by the agency to evaluate and assess employee performance.

t. Rating of Record is 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 5 CFR, section 430.208(d), Part 430 of reference (c).

u. Rating of Record Effective Date is the date the higher level reviewer signs off on the rating.

v. Self-Assessment is an 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 an employee is able to actively participate in the performance management program. Self-assessments are documented in the Performance Appraisal Application tool and are reviewed by the Rating Official/Reviewer.

w. Unacceptable Performance is the failure to meet established performance standards in one or more critical elements.

1-4. Responsibilities.

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

b. The Adjutant General (TAG).

(1) Holds managers and supervisors accountable for proper operation and administration of this performance management program.

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

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

(4) Ensures that managers and supervisors are appraised on performance in furthering Equal Opportunity goals and objectives, and other supervisory leadership critical elements (Appendix 9C).

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

c. Human Resources Officer (HRO).

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

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

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

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

(5) Reviews completed ratings for timeliness, completeness, and conformity with the regulatory requirements.

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

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

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

d. Approving Official/Higher Level Reviewer.

(1) Assist supervisors in identifying critical elements and establishing performance plans ensuring organizational goals are considered.

(2) Review appraisals completed by subordinate supervisors to ensure the appraisals are accurate, fair, meaningful, and complete.

(3) Participate with appraisers to resolve any disagreements over critical elements, performance plans, or the technician's performance appraisal.

(4) Approve or recommend personnel actions and decisions resulting from the performance appraisal in accordance with established procedures.

e. Managers/Supervisors (Rating Official/Reviewer).

- (1) Are charged with the responsibility and will be held accountable for effectively managing the performance of assigned employees.
- (2) Execute the requirements of this subsection in a manner consistent with merit system principles set forth in Title 5, U.S.C., Chapter 23.
- (3) Ensure that employees are trained in the performance management program.
- (4) Clearly communicate the performance plan to employees and hold employees responsible for accomplishing their critical elements and performance standards.
- (5) Align performance plans and employee development with organization mission and goals.
- (6) Develop written critical elements and their performance standards and ensure performance plans include all of these elements and standards.
- (7) Provide employees meaningful, constructive, and candid feedback relative to their performance, include at least one documented interim review no later than 31 March each year.
- (8) Ensure employees are aware of the opportunity to provide a self-assessment.
- (9) Foster and reward excellent performance.
- (10) Address poor performance.
- (11) Make meaningful distinctions among employees based on their performance and the employee's contributions aligned with the strategic goals and objectives.
- (12) Complete closeout assessments, annual appraisals, and special purpose appraisals, as appropriate.
- (13) Ensure that eligible employees are assigned a rating of record as prescribed by this regulation.

f. Technicians.

- (1) Engage in dialogue with supervisors to develop written critical elements and their performance standards.

- (2) Identify and record their accomplishments and results throughout the appraisal period.
- (3) Participate in interim reviews and the end-of-year assessments, including the self-assessment.
- (4) Understand the link between their performance standard, conduct, and organization mission and goals.

Section II – The Appraisal Process

2-1. **The Performance Plan.** Performance expectations in the form of a performance plan will be communicated to the every eligible employee in writing within 30 days from the start of the rating cycle, entrance on duty of a new employee, or employee job change. Performance plans shall be documented in DCPDS, utilizing the Performance Appraisal Application (PAA) tools. The 30-day requirement may be extended up to an additional 60 days, but no later than 120 days from the end of the appraisal period. Such extension shall not impact or delay the issuance of a yearly appraisal. Performance plans do not need to be developed for temporary employees.

a. Labor Organization Representation. Bargaining Unit employees must be allowed to have a Labor Organization Official present during a formal discussion between the supervisor and the technician concerning the establishment and implementation of performance plan.

b. Critical Elements may include.

- (1) Goals or objectives that set general or specific performance targets at the individual, team, and/or organizational level.
- (2) Organizational, occupational, or other work requirements, such as standard operating procedures, operating instructions, manuals, internal rules and directives, and/or other instructions that are generally applicable and available to the employee.
- (3) Particular work assignments or other instructions may be used to amplify performance expectations. These work assignments or instructions may specify the quality, quantity, accuracy, timeliness, or other expected characteristics of the completed assignment or some combination of such characteristics.
- (4) Each critical element may be weighted. A critical element must be weighted a minimum of 10 percent and may be adjusted in increments of five. Weighted critical elements must total 100 percent. If critical elements are not weighted they are considered all equal.
- (5) The higher level reviewer shall review the performance plan to ensure consistency and fairness within and across organizations. The performance plan is considered to be ap-

proved after the higher-level reviewer and the supervisor communicates the plan to the employee on the official NGB Form 430 performance appraisal form utilizing the Performance Appraisal Application (PAA) tool.

2-2. **Self-assessment.** Employees are encouraged to provide a self-assessment for each critical element covering their performance for the current appraisal period. While entirely voluntary, it is recommended that the employee complete the self-assessment narrative. The employee's perspective will better inform the rater of performance, achievements, and contribution and thereby may impact the rating of record.

2-3. **Interim Review.**

a. **Conduct Review.** One or more formal interim performance reviews shall be conducted between supervisors and employees. At least one interim performance review shall be prepared and documented during the appraisal period. The interim review shall be documented on the automated NGB Form 430 no later than 31 March of each year. The employee shall be provided a copy of the interim review through the PAA. Supervisors shall record the employee's receipt of the interim review and the manner in which the review was communicated (face-to-face, telephone, etc.).

b. **Adjustment of Plan.** Performance plans (critical elements and standards) should be reviewed regularly and adjusted when needed. When adjusting performance plans, supervisors and employees must communicate the adjustments. Critical Elements may not be added or changed 120 days prior to the end of the appraisal period. Performance Plan adjustments shall be documented in DCPDS, utilizing the Performance Appraisal Application (PAA) tools.

2-4. **Rating of Record.**

a. **Annual Assessment.** At the end of the appraisal period, the supervisor will review the technician's performance in relation to the established critical elements and complete the Technician's Annual Performance Appraisal using the Performance Appraisal Application Tool in My Workplace. The model in Table 9-1 describes the five rating level evaluation method and is used to provide consistency in describing ratings of record for an appraisal period.

b. **Unacceptable Assessment.** Unacceptable ratings (Level 1) require justification to be approved at the next higher level and documentation must be provided.

c. **Special Wage Grade Assessment.** Wage Grade employees going from step one to step two will require a special performance appraisal during the fifth (5th) month of employment to justify a within grade increase. This special appraisal will not affect the requirement for or change the appraisal period dates of the annual or trial/probationary performance appraisal. To complete the Special Wage Grade Assessment, supervisors will access the Performance Appraisal Application (PAA) Tool in DCPDS, and open the Interim Review Tab. This assessment will be accomplished using the Interim Review format, but will specify the purpose as "Special

Wage Grade Assessment". For receipt of the Step 2 increase, performance must be at least a Fully Successful, Level 3 rating.

2-5. **Minimum period of performance.** This applies to employees that have been employed in a position and performing under an approved performance plan for 120 calendar days during the current appraisal period, unless otherwise excluded.

a. **Leave Without Pay (LWOP).** Periods during which an employee is in a non-pay status of 30 days or more (e.g., LWOP, absence without leave (AWOL)) may not be applied toward the 120 calendar day minimum.

b. **Temporary Employees.** Temporary employees do not receive performance appraisals.

2-6. **Procedures for Technicians on Detail.** When a technician is to be detailed to another position, either with the same or with a different supervisor, for a period covering 120 calendar days or more, a written performance plan will be established for this position within 30 days of the of the assignment. Employees on temporary assignment or promotion of less than 120 days will be appraised by the rater of the permanent position.

2-7. **Trial/Probationary Period Ratings.**

a. New technicians will be carefully observed and appraised during their trial/probationary period to determine whether they have the qualities required for permanent Government service. During this period, supervisors should provide specific training and assistance to improve the technician's work performance if required.

b. First level supervisors will provide a progress review prior to the ninth month on all trial/probationary employees. To complete the Trial Probationary Period rating, supervisors will access the Performance Appraisal Application (PAA) Tool in DCPDS, and open the Interim Review Tab. The rating will be accomplished using the Interim Review format, but will specify the purpose as "Trial Probationary Period Rating". Performance must be at least a Fully Successful, Level 3 rating to retain employee. This review will be recorded on the automated Supervisor's Employee Brief, and the supervisor must inform the technician how he/she is performing relative to their critical elements.

c. Supervisors of technicians serving a trial/probationary period must, by the end of the tenth month, produce a special approved appraisal in the PAA. This evaluation is not considered an official performance appraisal for the purpose of appeal rights. The purpose of this evaluation is to determine whether the technician has the qualities needed for permanent government service. The immediate supervisor will indicate on the appraisal form whether the technician is to be retained or not retained. If retention is not recommended, the appraisal form will be printed and forwarded to the HRO. The HRO will then take appropriate action to remove the technician from federal service.

d. No portion of this paragraph is to be interpreted as preventing or discouraging the initiation of a removal action for non-performance or misconduct at any time during this trial/probationary period.

e. For retention beyond the trial/probationary period, the technician's work performance must rate Fully Successful or higher. A Fully Successful rating is when the employee has satisfactorily met all assigned critical elements.

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

2-8. Mandatory Critical Element for Supervisors. A supervisor's performance plan shall include at least one supervisory critical element. This critical element requires accountability for the effective administration of National Guard specific requirements in addition to applicable policies for which supervisors will be held accountable (Appendix 9C).

a. Clearly communicating the performance plan and holding employees responsible for accomplishing their critical elements and performance standards.

b. Making meaningful distinctions among employees based on performance and the employee's contributions aligned with the strategic goals and objectives.

c. Fostering and rewarding excellent performance.

d. Addressing poor performance.

e. Assuring employees are assigned a rating of record.

f. Adhering to laws and regulations concerning merit system principles and prohibited personnel practices.

g. Ensuring continuing application of and compliance with EEO laws, regulations, and policies.

2-9. Close-out Appraisal. A close-out performance appraisal will be rendered when there is a change in immediate supervisor, provided there are less than 120 days remaining in the appraisal period. The supervisor of the permanent position has final authority to determine and document the appropriate critical elements and performance standards. Both supervisors will cooperate to ensure that the employee is provided meaningful feedback during the temporary assignment or temporary promotion and is issued at least one documented interim review. The temporary supervisor shall complete a closeout assessment for employees who have been assigned to them for at least 120 calendar days.

Table 9-1
The Performance Appraisal

CRITICAL ELEMENT RATING	DESCRIPTORS: The following definitions shall apply to the summary or overall performance appraisal rating:
5 – Outstanding	Outstanding performance in one or more critical element and excellent performance for all other critical element(s).
4 – Excellent	Excellent performance in one or more critical element(s) and fully successful performance for all other critical elements.
3 – Fully Successful	Overall fully successful performance.
2 – Marginal	Below fully successful performance for one or more critical elements, but at least marginal performance for all critical elements.
1 – Unacceptable	Fails to meet at least the marginal performance standard in one or more critical elements.
Not Rated	Employee did not have an opportunity to perform the critical element because it became obsolete or could not be accomplished due to extenuating circumstances.

NOTE: An individual element rating of “Unacceptable” on any critical element will result in an overall appraisal of “Unacceptable” and remedial action will be required (See Section IV).
Privacy: The only persons present at the discussion should be the supervisor and the technician being rated; although, the technician may request a representative be present. The supervisor should insure that there are no interruptions to the meeting.

2-10. Postponement of Annual Performance Appraisals. Annual performance ratings to determine a rating of record may be postponed when there has been insufficient time to observe the technician’s performance in their present assignment because:

- a. The supervisor or the technician is newly-assigned (less than 120 calendar days).
- b. The technician has not been performing the regularly assigned work because of extended details or absences.
- c. The technician has not worked under the performance plan for at least 120 calendar days. The postponement should not be extended any longer than necessary to permit 120 calendar days under the performance plan.
- d. The technician has been deployed for a long period of time, in which case the technician’s last rating of record will be used for all official purposes until the technician returns and is observed for at least 120 calendar days under an approved performance plan.

e. The employee who is absent at the end of the appraisal period due to a work-related injury. Eligible employees who are still on agency rolls at the end of the appraisal period, but who are absent due to a work-related injury will be rated based on the work performed during the appraisal period, provided they have satisfied the minimum 120 day performance period. The performance appraisal program procedures described in this regulation shall be observed to the extent practicable.

2-11. Records. Official performance records are available for review on the MyBiz Application by the technician concerned. These include, but are not limited to, performance standards, appraisals, and certifications in connection with within-grade increases, incentive award determinations, merit promotion material, trial/probationary period certification, and other related personnel management documents. Only individuals directly in the technician's chain of command and those with an official need to know in the performance of their assigned duties will be permitted to review performance appraisals.

Section III - Performance Decisions Based on Performance Appraisals

3-1. General. Appropriate consideration must be given to technician performance appraisals when making certain personnel decisions. At the end of the appraisal period (or anytime during the appraisal period), the appraiser will make recommendations involving the personnel actions or decisions listed below. The recommendations are subject to review by the next higher level supervisor.

3-2. Within Grade Increases. To be eligible for a within-grade increase, the overall performance must be at the Fully Successful (Level 3) rating or higher.

3-3. Awards. Technicians demonstrating an overall level of performance that exceeds the standards established for the position may be recommended for awards under the Technician Incentive Awards Program (Chapter 10). An Irregular Performance Pay increase (formerly QSI) may be given to GS employees that have an Outstanding (Level 5) rating. A Sustained Superior Performance award (SSPA) may be awarded to employees with an Excellent (Level 4) rating or higher.

3-4. Reassignment, Reduction In Grade or Removal. See Section IV of this chapter.

3-5. Training. The performance evaluation process, including on-going discussions between the supervisor and the technician, may result in the identification of specific training needs. Recommendations for training should not be limited to the below standards performer, but should be used to assist any technician in achieving a higher level of job performance and proficiency. Thus, recommended training may be remedial or developmental in nature.

Section IV - Below Standards Performance

4-1. Actions Based on Below Standards Performance.

a. Managers and supervisors are required to provide proactive assistance to non-probationary employees who are performing at or below the Marginal (Level 2) rating. Assistance may be provided at any time during the appraisal period that performance is determined to be at or below the Level 3 rating in one or more critical elements. This performance management program also provides for reassignment, change to lower grade, or the removal of employees who continue to have unacceptable performance, but only after the opportunity to demonstrate acceptable performance. This performance management program shall also provide for review and approval of an Unacceptable (Level 1) rating by a higher-level management official.

b. Personnel actions based on unacceptable performance must comply with the Technician Act of 1968 (32 U.S.C. 709, Public Law 90-486), 5 CFR, Part 430.

c. Periodically technicians will be reminded of the critical elements for their positions. They will be assisted in improving areas of unacceptable performance by such proactive actions as counseling, increased supervisory assistance, additional training, etc. Technicians will be advised in writing and placed on a formal Performance Improvement Plan (PIP), normally 90-120 days, if despite reasonable informal efforts their performance remains below the Level 2 rating in any critical element.

d. A PIP must document instances of unacceptable performance and state specifically what must be accomplished to perform at or above the Level 3 rating (Appendix 9B).

e. When a PIP is issued, consideration may also be given to referring the technician to the Employee Assistance Program (EAP) Coordinator. Participation in the EAP is voluntary.

f. If the technician's performance in any critical element continues to be a Level 1 rating despite efforts by the supervisor or manager to improve performance, the technician will be advised they will be reassigned, reduced in grade, or removed from employment.

g. Before initiating an action to reduce in grade or remove a technician based on unacceptable performance, consideration may be given to reassignment to other vacant positions for which the technician is qualified. No action based on unacceptable performance may be taken until critical elements have been identified in a performance plan, the technician has been given a copy of the performance plan and an opportunity to improve performance.

4-2. Requirements. An action to reduce in grade or remove from employment may be initiated anytime by the technician's supervisor if the technician's performance continues to be below standards in one or more critical job elements. The supervisor does not need to wait until the end of the appraisal period to initiate these actions. A technician against whom such an action is planned is entitled to:

a. A minimum 30-day advance written notice of the action to be taken (reduction in grade or removal), which identifies the critical element(s) and instances of below standards performance on which the action is based. This written notice must be concurred with by an official who is in a higher position than the immediate supervisor (this requirement does not apply when the action is being taken by The Adjutant General). This is not a proposed notice, but is to be considered as a final notice of the action to be taken because the technician would have received adequate assistance and time to improve performance.

b. An opportunity to answer orally or in writing to the supervisor or appeal to the State Review and Appeals Board. The effective date of separation or reduction in grade may be extended awaiting the final decision of the Appeals Board.

c. If a technician submits a request to his or her supervisor to change a below standards performance appraisal, the supervisor will carefully review this information and advise the technician in writing whether the below standards performance appraisal is sustained or will be changed. A request submitted to the State Review and Appeals Board will be processed in accordance with instructions in Section V.

4-3. Grandfather Provision. Administrative actions (such as action for below standards performance) initiated prior to the effective date of the new performance program, shall continue to be processed consistent with the procedures and requirements of the performance management program in effect when the action was initiated.

Section V - Appeals

5-1. Final Appellate Authority. The Adjutant General is the final appellate authority on the question of whether a technician should be changed to lower grade or removed rather than re-assigned as a result of a performance-based action. The Adjutant General is the final appellate authority on the accuracy of performance appraisals.

5-2. Establishment of a Review and Appeals Board. The Adjutant General will establish a State Review and Appeals Board consisting of three members to provide an impartial review on performance appraisal appeals. Members serving on this board cannot be in the chain of command of the technician who is filing an appeal and should not be in a lower graded position than the technician appealing.

5-3. Filing an Appeal.

a. An appeal will be faxed or submitted to:

Human Resources Officer
P.O. Box 3711
Montgomery, AL 36109-0711
FAX: (334) 271-7227

b. The appeal will be in writing and will contain, as a minimum, the following information:

- (1) Name of technician.
- (2) Position, grade, organization, and location assigned.
- (3) Identification of performance appraisal being appealed (attach copy of appraisal).
- (4) Information as to why the technician feels the appraisal should be changed.
- (5) Date technician acknowledged performance appraisal from first level supervisor.

c. A technician desiring to file an appeal of a Level 3 or 4 rating may file an appeal to the HRO within 30 days after receipt of the appraisal. The HRO will convene the board no later than 30 calendar days after the receipt of the technician's appeal.

d. An appeal based on Level 2 or below rating must be filed within the 30-day advance written notice period outlined in Appendix 9A.

e. An appeal to the board is submitted through the Human Resource Officer (HRO). When any of the necessary information is not available, the technician should submit what is available and state why the other information is not available. HRO will establish the board.

f. In reviewing performance appraisal appeals including unacceptable performance, the board by majority vote will recommend to The Adjutant General to either change the appraisal or sustain the appraisal without change.

g. When reviewing unacceptable performance ratings, the board will only be concerned with the performance appeal. It will not review the personnel action taken as a result of an unacceptable appraisal.

h. Supervisors have the right to present their case. The technician is entitled to representation during the board process at no cost to the Government.

i. All members of the board must be present at all times during the hearing and must participate in proposing a recommendation.

j. The Adjutant General will make the final decision, and the technician has no appeal rights beyond The Adjutant General on these matters. The board will not review appeals that have been grieved through the negotiated grievance procedure.

5-4. Board Procedures. During the proceedings, the board may admit oral and/or written evidence from the technician or the technician's immediate supervisor. The technician and the

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