

## **Chapter 6**

# **Performance Management Program**

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## **Section 1**

### **Introduction**

#### **6-1. Purpose**

This regulation establishes the Performance Appraisal Program for Mississippi National Guard Technicians and is consistent with Technician Personnel Regulation (TPR) 430, Title 5 of the Code of Federal Regulations (CFR) and in compliance with DoD 1400.25-M. The Performance Appraisal Program utilizes a multi-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.

#### **6-2. Explanation of Terms**

Definitions of special terms used in this regulation are listed in the Glossary.

#### **6-3. Responsibilities**

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

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

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

d. The Adjutant General (TAG):

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

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

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

e. The Human Resources Office (HRO), JFH-MS-HR provides:

(1) Oversight, with primary responsibility to The Adjutant General, on the state's

human resource technician program development, staffing, and execution of policy, plans and programs concerning technician performance management and appraisal.

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

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

(4) 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.

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

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

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

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

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

f. Managers and Supervisors are charged with the responsibility, and will be held accountable, for effectively managing the performance of assigned employees to include but not limited to:

(1) Executing the requirements of this subchapter in a manner consistent with merit system principles set forth in Title 5, U.S.C., Chapter 23;

(2) Ensuring that employees are trained in the performance management program;

(3) Clearly communicating the performance plan to employees, and holding employees responsible for accomplishing their critical elements and performance standards;

(4) Aligning performance plans and employee development with organization mission and goals;

(5) Developing written critical elements and their performance standards and ensuring performance plans include all of these elements and standards;

(6) Providing employees meaningful, constructive, and candid feedback relative to their performance, including at least one documented interim review;

(7) Ensuring employees are aware of the opportunity to provide a self-assessment;

(8) Fostering and rewarding excellent performance;

(9) Addressing poor performance;

(10) Making meaningful distinctions among employees based on their performance and the employee's contributions aligned with the strategic goals and objectives;

(11) Completing closeout assessments, annual appraisals, and special purpose appraisals, as appropriate;

(12) Ensuring that eligible employees are assigned a rating of record as prescribed by this regulation.

- g. Technicians are encouraged to:
- (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; and
  - (4) Understand the link between their performance standard, conduct, and organization mission and goals.

#### **6-4. Objectives**

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

- a. Be aimed at meeting organizational and mission goals and objectives and management processes.
- b. Be designed and used as tools for executing management and supervisory responsibilities; and communicating and clarifying organizational goals and objectives to employees.
- c. Involve technicians in improving organizational effectiveness and accomplishing organizational missions and goals; and assessing individual, team (where team management concepts apply) and organizational effectiveness and performance.
- d. Identify accountability for the accomplishment of organizational and (where applicable) team goals and objectives.
- e. Provide for planning, monitoring, developing, and evaluating performance; use appropriate measures of performance to recognize and reward employees; and use the 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. Employee Involvement. Programs 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. 7, 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 performance standards.

## **Section 2**

### **General Information and Requirements**

#### **6-5. The Annual Appraisal Period**

The appraisal period will be on an annual basis with the appraisal year running from 1 October through 30 September each year. Appraisal assessments are due within 31 days following end of the appraisal period (31 October). During initial conversion into this performance management program, organizations may be subject to an appraisal period other than the standard cycle. Additionally, the HRO may designate other periods as dictated by situation or circumstance i.e. new employees and position changes.

#### **6-6. Five Rating Level Evaluation Method**

The five rating level evaluation method is used to provide consistency in describing ratings of record and as a reference point for applying other related regulations, including, but not limited to:

- a. Within Grade Increases/Step Increases (5 CFR Parts 531 and 532).
- b. Incentive Awards (5 CFR Part 451)
- c. Reassignments, Reductions in Grade or Removals (5 CFR Part 430).
- d. Promotions (5 CFR Part 335 and TPR 300(335)).
- e. Reduction in Force (TPR 300 (351)).

#### **6-7. Grandfather Provision**

Administrative actions (such as action for unacceptable 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. Also, former performance program may continue to be followed for appraisal periods ending NLT 30 September 2011.

#### **6-8. Minimum Period of Performance**

Unless otherwise excluded, this regulation applies to employees who at a minimum have been, or are expected to be, employed in a position and performing under an approved performance plan for 120 calendar days during the current appraisal period.

- a. Periods during which an employee is in a non-duty status (e.g., leave without pay, absence without leave) may not be applied toward the 120 calendar day minimum.
- b. Temporary technicians (tenure 0) do not receive performance appraisals.

#### **6-9. Trial/Probationary Period Ratings**

New technicians will be carefully observed and appraised during their trial/probationary period to determine whether they have the qualities required for permanent Government service. During this period, supervisors should provide specific training and assistance to improve the technician's work performance if required. For retention beyond the trial/probationary period, the technician's work performance must minimally rate at the Fully Successful, Level 3 rating. A Fully Successful rating is when the employee has satisfactorily met all assigned critical elements. Until otherwise documented, performance is assumed to be at or above the Level 3, Fully Acceptable rating.

- a. If retention is not recommended, supporting documentation will be forwarded to the

HRO (with sufficient time to process and secure appropriate approvals prior to completion of trial/probationary period) who will advise supervisors and managers on appropriate action(s) to remove the technician from Federal service. Initiation of a written removal action may be effected any time during the trial/probationary period.

b. 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.

c. After completing 12 months of service the technician will be given an official performance rating in accordance with the established performance appraisal program.

d. Initial performance appraisals for new employees will normally not be in cycle with the regular annual appraisal period (1 Oct – 30 Sep). Appropriate adjustments to subsequent appraisal will be made in order to place employees on the regular cycle.

#### **6-10. Procedures for Technicians on Temporary Position Changes**

When a technician changes position on a temporary basis, 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 before the position change starts.

#### **6-11. Procedures for Technicians without 120 Days in a Duty Status**

Employees without a minimum of 120 cumulative days in a duty status for the appraisal period will administratively be granted by the HRO a summary level matching their last official rating of record. If employee never received an official rating of record, they will be deemed “fully acceptable,” and administratively granted a Level 3, Fully Acceptable, by the HRO. Rating officials should identify such employees to HRO. If the employee is in a non-duty status at the end of the appraisal period, but has a minimum of 120 cumulative days in a duty status for the appraisal period, the rating official will issue an official rating.

#### **6-12. Postponement of Annual Performance Ratings of Record**

Annual performance ratings to determine a rating of record may be postponed (with documentation of circumstances and approved by HRO) 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 a position change and/or has not worked under the performance plan for at least 120 calendar days.

### **Section 3**

#### **Performance Plans**

#### **6-13. Performance Plans**

a. **Aligning Performance Plans with Strategic Goals.** Performance plans shall support and align with the DoD mission and its strategic goals, organizational program and policy objectives, annual performance plans, and other measures of performance. The DoD mission and goals cascade to the state, and resulting state mission and goals are the basis for individual performance expectations.

- b. Performance Expectations 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. Such assignments and instructions need not be in writing.

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

(1) Performance expectations will normally be communicated to the employee in writing within 30 days from the start of the rating cycle, entrance on duty of a new employee, or employee position change. Employees are always accountable for demonstrating professionalism and standards of appropriate conduct and behavior, such as civility and respect for others. Performance expectations, even if not stated in a critical element, include the general behavioral expectations for all employees as stated in the Standards of Ethical Conduct for Employees in the Executive Branch, and the DoD Joint Ethics Regulations.

(2) Supervisors and employees should have meaningful dialogue on performance expectations, including but not limited to:

a. Critical elements(s) appropriate for the grade and current salary to which the employee is assigned and how they relate to organizational mission and goals;

b. Weight of each critical element, if applicable;

d. Adjustment of Performance Plans during the Appraisal Period. Performance plans, (critical elements and standards) should be reviewed regularly. When adjusting performance plans, supervisors and employees must follow the requirements for planning, communicating, monitoring, and assessing expectations established in this regulation. Adjustments to performance plans shall be in place and communicated to the employee normally within 30 days from the start of the rating cycle, entrance on duty of a new employee, or employee position change.

e. Performance Plans. Every eligible employee shall be issued a performance plan containing the employee's critical elements and performance standards. Performance plans shall be documented in DCPDS, utilizing the Performance Appraisal Application tools.

(1) Performance plans shall be in place and communicated to the employee normally within 30 days from the start of the rating cycle, entrance on duty of a new employee, or employee position change. The 30-day requirement may be extended up to an additional 60 days. Such extension shall not impact or delay the issuance of a yearly appraisal.

(2) Higher-Level Review of Performance Plans: The performance plan is subject to higher-level review to ensure consistency and fairness within and across organizations.

The performance plan is considered to be approved after higher-level review and the supervisor has communicated the plan to the employee in writing. The supervisor shall record the employee's receipt of the performance plan and the manner in which it was provided (face-to-face, telephone, etc.) to the employee on the automated NGB Form 430 performance appraisal form, found in DCPDS, utilizing the Performance Appraisal Application tools.

f. Critical Elements/Job Objectives. Each eligible employee shall have their work assignments or responsibilities described in their performance plan as a critical element or job objective. Supervisors are encouraged to involve employees in the development of their critical elements. Normally, this process will include at least one face-to-face discussion between supervisors and employees. Final decisions regarding performance standards, including critical elements, are within the sole and exclusive discretion of management.

(1) Each eligible employee shall be assigned a minimum of two and a maximum of ten critical elements; best practice is to assign three to five critical elements. These critical elements shall be commensurate with duties and responsibilities assigned to the employee and the salary paid to that employee. Critical elements may be weighted to reflect relative priority of the elements included in the performance plan. No critical element may be weighted less than 10 percent. Weighted critical elements must total 100 percent. If critical elements are not weighted they are considered all equal.

(2) Critical elements and performance standards should be documented on the automated NGB Form 430, in the Job Objectives block, found in DCPDS, utilizing the Performance Appraisal Application tools.

(3) Adding Critical Elements. When new critical elements are assigned (e.g., due to a position change, additional duties, promotion, etc.), critical elements must communicate that portion of a major performance expectation that can be accomplished within the time remaining in the appraisal period. Critical Elements may not be added or changed 120 days prior to the end of the appraisal period.

(4) Mandatory Critical Elements(s) for Supervisors. A supervisor's performance plan shall include at least one supervisory critical element. This critical element may require accountability for the effective administration of (if applicable), Equal Employment Opportunity (EEO), and/or other National Guard specific requirements in addition to applicable policies for which supervisors will be held accountable. Those included in this regulation and supplemental guidance issued by National Guard Bureau as well as those in other laws or regulations.

(5) A mandatory critical element will hold supervisors accountable for carrying out the responsibilities outlined in this regulation, including but not limited to:

- 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; and

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

#### **6-14. Monitoring Performance**

a. As part of monitoring employee performance, supervisors are expected to:

- (1) Engage in dialogue with the employee concerning performance;
- (2) Conduct one or more documented interim reviews with each employee;
- (3) Maintain performance information;
- (4) Update critical elements and performance standards if they change;
- (5) Anticipate and address performance deficiencies; and
- (6) Reinforce effective behavior.

b. Properly monitoring performance enables supervisors to identify, address, and resolve performance deficiencies during the appraisal cycle. A Level 1 rating of record does not need to be formally assigned to the employee in order to address a performance deficiency.

c. Dialogue and Feedback.

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

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

d. Employees on temporary position change. Policies established for setting and communicating performance plans will be applied to the extent practicable.

(1) Generally, an employee on a short-term, temporary position change (less than 120 days) during the appraisal period shall be assigned an annual rating of record by the supervisor/rater of the permanent position.

(2) At the time of the temporary position change, the employee, temporary (gaining) supervisor, supervisor of the permanent position and HRO shall jointly review the necessity to adjust previously assigned critical elements.

(3) In the case of long-term temporary position change (120 days or more), it may be more appropriate for the temporary (gaining) supervisor to prepare the annual rating of record. Normally, the supervisor at the end of the appraisal period with at least 120 days under a performance plan will issue the official rating. If lacking 120 days, the appraisal period may be postponed with HRO approval.

e. Interim Reviews. While ongoing informal dialogue and feedback are essential throughout the rating cycle, 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 automated NGB Form 430 in DCPDS utilizing the Performance Appraisal Application tools.

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

(2) The employee shall be provided a copy of the interim review. 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.).

(3) Normally, the immediate supervisor will accomplish the interim review. To the extent practicable, if the immediate supervisor is unable to accomplish the interim review, he or she shall provide meaningful input to the manager responsible for accomplishing the review.

(4) Interim reviews are subject to higher-level review to ensure consistency and fairness within and across organizations. The interim review is considered to be approved after higher-level review, and the supervisor has communicated the plan to the employee in writing.

f. Closeout Assessments. A supervisor shall complete the NGB Fm 430, or locally developed equivalent, giving a brief narrative description of employee performance, achievements and contributions during the current appraisal period when it is known the supervisor will cease to exercise duties related to monitoring, developing and rating employee performance (due to position change, extended absence, retirement, etc.) for such employees. This condition may result from a position change by either the supervisor or the employee.

(1) A supervisor shall prepare a closeout assessment for an employee when it is known the employee will change positions resulting in a new supervisor. Additionally, a supervisor shall prepare a closeout assessment, as required, for employees on temporary position changes or other previously occupied positions, as input for an employee's rating of record.

(2) A closeout assessment is only required if an employee has been assigned to a specific supervisor and has been on an approved performance plan for more than 120 calendar days.

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

(4) A closeout assessment for an employee that was prepared during the most recent appraisal period shall be available for review by the following:

- a. the employee;
- b. the employee's supervisor (or rater, if different); and
- c. responsible reviewing official.

### **6-15. Developing Performance**

a. Employee Development. Developing performance is integrated into the performance management process. Together with meaningful performance-related discussions that assist the employee in reinforcing strengths and correcting weaknesses, employee development opportunities should be discussed.

b. Supervisors should discuss and encourage employees to seek professional and technical development opportunities to further enhance their contribution to the organization's mission and goals, as appropriate. Employee development opportunities may include classroom training, on-the-job training, mentoring, special assignments, details/reassignments, group performance meetings, process improvement teams, and

self-development activities.

#### **6-16. Performance Deficiencies**

a. Managers and supervisors are required to provide proactive assistance to non-probationary employees who are performing at or below the Level 2, Marginal rating. Assistance may be provided at any time during the appraisal period that performance is determined to be at or below the Level 2 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 Level 1, Unacceptable ratings of record by a higher-level management official.

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

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, Marginal 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 2, Marginal rating. (Appendix B)

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 elements continues to be below the Level 2 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 the technician has been given an opportunity to improve performance.

#### **6-17. Performance Improvement Plan (PIP)**

a. The formal PIP is initiated by the technician's supervisor after consultation with the Human Resources Office and legal counsel, if appropriate (see sample PIP in Appendix B). The technician's supervisor may initiate such action if the technician has been afforded a reasonable opportunity to perform the critical elements in their performance plan; the supervisor has made reasonable informal efforts to obtain acceptable performance; and despite these reasonable informal efforts the technician's performance has remained below the Level 2 rating in one or more critical elements. The supervisor is

not required to wait until the end of the appraisal period to initiate these actions. A reassignment action may be accomplished anytime during the PIP.

b. 30-Day Written Notice Requirement: Should a determination be made to do a reduction in grade, or remove the employee from employment following the formal PIP, a technician is entitled to a minimum 30-day advance written notice of the action to be taken (reduction in grade or removal), which documents instances of unacceptable performance in detail, on which the action is based (see sample memorandum in Appendix C). The reviewing official must concur with this advance written notice. This requirement does not apply when the action is being taken by The Adjutant General. This is not a proposed notice, but is considered a final notice of the action to be taken since prior to the final step the technician would have been given adequate assistance and time to improve performance. The 30-day requirement does not apply to trial/probationary employees.

c. Any time an employee is performing at an unacceptable level, including the proposed assignment of a Level 1 rating of record, timely and appropriate management action is critical.

d. Determine and Clearly Define Unacceptable Performance. When addressing unacceptable performance, the supervisor shall identify and communicate to the employee the specific critical element and performance standard(s) that require improvement.

(1) Consideration of Circumstances. When determining what corrective action should be taken to address unacceptable performance, supervisors will take into account the circumstances, including the nature and gravity of the unacceptable performance and its consequences. Supervisors may also take into account knowledge deficiencies, as applicable.

(2) Range of Options to Address Unacceptable Performance. Supervisors will address unacceptable performance with one or more remedial, corrective actions that address the problem. Supervisors should consider the broad range of options available to address unacceptable performance which includes, but is not limited to, the following:

- (a) remedial training,
- (b) an improvement period,
- (c) a reassignment
- (d) change to lower grade
- (e) removal

## **Section 4**

### **Performance Assessments**

#### **6-18. End-of -Year Performance Assessments**

a. An integral part of the performance management process is the supervisory assessment of performance relative to critical elements and performance standards. This written assessment captures the employee's accomplishments or lack thereof, if applicable, during the appraisal period and determines the rating. Assessing performance involves evaluating employee performance relative to communicated performance expectations, including critical elements and performance standards for the appraisal period.

b. Employee Self-Assessment.

(1) Employees are encouraged to provide a self-assessment for each critical element covering their performance and provide contributions to the organization for the current appraisal period. Employee self-assessments should describe accomplishments relative to performance expectations, including critical elements and performance standards, and organizational mission and goals, team goals, etc. The input will assist the rating official in evaluating more fully the employee's performance results. 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) To facilitate completion of this self assessment, employees are encouraged to maintain a personal record of their accomplishments, achievements and performance throughout the appraisal period.

c. Supervisory Annual Assessment of Employees. The supervisor (or rating official, if different) must prepare a narrative assessment for each eligible employee. Supervisors will provide a narrative assessment addressing each critical element describing the employee's accomplishments and contributions to the organization relative to his or her performance plan, including an assessment of each critical element. The annual assessment shall be documented on the automated NGB Form 430, in DCPDS utilizing the Performance Appraisal Application tools. Appraisal assessments are due within 31 days of the end of the appraisal period.

(1) If the supervisor (or rating official, if different) has limited direct knowledge of the employee's performance, care should be taken to gather applicable facts (e.g., work products, closeout assessments, productivity metrics, customer feedback) to substantiate the rating of record.

(2) Any time after an employee has completed the minimum period and the supervisor-employee reporting relationship/assignment changes at the end of the appraisal period, the supervisor shall provide an assessment.

## **6-19. Rating Methodology**

a. The method of assessing an employee's performance involves assigning a rating to each individual critical element, and averaging the ratings to arrive at the final rating of record. Each of these steps is outlined in this section.

b. A rating of record may not be lowered based solely on an approved employee absence from work, including the absence of a disabled veteran to seek medical treatment.

c. Critical Elements/Job Objectives. Each critical element/job objective is evaluated based on the employee's accomplishments relative to the employee's stated critical elements and performance standards for the employee's position description. A supervisor (or rating official, if different) shall assign a summary level rating of 1 to 5 to each critical element in accordance with the guidance in this regulation, and its appendices.

(1) Based on an employee's accomplishments on each critical element, the supervisor shall assign a critical element rating (a single numerical score from 1 to 5, expressed as a whole number) to each critical element.

(2) When rating critical elements, a supervisor must consider all applicable

performance and accomplishments, including, but not limited to, employee and closeout assessments that apply to the current appraisal period.

(3) The result of this process is recorded as the critical element rating. A Level 1, Unacceptable rating on any individual critical element results in an overall Level 1 rating of record.

(4) If critical elements were weighted, the weights are applied to the adjusted rating. These weighted scores shall be added together to obtain the overall average score. Again, however, if a Level 1 has been assigned to any critical element, the overall rating of record shall be a Level 1 regardless of the rating or weighting on any other critical element.

(5) The 1-5 numerical score is based upon the following table:

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.

d. Features of the Summary Level 5, Pattern H Method:

(1) The above model describes the five rating level evaluation method, and is used to provide consistency in describing ratings of record for an appraisal period.

Unacceptable ratings (Level 1) require justification to be approved at the next higher level and documentation must be provided. A Marginal rating (Level 2) allows the supervisor to deny a within-grade or step increase. A formal Performance Improvement Plan (PIP) is required when a Level 1 is given.

(2) Technicians who receive a rating below Marginal (Level 2) will be given an opportunity to improve via a PIP that specifies the deficiencies, outlines the methods for improvement and establishes a reasonable time (e.g., 30 to 90 days) for improvement. Failure to improve under the PIP will lead to reassignment, reduction in grade or removal.

(3) A rating of Fully Successful or above (Levels 3, 4, 5) must be supported with written justification for the level of performance, and includes supervisor recommendations for within-grade or step increase, and possible incentive awards.

(4) The rating of record shall be the rounded average of the ratings. When the average is .51 or higher, the rating is rounded up to the next higher whole number. When the average is .50 or lower, the rating is rounded down to the next lower whole number.

Any critical element rated as Not Rated (NR) is not counted when averaging ratings.

(5) The rating of record is subject to higher level review.

e. The rating of record is communicated to employees in the form of a rounded score on a scale from Level 1 to Level 5 following the methodology outlined in this section.

<b>AVERAGE RATING RANGE</b>	<b>RATING OF RECORD</b>	<b>RATING OF RECORD DESCRIPTOR</b>
4.51 to 5.00	5	Outstanding
3.51 to 4.50	4	Excellent
2.51 to 3.50	3	Fully Successful
2.00 to 2.50	2	Marginal
1 on any critical element	1	Unacceptable

f. Special Purpose Rating of Record. If as the result of a PIP an employee improves his or her performance above the unacceptable level for a sustained period of time (no less than 30 calendar days), the supervisor (or rating official, if different) shall recommend an additional rating of a Level 2, Marginal rating or higher.

## **Section 5**

### **Performance Appeals**

#### **6-20. Final Appellate Authority**

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

#### **6-21. Establishment of a Review and Appeals Board**

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

General. Technicians covered by a negotiated grievance procedure that does not exclude performance ratings from its coverage must use the negotiated grievance procedure.

### **6-22. State Review and Appeals Board**

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

### **6-23. Filing an Appeal**

A technician desiring to file an appeal of a performance appraisal may file an appeal to the HRO (who will convene the board) no later than 30 calendar days after the technician's receipt of the appraisal. However, if technician is in receipt of an advance written notice of personnel action based on unacceptable performance, an appeal must be filed within the 15-day period as outlined in the notice (see Appendix C). In reviewing performance appraisal appeals including unacceptable performance, the board by majority vote will recommend to The Adjutant General to either change the appraisal or sustain the appraisal without change. When reviewing unacceptable performance ratings, the board will only be concerned with the performance appeal; it will not review the personnel action taken as a result of an unacceptable appraisal. Supervisors have the right to present their case. The Adjutant General will make the final decision. All members of the board must be present at all times during the hearing, and must participate in proposing a recommendation. A technician has no appeal rights beyond The Adjutant General on these matters. If a technician is a member of a collective bargaining unit with a negotiated grievance procedure covering the challenge of performance ratings, the technician must use the negotiated grievance procedures to challenge the rating of record.

### **6-24. Appeal Processing**

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

- a. Name of the technician
- b. Organization
- c. The appraisal being appealed
- d. Why the appraisal should be changed
- e. Performance level requested
- f. Date notice received

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

### **6-25. 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 each case. Within 15 calendar days of completion of the board's proceedings, the board will complete a review of the evidence and submit their recommendations directly to The Adjutant General with an information copy to the HRO.

## **Appendix A**

### **Guidelines For Appraising Supervisors And Managers On Their Performance In EEO, and Performance as Supervisors/Managers**

#### **A-1. Mandatory Critical Element(s) for Supervisors**

A supervisor's performance plan shall include at least one leadership critical element. This critical element requires accountability for the effective administration of EEO, safety/health, and/or other component-specific requirements. Applicable policies for which supervisors will be held accountable include, but are not limited to, those documented in this subchapter and supplemental guidance issued by DoD and/or components as well as those in other laws or regulations.

#### **A-2. A mandatory critical element will hold supervisors accountable for carrying out the responsibilities:**

- 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 that employees are assigned a rating of record as required by this regulation;
- 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 policy;
- h. The supervisory critical element may, but does not have to be combined with the effective administration of EEO critical element.

#### **A-3. Sample Mandatory Critical Element for Supervisors**

As a supervisor, primary responsibility is to establish and maintain a healthy work environment leading to the achievement of organizational goals. Establishes goals and priorities for the work unit. Executes full range of supervisory responsibilities which includes, but not limited to, the promotion of safety and health, equal opportunity, merit staffing, performance management, employee development, employee discipline and adverse actions, work assignment, leave administration, fiscal management, etc. Performance is fully acceptable when supervisory responsibilities are accomplished a timely manner and in accordance with applicable regulations, policies, etc. leading to a healthy work environment and the achievement of organizational goals as determined by supervisor.

## **Appendix B**

### **Sample Performance Improvement Plan Memorandum**

Memorandum for: XXXXX      Date: XXXXX

From: XXXXX

Subject: *Notice of Opportunity to Improve Performance*

- 1.** This memorandum is official notice that your current performance in your position of Personnel Officer, GS-0201-11, is unacceptable. I discussed with you your current critical element on XX Nov XXXX, and you signed your performance plan on XX Nov XXXX. You were assigned a Level 1 rating of unacceptable which was closed on XX Apr XXXX. The assessment is attached for your review.
- 2.** Specifically, your performance is unacceptable in that you have not met the performance standards for Critical Element 1. The performance deficiencies and the required improvements are listed below:

*Critical Element 1:* Provides supervision for approximately seven employees on effective personnel and performance management. Ensures positive EEO and human relations concepts are applied in personnel activities. Ensures responsible recruitment in consultation with the squadron commander. Supports the EEO Program through positive personal involvement, e.g. complaint resolution, participation in special emphasis programs, community action, interaction with EEO officials, and identification and correction of institutional barriers to equality and opportunity.

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

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

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

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

climate.

**3.** I have outlined the critical element(s) of your performance plan for which your performance is/are now considered unacceptable. I will allow you 90 calendar days from the date of this memorandum to improve your performance to an acceptable level (Level 2, Marginal rating or higher). I will periodically discuss with you your progress in attaining acceptable performance during this improvement period. I will be available whenever you need assistance and will furnish any appropriate guidance or training you need in order for you to meet your performance standards.

**4.** At the end of 90 calendar days, I will again evaluate your performance. This evaluation will include all aspects of your performance as outlined in your performance plan. Additionally, your performance must be at least a Level 2, Marginal rating for all critical elements in the performance plan.

**5.** My intention is to provide you the opportunity to improve your performance. If you believe your current unacceptable performance is the result of a condition of which I am unaware, please discuss this matter with me immediately and provide any necessary documentation and requests for accommodation for my consideration. If there are other personal problems which you believe are affecting your performance, I strongly recommend you consult with the HRO, Employee Assistance Program (EAP) Coordinator. Participation in the EAP program is voluntary.

**6.** If at the end of the performance improvement period, your performance is considered fully acceptable, or Level 3 rating, no further action will be required. A Level 2 rating will end this PIP but a new PIP may be generated to bring your performance to the Level 3 standard. If, however, your performance continues to be below the Level 2 rating, I will take appropriate administrative action. Such action could include reassignment, demotion, or removal from the federal service based on unacceptable performance. Be advised, such action may be affected for up to one year following the beginning of the performance improvement period should your performance again fall below the Level 2 rating.

Encls

\_\_\_\_\_  
Supervisor's Signature Block

CF:  
JFH-MS-HRT  
Higher Level Reviewer

**Appendix C**  
**Sample Notice of Written Decision Based on Unacceptable Performance**

(OFFICE SYMBOL)

MEMORANDUM FOR

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

State the specific action being taken, i.e., removal, or change to lower grade. Include series and grade of position incumbent occupies and show full unit name and mailing address to which the technician is assigned. For example...

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

(Refer to 5 CFR Part 430 and TPR 1940.) Give the reason for action. Use all available information in sufficient detail so the technician will understand why the action is being taken.

a. On 1 Oct 20XX, you and I established written critical elements and performance standards for your position. At the time, you acknowledged our discussion of these critical elements and performance standards.

b. On 2 March 20XX, I informed you orally and in writing that your performance regarding critical element number \_\_ pertaining to \_\_\_ was below the Level 2 rating because you had failed to (list specific instances of unacceptable performance on which this action is based). On 16 March 20XX, I provided you with specific written instructions on how to improve your performance on this critical element.

c. Despite counseling and on-the-job training, your performance of this critical element continues to be below the Level 2 rating. Therefore, I have initiated this process to change you to a lower grade. You were provided a performance improvement period.

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

3. You may contact \_\_\_\_\_ in the Human Resource Office for procedural guidance at DSN: xxx-xxx or Commercial (xxx) xxx-xxx.

\_\_\_\_\_  
Supervisor's Signature Block

CF:  
JFH-MS-HRT  
Higher Level Reviewer

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

## **Appendix D Timelines**

### **D-1. Scenario A**

- a. Technician demonstrates below fully acceptable or unacceptable performance
- b. Recommended 30 to 90 days performance improvement plan (PIP). A PIP may be introduced any time, not just at the end of the appraisal period.
- c. No improvement or unacceptable level of improvement
- d. PIP ends (may be extended at the discretion of the supervisor)
- e. Official appraisal rendered citing unacceptable performance
- f. Reassignment notice or reduction/removal 30 day notice memorandum issued (this is not a proposed notice, but is considered as a final notice of the action to be taken. This is because before this final step, the technician would have been given adequate assistance and time to improve performance).
- g. During the first 15 days of the notice period technician may appeal to the State Review and Appeals Board\*
- h. Reassignment, reduction or removal may be extended awaiting the final decision of the Appeals Board
- i. Appeals Board hears case and makes recommendation on the final appraisal score (not the follow-on personnel action)
- j. TAG renders the final decision on the final appraisal score and personnel action
- k. A technician has no appeal rights beyond the TAG, unless a grievance is filed and goes to arbitration

\*If the technician is a member of a collective bargaining unit with a negotiated grievance procedure covering the challenge of performance ratings, the technician must use the negotiated grievance procedure to challenge the rating.

### **D-2. Scenario B**

- a. Performance appraisal issued (with other than an unacceptable or below fully successful rating)
- b. Technician may appeal to the State Review and Appeals Board no later than 30 days after issuance of the appraisal\*
- c. Appeals Board hears case and makes recommendation to TAG on the final appraisal score
- d. TAG renders the final decision
- e. A technician has no appeal rights beyond the TAG

\*If the technician is a member of a collective bargaining unit with a negotiated grievance procedure covering the challenge of performance ratings, the technician must use the negotiated grievance procedure to challenge the rating.

## **Glossary**

### **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 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.

### **Appraisal Effective Date**

Defaults to the first day after the appraisal period end date. The date the appraisal period starts.

### **Appraisal Period**

The established period of time during which performance will be monitored and assessed. Normally, the standard appraisal period will be October 1 through September 30 each year. Organizations may be subject to an appraisal period other than the standard cycle. Additionally, the Chief, National Guard Bureau (or designee) may designate other periods as dictated by situation or circumstance.

### **Appraisal Period End Date**

The last day of the appraisal period.

### **Approving Official**

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

### **Closeout Assessment**

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 critical element. 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.

### **Contribution**

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.

**Critical Element (Also referred to as Job Objective)**

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.

**Eligible Employee**

An 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 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.

**NGB Form 430, Performance Appraisal**

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 with Adobe Reader to complete the form electronically and save the text.

**Non-Critical Elements**

A dimension or aspect of individual, team, or organizational performance, exclusive of a critical element, that is 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 optional and are not used in the National Guard Technician Performance Appraisal Program.

**Performance**

The accomplishment of work assignments or responsibilities.

**Performance Appraisal Application 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 Appraisal Program**

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.

**Performance Plan**

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

their performance standards, if any.

**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.

**Rating Official**

A representative of management, usually the immediate supervisor, who is approved by the agency to evaluate and assess employee performance.

**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**

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 Higher Level Reviewer.

**Unacceptable Performance**

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