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1 February 2002

HRO Regulation (TN) 690-1

HUMAN RESOURCES MANAGEMENT
(FULLTIME MANNING)
of the
TENNESSEE NATIONAL GUARD

SUMMARY: This regulation consolidates all support personnel management requirements established by law, by Office of Personnel Management, by National Guard Bureau, and by the Adjutant General. The regulation establishes philosophy, organization, responsibility, support personnel policy, goals and objectives, and reporting requirements for key areas of personnel management. These areas include position management, standards and discipline, placement, personnel actions, services, training, appraisal, labor relations and grievances, and retirement or other separation.

APPLICABILITY: This regulation applies to all technicians of the Tennessee Army and Air National Guard, whether in dual status or competitive status. Where pre-existing union contracts are in place, such agreements will remain in force and such rules of operation will remain in force until the contract is re-negotiated. When FTM is used, the term applies equally to all technicians and AGR members of the Tennessee National Guard, but this regulation does not apply to AGR personnel.

SUPPLEMENTATION: Supplementation of this regulation is prohibited except as it applies to Tennessee Air National Guard Military Personnel Flight (MPF) requirements.

RECISSION: This regulation rescinds all SPMOR's, HROR's, or memorandums dated prior to 1 March 2001.

INTERNAL CONTROL SYSTEMS: Although joint service in nature and in application, this regulation meets the requirements of AR 11-2. It contains internal control provisions and a checklist for conducting control reviews.

SUGGESTED IMPROVEMENTS. The proponent for this regulation is the Human Resources Office. Users are invited to send suggested improvements directly to: The Adjutant General, ATTN: AGTN-HR, Post Office Box 41502, Nashville, TN 37204-1502.

BY ORDER OF THE GOVERNOR:

JACKIE D. WOOD
Major General
The Adjutant General

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**DEPARTMENTS OF THE ARMY AND THE AIR FORCE
HEADQUARTERS, TENNESSEE NATIONAL GUARD
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AGTN-HR

1 February 2002

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation of Human Resources Office (HRO) Regulation 690-1

1. I am proud to announce the implementation of a consolidated reference and guidance that replaces many unnecessary regulations, outdated guidelines and old forms. HRO Regulation 690-1 eliminates 18 SPMO/HRO regulations and replaces them with one single reference. Removing this large number of separate regulations offers simplicity by reducing the guidance to less than 200 pages, including appendixes. A team of Army and Air National Guard experts reviewed the material for over two weeks before confirming the accuracy and effectiveness of the contents. The team included LTC (TNARNG) Dennie Denson, Maj (TANG) Carol Bell, MAJ (TNARNG) Pattie Jones, CW3 (TNARNG) Rex Birdsong, and MSgt (TANG) Leon Doremus. I want to thank them for their unselfish work. Although there is little change in policy in this reference, each draft and the final have been coordinated with ACT Chapter 110, ACT Chapter 103, and ACT-ANG.
2. This regulation supersedes SPMOR/HROR 1-1, 200-1, 273-1, 293-2, 312-1, 335-1, 335-3, 335-4, 353-1, 400-1, 430-1, 451-1, 531-1, 532-1, 630-1, 771-1 and 792-1 and establishes HROR (TN) 690-1. This guidance applies to both the Army and Air National Guard. Managers and supervisors are required to use this guidance immediately.
3. Point of contact is Colonel Donnie K. Smith, Deputy Chief of Staff, Human Resources (Human Resources Officer), 615-313-3010.

JACKIE D. WOOD
Major General
The Adjutant General

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HUMAN RESOURCES (FULLTIME) MANAGEMENT

of the
TENNESSEE ARMY AND AIR NATIONAL GUARD

CHAPTER 1 GENERAL

1-1. PHILOSOPHY. This regulation prescribes state procedures for carrying out statutory and regulatory requirements for military technicians of the Tennessee National Guard. Where options are given for variation in guidance from the United States Office of Personnel Management (OPM) the Consolidated Federal Regulations (CFR), National Guard Bureau (NGB) regulations, Technician Personnel Regulations (TPR), and other guidance applicable to technicians, this regulation specifies choices the agency elects to make. This policy applies to Army and Air National Guard military technicians, which includes dual status (excepted service) and non dual status (competitive service) personnel. This regulation serves to provide additional necessary information to enhance and is intended to improve the understanding of fulltime management of the Army National Guard and the Air National Guard of the United States.

1-2. REFERENCES. Title 32 USC 709 (Public Law 90-486), Title 10 USC 10216, 5 USC Chapter 71, NGR 600-25, ANGI 36-102, and TPR 200.

1-3. ORGANIZATION. The Human Resources Office (HRO) is established to administer the joint personnel programs for full-time manning (FTM) in the State of Tennessee. The HRO is adapted to meet the special needs of the joint program required to manage assets in both the Army and Air National Guard. This office must be especially knowledgeable about the applicable law to technicians: Title 32 USC 709 (Public Law 90-486), Title 10 USC 10216, and the portions of 5 USC that apply. Civilian manpower is divided into two categories: a) non-dual status or competitive status (not required to be members of a military unit) and b) dual status who must belong to a compatible unit of the Tennessee National Guard and wear the appropriate uniform of their service in support of military operations in the state and across the world.

a. Office of the Human Resources Officer (HRO). The HRO contains the Personnel Officer who is the personnel advisor to the Adjutant General for Army and Air National Guard fulltime members. In addition, a Personnel Management Specialist, a Personnel Services Specialist, and a Secretary are required to assist with office management and reporting. This office is responsible for program management and guidance, manpower and budget decisions, recruitment and placement of FTM, labor and technician relations, to include positive and adverse personnel actions, technician services and wage administration, internal personnel management, to include management controls and equal employment opportunity, classification, position management training, technician development, order approval and publication, and Personnel Data System-Civilian (PDSC) computer system management and reports. [NOTE: For the purposes of this regulation, the senior Personnel Officer in the HRO will be referred to as the HRO.]

b. Personnel Management Branch. This branch contains the Supervisory Personnel Management Specialist (SPMS) who provides the technical expertise of the HRO and who is responsible for regulatory guidance and decision implementation. This officer will also serve as the deputy of the HRO and will assume responsibility for office operation in the absence of the HRO. This officer supervises a Staffing Specialist and other specialists who perform recruiting actions and placement. The branch contains a Classification Specialist and one personnel assistant to manage classifications and re-document structure, perform desk audits and certify position descriptions. The branch contains an employee development specialist who manages training funds and ensures that training requirements are accomplished and that requested training is approved or disapproved based upon requirements and funding. A budget specialist is assigned to manage technician training funding, technician payroll, AGR medical and travel, technician travel, and other assorted budget matters.

c. Customer Service Branch. This branch provides customer service actions for technicians who need customer services for pay, leave, insurance, or records. An Employee Relations Specialist and three assistants perform wage administration and merit pay actions, incentive awards processing, appraisal management, leave actions, in- and out-processing of technicians (especially retirement counseling), creation and maintenance of technician Official Personnel Files (OPF), and supporting technician relations. This branch also maintains the regulatory and other guidance required to provide instructions for management.

d. Labor Relations Branch. This branch contains a Labor Relations Specialist and assistant who will perform as the management representative for labor negotiation, contract administration, grievances, alternative dispute resolution, mediation, and legal actions. The Labor Relations Specialist is responsible for the administration, supervision, evaluation and performance of technical work concerned with labor relations in the Tennessee Army and Air National Guard. This includes establishing and maintaining effective coordinating relationships with labor organizations that represent military technicians, includes negotiating and administering labor agreements, and conferring with bargaining units on behalf of management, and providing guidance, consultation and staff assistance to management on a variety of labor matters. The LRS administers the labor relations programs, including those involved in policy development, agency guidance, and investigation and resolution of complaints and appeals of labor organizations. The LRS is involved in advising management on grievances and appeals, adverse actions in a bargaining unit environment, employee discipline, and related matters which are an integral part of the labor relations program. The LRS must know Executive Orders, regulations, principles and practices, and techniques of labor relations and be familiar with recent court and FLRA decisions in pertinent matters.

e. Equal Employment Opportunity Branch. The EEO branch is comprised of the State EEO Manager and an EEO specialist who investigate and process discrimination complaints, who administer the affirmative action program, technician assistance program (TAP), and handle other special emphasis programs, such as sexual

harassment and complaints against general officers.

f. Military Duty Management Branch. This branch contains the Active Guard Reserve (AGR)

Manager and FTM personnel who administer the manpower, budget, personnel actions, and administration for the AGR program. This element cares for recruitment, separation, promotion, reduction, reassignment, leave, training, orders, and payment of permanent change of station (PCS) and other special entitlements.

1-4. RESPONSIBILITY. The Human Resources Officer (HRO) is a primary staff officer to the Adjutant General and responsible for all FTM personnel management programs and actions in the State of Tennessee for the Army and Air National Guard. This officer is also referred to as the Personnel Officer and the Human Resources Officer (HRO) and may be used interchangeably.

1-5. TECHNICIANS. A technician is a civilian who works for the Adjutant General of the state and is paid by the United States Government. Technicians are provided for by act of Congress to improve the readiness of the Army and Air National Guard under Section 709 of Title 32, United States Code. This law authorizes technicians for the administration and training of the National Guard and the maintenance and repair of supplies (sic) to the National Guard or the Armed Forces. Most technicians are employed as dual status members, a term introduced by Section 10216 of Title 10, USC, and referred to as military technicians. Military technicians are required to belong to a unit of the National Guard and wear the uniform of the service as a condition of employment. These members are both state and federal employees concurrently, but there are some limitations regarding how they may be used. Approximately 2 percent (but always less than 5 percent) of the total number of technicians may be employed as non-dual status civilians. These numbers are limited due to the inability to mobilize them with their units and to maintain the overall character of readiness support of the National Guard.

1-6. PERSONNEL POLICY.

a. Nondiscrimination. Technicians of the Tennessee National Guard will not discriminate

because of race or color, religion, gender or age (except where limited by the military assignment), marital status, or non-disqualifying physical handicap, national origin (except for requirements of citizenship), reprisal, lawful political affiliation or lawful bargaining unit (labor union) membership.

b. Qualification and Merit. Applicants who meet technician and military qualifications may be selected or placed in positions for which they are qualified. Selections to fill positions shall be made impartially on the basis of merit, fitness, performance and leadership potential, and the needs of the service.

c. Objective Evaluation. Technician work performance will be evaluated fairly and objectively on a continuing basis. Evaluations of technicians will be done according to paragraph 12-6.

d. Safe Environment. Working conditions will be made as safe and healthful as possible.

e. Freedom of Expression. Technicians will be encouraged to express themselves concerning improvement of work methods and working conditions. Technicians will have the right to discuss problems with the appropriate staff without interference, coercion, restraint or reprisal provided such discussions are presented in courteous and professional context.

f. Technician Organization. Technicians will have the right without interference, coercion, restraint, or reprisal to join or refrain from joining any lawful labor organization or technician association. Where technicians are represented by an exclusive labor organization, management officials will endeavor to build a relationship with that organization based upon mutual respect and trust.

g. Fair Review. Any technician having a grievance or complaint will be accorded a fair and prompt discussion with the supervisor immediately concerned and, failing prompt and satisfactory adjustment, will have the right to pursue the matter under the Agency or through the negotiated grievance procedures with the exclusive representative bargaining unit.

h. Open Decision on Campaign Participation. Technicians will have the right to participate or not participate in voluntary fund

raising campaigns, charity campaigns, and purchase of U.S. savings bonds without compulsion, coercion or reprisal. Technicians do not have the right to appear at political campaigns or activities in uniform, unless serving in an official capacity on behalf of the U.S. government and then only within the restrictions dictated by the Adjutant General.

1-7. GOALS AND OBJECTIVES.

a. Individual Goals. Full-time members (FTM) are expected to develop and work toward objectives that achieve training goals of the Tennessee National Guard. These objectives are:

(1) Provide effective personnel-management leadership in the Tennessee National Guard by ensuring that policies, plans and services are uniform for TNARNG and TANG technicians where possible, that quality personnel administrative services are being provided, that continuous review, analysis, and evaluation of policies and programs occurs, and that the Tennessee National Guard properly implements laws, regulations, and policies pertaining to working conditions, pay, allowances, retirement, and Federal benefits.

(2) Strive to achieve the most economical and efficient use of resources.

(3) Use merit principles to staff the technician program with qualified personnel providing technicians with the opportunity to advance to their full potential.

(4) Perform position management and classification actions which maximize fiscal and personnel resources, including the development of position structuring, staffing, and grading patterns consistent with efficiency in meeting mission requirements and Office of Personnel Management (OPM) classification standards and requiring supervisory participation in position management and the classification process.

(5) Develop the highest order of expertise and competence of Tennessee National Guard human resources by improving individual performance and effectiveness, by developing personnel resources through sound training, and rewarding outstanding performance with incentives to enhance motivation.

(6) Ensure support, guidance, and resources necessary for effective equal employment opportunity and diversity in the Tennessee National Guard through recruitment staffing, community relations, training education, recognition, and affirmative action.

(7) Encourage efficient and effective labor-management relations by increasing management involvement to assure that the labor-management relationship contributes to the effective and efficient conduct of the Tennessee National Guard mission.

(8) Achieve compatibility between all military assignments and technician positions in accordance with NGR 600-25 and ANGI 36-102.

(9) Explore methods to reduce the cost of injury compensation while continuing maximum benefits to deserving technicians.

(10) Recruit and retain a quality work force.

b. Unit Goals. Unit goals are identified so that individuals may structure their own goals to achieve collective goals.

(1) Federal Goal.

(a) Be capable of activating, deploying, and be combat ready to fight and win.

(b) Be prepared to integrate into the active forces of the United States with minimum disruption.

(2) State Goal. Be prepared to respond to any emergency in order to save lives or protect property, to re-establish law and order, and return harmful or lawless situations to normalcy as directed by the Governor.

1-8. RECEIPT OF LEGAL ACTIONS.

a. Receipt of Legal Processes or Services. Subpoenas, orders of the court, official demands for records or individual appearance in court, garnishments, or other processes being attempted for service will be referred to the Military Department of Tennessee Legal Counsel. Requests for records or other data from attorneys, district attorneys, sheriffs, chiefs of police, or their representatives should also be

referred to the legal counsel. This does not limit the requirements for Freedom of Information Act (FOIA) to be processed through the DCSIM.

b. Service for Notices or Grievances. Submission of a grievance or other official correspondence or process to the Adjutant General from any exclusive bargaining representative or recognized official will be considered formally delivered if made to the HRO or the Labor Relations Specialist serving as the agent of the Adjutant General.

**CHAPTER 2
POSITION MANAGEMENT**

2-1. PURPOSE. Position management is the evaluation of the need for technician positions that will service unit requirements most effectively. The policy of the federal government, the National Guard Bureau (NGB), and the Adjutant General of Tennessee is to organize units in a manner that makes optimum use of manpower and achieves the need for trained military units in time of emergency that can meet the goals specified in Chapter 1.

2-2. REFERENCES. TPR 200, TPR 293-31, TPR 500, TPR 511, TPR 532-1, OMB Circular A123 (Revised), GAO Standards for Internal Control in the Federal Government, and AR 11-2.

2-3. POSITION MANAGEMENT PROGRAM.

a. Position Management Officers (PMO). See Appendix B.

b. Review of Positions. Periodic reviews of positions assigned under each PMO must be accomplished at least annually. Validation of this review will be accomplished by OF 8, Position Description. This report will be maintained on file to show that there were changes which required a new listing or that there were no changes.

c. HRO Responsibilities.

(1) PMO Assignments. Designate in writing each PMO who will serve as advisors to the Adjutant General (TAG).

(2) Compliance. HRO will ensure compliance with PMO duties and responsibilities by periodic staff visits or reviews. HRO may elect to direct the Classification Specialist to review or desk audit selected positions or position descriptions to see if they are current or accurate.

d. PMO Responsibilities. The PMO is responsible for compliance with position management requirements established by the law, OPM, NGB and this regulation. PMO's are high level managers for effective leadership and management of their organizational segments of the work force. PMO's are selected for this special trust and confidence to:

(1) Develop improved position structure for the most economical and effective use of personnel resources.

(2) Improve the competence and motivation of the work force by establishing performance standards and performing appraisals, using incentives, and by identifying training needs which would enhance the operation of the whole.

(3) Develop future staffing plans to perform proper manpower management and to meet pending organizational changes.

(4) Ensure promotional opportunities and empower subordinate supervisors to develop management and leadership talents.

(5) Manage special emphasis programs, such as maintaining careful oversight of grievance resolution, implementing equal employment opportunity and effecting actions that support diversity of the work force.

(6) Ensure that each request for personnel action is for a valid requirement, that the proper position description is used, that the duty description for vacancy announcement is properly written, and that all information on the SF 52 is accurate.

(7) Assign individuals in priority placement before requesting fill of a vacancy.

(8) Ensure that the technician move would meet the rules for compatibility and grade inversion.

(9) Review the Standard Form 52, Request for Personnel Action (SF 52, RFP), and verify the above steps were accomplished by signing in block 6 of Part A of SF 52.

e. Supervisor (First-Line) Responsibilities. The first-line supervisor (or requester in block 5 of Part A) will manage subordinate positions within the unit or element for which they have responsibility. By signing the SF 52, the supervisor certifies under penalty of law that there is an actual need for the action, assignment, or fill of the position and that the request is valid by law. Supervisors must maintain on file a certified position description for the supervisor (him or herself) and each subordinate technician.

2-4. MANPOWER AUTHORIZATION.

a. Manyear Availability. An approved position and an employment authority (EA) must exist before a position may be filled. The position must be "built" by HRO (or NGB) and reflected in the Support Personnel Manning Document (SPMD). The manyear must also be reflected in the Support Personnel Authorization Document (SPAD) published by HRO which identifies the percentages and employment authorizations (EA) by unit. The PMO must approve requests for fill based upon the authorizations. When an additional manyear beyond that shown on authorizations is requested, the request must be accomplished by telephone and followed up by memorandum. The SPMD and the SPAD must be changed to include any approved increase in EA percentages or fills.

b. Type Manyear Determination. PMO's must determine the type of position that is required or authorized in the organization. Some positions are authorized to be filled by either technician or AGR manyears, depending upon availability of manyears and NGB documentation (ARNG uses "Blue Book" authority for authorizations). Announcement of positions as open to both technician and AGR applicants will not be authorized in the Army National Guard.

2-5. PERFORMANCE REQUIREMENTS.

Performance requirements may be located in the Position Description and in the Position Announcement. Both the position description and the position announcement should be retained in the Supervisor's Work Folder. Such important information as security clearance requirements, compatibility requirements, and tenure status authorized are found in the position announcement as well. Position descriptions in the Position Announcement may be expanded to incorporate the special requirements of the geographic assignment, so may not match the standard PD, e.g., the Support Services Specialist, Training Officer as the senior position in a unit, or a position also required to serve as Detachment Sergeant. See Appendix I.

2-6. PERFORMANCE STANDARDS.

a. Levels of Performance. Technician job standards will be written at two levels of

performance, Fully Acceptable and Outstanding. Levels will be written to provide measurable requirements so that it is easily determined how to evaluate the person. Care should be taken to ensure that the standards are reasonable and not written at such a level that almost no one could attain that level of performance. Awards are encouraged for outstanding levels of performance, and must be supported in the narrative of the evaluation. A performance improvement plan must be prepared for any technician who receives an unsatisfactory evaluation in a critical area of his (or her) job standards.

b. Performance Standard. The performance standard consists of elements and standards created by supervisors using HRO Form 430-1, Technician Standards and Appraisal. The supervisor identifies bullet remark elements. Critical performance elements, those areas which would cause the entire appraisal to be unsatisfactory if not accomplished well, will be marked with an asterisk. Performance elements should be expanded by additional descriptive remarks called performance standards. Additional job elements may be required due to emphasis by Congress, DOD, or other agencies.

(1) Managers. The performance standards of all technician managers (GM-series or any technician with manager in the title) or directorate-level chief of department will include the performance element, "Internal Controls." Internal management controls are required to be used by Congress, guidance for which is found in OMB Circular A123 (Revised), 4 Aug 88, GAO Standards for Internal Control in the Federal Government, and AR 11-2, Management Control, dated 1 August 1994,

(2) Managers and Supervisors. The performance standards of all technician managers or supervisors will include the job elements, "Equal Employment Opportunity" as a critical element. The standard for the equal employment opportunity job element will read: "Communicates to subordinates the commitment to equal employment opportunity and defines what is expected while avoiding situations that create complaints and set up barriers to the advancement of minorities and women."

(3) Prohibited Performance Element. No performance standard will be titled "Other duties as assigned." This terminology may be

included, however, as a task under a performance element.

2-7. CLASSIFICATION ACTIONS. Most classification actions will be accomplished by the HRO or NGB, but supervisors must review positions under their authority at least annually to determine if they are accurate. If PD's are not accurate, a change must be requested or reclassification must be accomplished.

2-8. FUNCTIONAL CHARTS. Supervisors will submit functional charts (wiring diagrams) of their organizational structure to HRO not later than 30 April of each year. Each "box" will include the title of the position, position description control number, pay plan-series-grade for technicians or MOS/AFSC and military grade for AGR, and the name of the incumbent. Positions that are not filled will be identified as vacant. The functional chart will also clearly identify the title of the section as required by the SPMD and the chain of command up to TAG.

CHAPTER 3 STANDARDS OF CONDUCT AND DISCIPLINE

3-1. PURPOSE. Full time manning (FTM) personnel are expected to adopt the highest standards of personal and professional conduct. They are expected to be fully informed regarding the standards of conduct and the procedures affecting the implementation of adverse actions or sanctions for infractions. This process incorporates "progressive discipline" as its foundation with the express goal of achieving conduct improvement and return to satisfactory performance of highly qualified and motivated technicians.

3-2. REFERENCES. 10 USC 10216, 32 USC 709, Ethics Reform Act of 1989, Military Code of 1970, Title 58, Tennessee Code Annotated, DODI 5500.7, AR 600-9, AR 670-1, AFI 36-2903, TPR 700, Chapter 733, 735, 736 and 751, TPR 715, TPR 752, and TARNGR 600-1.

3-3. SELF-CONTROL. Military technicians are considered to be a high quality work force who are responsible for their own conduct and work performance. Technicians are expected to maintain high standards of honesty and integrity. When that trust is broken, supervisors are authorized to administer penalties in consonance with the infraction using DOD Instruction 5500.7 and TPR 752. Technicians are obligated to follow law, rules or regulations in DOD Directives, NGR's, TPR's, and this guidance document. Procedures agreed to in employee negotiations (union contracts) will be used in lieu of regulation in the administration of actions involving technicians covered by the bargaining unit (when a conflict with regulation exists, the contract will be followed unless there has been a change required by the Adjutant General causing a notice of impact and implementation (I&I). Violation of any prohibited standards of conduct may be the basis for disciplinary action whether an infraction of rule or law occurred or not. Infractions of morality that damage the reputation of the service may result in separation from employment.

3-4. NOTIFICATION ON STANDARDS OF CONDUCT.

a. Initial Entry. During initial orientation of new technicians, HRO will inform new technicians of standards of conduct. This notification will be

recorded on an orientation checklist and filed in the OPF. See Appendix C.

b. Annual Briefing. First-line technician supervisors will brief standards of conduct and courtesy to their subordinate technicians annually during the month of January each year. During the briefing each technician will be asked to sign a certificate to verify compliance. First-line supervisors will forward these verifications to HRO to be filed in the OPF.

3-5. COURTESY. Not only are technicians expected to display professional courtesy, military technicians in uniform must also display respect for the customs and courtesies of the service. See paragraph 3-7 and TPR 735.2, paragraph 2-12b. Technicians are required to be especially courteous and helpful in their dealings with the Members of Congress and the general public. It is expected that technicians will react courteously even if provoked or treated discourteously. However, technicians are obliged to respectfully refuse to violate law or regulations or to give special advantage not called for by law. Courtesy should be included in job elements or standards. Penalties for discourtesy are specified in TPR 752, Table of Penalties.

3-6. ADVERSE ACTIONS AND DISCIPLINE.

TPR 752 will be used to administer discipline and adverse actions in the Tennessee National Guard.

a. Violations. A listing of more common violations is found at Appendix A, TPR 752. A guide to state law is found in TARNGR 600-1, Appendix C. The Military Code of 1970, Title 58, Tennessee Code Annotated, applies to technicians if they are dual status, and some laws may apply to non dual status technicians. These lists are not exhaustive since laws and regulations are changed from time to time. Supervisors will decide penalties based upon merits of each case, but should use the Violations Appendix or the Table of Penalties as a guide. Federal and state laws may provide no option regarding some penalties. Supervisors will coordinate with HRO IAW TPR 752 before applying penalties or sanctions.

b. Labor Representation. Technicians who are assigned to bargaining unit positions (not supervisors or confidential employees) have the right to union representation in meetings with a supervisor when the technician has a reasonable

belief the session or examination may result in disciplinary action against him (or her) and requests a labor organization representative to be present. If such a request is made, the supervisor will postpone any discussion of issues and will reconvene the session when an appropriate labor union representative is present. Labor union representatives are allowed to provide clarification, observations of the appropriate course of action or alternatives, and reference appropriate law, regulation, or provisions of agreement, but may not disrupt or interfere with the process of the investigation. See Appendix N.

d. Steps in Adverse Actions Process.

(1) Non-Disciplinary Steps. Non-disciplinary steps lead up to adverse actions and should precede adverse action when the technician has the potential to correct his (or her) actions and improve their performance. The supervisor should consider referring the technician to the Technician Assistance Program (TAP) in accordance with Chapter 11.

(a) Counseling. Although counseling is not a disciplinary action, it should be accomplished in most cases requiring correction. Counseling is an exchange of information that provides the technician with clear standards of acceptable conduct and informs the person of guidance or requirements of which he (or she) may not be aware. Counseling must be recorded in pencil on the Supervisor's Brief or NGB Form 904-1 and must be removed no later than one year after it has been entered. If the counseling is part of a pattern of inefficiency that has not yet been resolved, the entry may be retained until progressive discipline has resolved the problem.

(b) Warning. A warning is more serious in intent than counseling. A warning sets standards for acceptable conduct and describes the consequences for violating the standard. A warning is not a disciplinary action either, but is a step toward discipline. A warning must also be recorded in pencil on the technician's NGB Form 904-1, and should be removed no later than one year from the time it is entered. If the warning is part of a pattern of inefficiency that has not yet been resolved, the entry may be retained until progressive discipline has resolved the problem.

(2) Disciplinary Steps. A disciplinary action is a step taken based on a violation of a

rule of conduct, in the event a technician did something or failed to do a required action. Disciplinary actions can be broken down to single instances, e.g., a technician coming in late to work every day for a month is not one single problem or violation, but 20 separate but related problems, one for each workday the technician was late. The supervisor should delay discipline until a labor organization representative can be present when the technician believes that disciplinary or adverse action could be taken and has requested this representation. The supervisor will inform the technician of the availability of TAP before initiating discipline.

(a) Oral Admonishment. An oral admonishment is the first level of disciplinary action. An oral admonishment strongly calls to the attention of a technician the fact that they have made a serious error in judgment, explains the standard of expected conduct, and states what rule of conduct has been violated, and clearly spells out what the consequences could be for an additional violation. An oral admonishment must be recorded in pencil on the Supervisor's Brief or NGB Form 904-1 and should be removed no later than one year from the time it is entered. If the admonishment is part of a pattern of inefficiency that has not yet been resolved, the entry may be retained until progressive discipline has resolved the problem.

(b) Letter of Reprimand (LOR). The first formal written step that makes a technician aware of a violation. It can be used when counseling, warning, and oral admonishment prove ineffective. The letter of reprimand must describe the violation, must include a warning that further offenses could result in progressive sanctions, must have a specific period identified in which the LOR is to be filed in the technician's official records, must have a statement informing the technician that the reprimand may be grievable, and must inform the technician that he (or she) may apply for the technician assistance program, if applicable. If the letter of reprimand is part of a pattern of inefficiency that has not yet been resolved, the LOR may be appended to a successive counseling, letter of reprimand, or other disciplinary action and may be retained until progressive discipline has resolved the problem.

(c) Last Chance Agreement. When an offense has been committed that would justify removal, but it is in the best interest of the

Government to suspend removal of the technician, the agency may decide to offer a last change agreement. Given certain conditions and when the technician has the potential to recover and perform his (or her) job effectively, separation may be delayed by suspending the action. If it is later shown by a preponderance of the evidence that the technician did not follow the conditions of the agreement, the technician may be immediately removed without any appeal. If all the conditions are met during the period of time specified in the agreement, no additional discipline for the offense may be imposed.

e. Removal. Removal from employment will normally be the last step in the adverse action process. Before removal, the first-line supervisor must consider whether progressive discipline would be more appropriate for sanctions. Progressive discipline normally would include oral admonishment for the first offense, warning for the second offense, and a letter of reprimand for the third offense. The supervisor is obligated to use progressive discipline unless the incident is so serious or repugnant that a technician should not be rehabilitated. See Paragraph A-5, Table of Penalties, in TPR 752. If the underlying action is ever taken to a hearing, the supervisor may be asked under oath whether or not these factors were considered.

f. Appeals. Appeal of a first-line supervisor's decision may be made to the next higher supervisor. Appeal of the second-line supervisor's decision may be made to a higher supervisor. Each level of supervisor should consider whether the actions taken by the first-line supervisor were fair and equitable and issue a written decision and reasons to support the choice.

g. Deciding Official. The Assistant Adjutant General (Army or Air) is the Deciding Official. The deciding official receives the proposed action and the technician's response and makes a recommendation for the final disposition of the case which becomes final unless the technician appeals. The deciding official may require both parties to make additional submissions or arguments orally, in writing, or by both methods. The deciding official can sustain the proposed action, impose a lesser penalty, or use a Last Chance (probation) agreement. The deciding official cannot impose a more severe penalty than was originally proposed by the first-line supervisor.

h. Administrative Hearing. Appeal of the deciding official's decision is either directly to the Adjutant General or to an administrative hearing. An administrative hearing is accomplished by requesting an NGB hearing officer from another state to hear the case and render written findings and recommendations to the Adjutant General for final determination. The technician may elect either the TAG or the administrative hearing, but NOT both. When TAG renders a decision, with or without administrative hearing, the decision is final.

(1) Technical Advisor. When appealing, a technician may have an individual who may or may not be an attorney to assist in preparing the case. This individual assists in witness preparation and scheduling and acts as a subject matter expert about the procedural rules for the hearing and about any labor contract provisions that may affect the hearing. However, this person will not be allowed to act in this capacity and testify as a witness or an expert witness at the hearing itself. The Adjutant General will be the highest appeal authority.

(2) Expert Witness. A person that, because of special training, or familiarity with a specific regulation, procedure or contract, is able to express an opinion about an issue at a hearing. This individual will be a witness and cannot act as a technical advisor.

i. Alternative Discipline. TPR 430, paragraph 7d, may be used as an alternative to the steps required under TPR 752 when both the supervisor and the technician agree that the violation occurred, that it is unlikely to recur, and the sanctions are acceptable to both parties.

3-7. OUTSIDE COMPENSATION.

a. Outside Employment. Technicians are prohibited from engaging in any outside employment or outside activity not compatible with the full and proper discharge of the duties and responsibilities of his government employment. All technicians must have written approval from HRO prior to engaging in any outside employment either with or without pay. This requirement also includes self-employment which would could interfere with the full and proper discharge of duties. The technician must submit a request by memorandum through his technician supervisor channels to HRO with the following information:

- (1) Name of technician.
- (2) Technician organization and unit.
- (3) Grade/series/title of position.
- (4) Name and address of proposed employer and company.
- (5) Exact title of technician's proposed position in the civilian employment.
- (6) Date and hours to be worked per week.
- (7) Name of proposed immediate supervisor.
- (8) Specific duties and responsibilities of outside work.

b. Failure to Obtain Permission for Outside Employment. Technicians whose duties are impaired or who are in a conflict of interest due to outside employment may be separated from employment. Management must provide a 30 day notice with the reason for separation.

c. Honoraria Ban. Under the Ethics Reform Act of 1989, Congress has prohibited virtually all federal technicians from accepting compensation from honorariums, appearances, speeches, and any payment for writing articles. Performances as entertainers, artists, or actors will not be affected. Works of fiction, poetry, lyrics or scripts are allowed. Pay for private teaching, such as music lessons, will not be prohibited. Permission for such work must still be obtained from HRO prior to performing the work to be protected. The penalty for violation of this act is up to \$10,000 fine or the amount of compensation, whichever is greater.

d. Statements of Employment and Financial Interest. Statements of employment and financial interests must be submitted by technicians in grades GS-13 through GS-15 and any other technicians specifically designated by NGB (such as procurement officers, etc.). Those technicians required to file must submit through supervisory channels a completed DD Form 1555 to the Office Of Legal Advisor (NGB-JA) no later than 31 October of each year.

3-8. WEAR OF THE MILITARY UNIFORM.

a. Requirement of Employment. Title 10 of USC, Section 10216 and Section 709 of Title 32 require that dual status employees must "wear the uniform appropriate for the member's grade and component of the armed forces" while performing duties as a military technician. All dual status military technicians will wear the military uniform appropriate for their branch of service (ARNG or ANG) when on duty. The uniform will include all accouterments and federally recognized grade. The Federal Labor Relations Authority has upheld the intrinsic nature of the military position, wear of the uniform, and accompanying requirements for courtesy and grooming standards. Competitive technicians may elect to wear the military uniform if they are members of a unit, but when the uniform is worn the standards for proper grooming and wear apply. Military courtesy rules include conduct becoming a soldier, NCO, or officer, rendering salutes when outdoors, and "tradition of the service" courtesies afforded to the rank of the person addressed.

b. Period of time for Wear. The uniform will be worn when a technician is in duty status. Official time will not be used for changing (to or from) the military uniform at the work site. The commander, at his or her option, may elect to allow civilian clothes to be worn when it is in the best interest of safety or military service:

- (1) Safety or enhancement of training.
 - (a) During periods of threat, i.e., heightened likelihood of terrorist attack, civil unrest, etc.
 - (b) Traveling by commercial or private transportation.
 - (c) Attending training courses at other than military installations when other students would be in civilian attire.
 - (d) Selected forms of management training involving personal team-building, personality profiles, conflict resolution training, or quality management techniques improved by eliminating obvious rankings.
- (2) When serving in civilian clothes would enhance the mission or when wear of the

uniform would detract from the ability to accomplish the assignment.

(a) Serving as a data collector for the Federal Wage System (FWS).

(b) Serving as an NGB Administrative Hearing Examiner.

(c) Engaged in labor agreement negotiations as a representative of a labor organization.

(d) Serving on some types of labor details.

c. Grooming Standards. Regulations pertaining to grooming and appearance standards and wearing of the military uniform (AR 600-9, AR 670-1; AFI 36-2903) will be complied with while in uniform.

d. Penalty for Violation. Penalty for violations in wearing the uniform is the same as that for failure to observe written regulation and rules in TPR 752, Appendix A, Table of Penalties, Offense # 2. Technicians could also be prosecuted for violations of the Military Code of 1970 (Title 58, Tennessee Code Annotated) because they are concurrently members of the Tennessee Army or Air National Guard in the service of the state.

**CHAPTER 4
PERSONNEL PLACEMENT**

4-1. PURPOSE. The personnel placement policy for dual status (excepted) and non-dual status (competitive) technicians establishes procedures and provides information on personnel placement actions and employment in the Tennessee National Guard.

4-2. REFERENCES. 5 USC, Uniformed Services Employment and Reemployment Rights Act of 1994, TPR 300-351, and TPR 700, Chapter 713.

4-3 . HIRING PROCEDURES.

a. Management Considerations Before Hiring. Upon deciding whether to begin the hiring procedure, a supervisor must determine whether all factors allowing position vacancy announcement have been satisfied.

- (1) The position must be authorized by

type unit and geographic location as specified by tables in NGB Pam 570-1.

(2) The position must be identified as a requirement in the Support Personnel Management Document (SPMD).

(3) A manyear must be available for the position as authorized by the Support Personnel Authorization Document (SPAD).

(4) The individual must meet all eligibility requirements for the position. This position may be required to be announced to determine who is available for placement, but the Agency has the right to reassign personnel of the same technician grade to equivalent-grade positions without advertisement.

(5) A vacancy may be announced for fill without delay if the command or unit is within the authorized number of manyears as shown by the SPAD or employment authorization (EA) document and has corrected improper or excess assignments. When a position's funding status (i.e., technician manyear total or position requirement) has been changed, a new "yardstick" must be applied to determine authorization and grade.

b. Eligibility. Applications for announced technician vacancies must be forwarded to the HRO and received in HRO before the close of business on the closing date of the announcement regardless of postmark. Applicants are advised to attempt to submit applications to arrive on the day prior to closing since delays may occur in the delivery process. The definition for receipt of an application is the "stamped in" date and time in HRO. Applications meeting the hiring criteria will be reviewed by HRO staffing for completeness and will undergo initial screening and a determination of qualification. Those persons who fail to include the proper forms or required certificates, diplomas, copies of licenses, etc., do not meet the position qualification requirements and will be ineligible for consideration. Technician position applications must include, as a minimum, the following items:

(1) Identification of Military Experience and Compatibility. Applications must include all information needed to determine if the applicant is qualified. The Office of Management and Budget (OMB) has withdrawn authority to use a single standard form for applying for a federal position, but the applicant must state how he (or she) has the job skills, education, or training to perform the job. The only way an applicant can explain his (or her) background experience is to state in writing how his (or her) previous experience applies to the specialized requirements of the position. Experience may be shown by use of Standard Form 0171 or Optional Application for Federal Employment (OF 612); however, a resume is also satisfactory. Simply submitting a Report of Individual Personnel (RIP)(TANG) or DA Form 2-1, Personnel Qualification Report (PQR) (TNARNG), is not adequate to qualify an applicant for a federal job.

(2) Documentation. When a position requires certified levels of performance or education, the applicant will be required to submit documentation to show he (or she) holds this level of certification. This means that licenses, diplomas, certificates, transcripts, or other documentation must be included to show qualification for the position. A RIP or PQR will not suffice for this requirement. Applicants must provide evidence of military membership to be considered for dual status positions.

(3) Submission Elements. Each applicant must submit the items required by the

Position Vacancy Announcement. Usually, each Air National Guard application must include ML Form 0183, Application for Tennessee National Guard Employment, and a resume (any format). Usually, each Army Guard application must include a resume and a DA Form 2-1. An on-board applicant must use TNGHR ASE Form 02, Applicant's Specialized Experience, to show how he (or she) may meet job requirements for ranking and rating of several applicants. Air National Guard applicants may include a Report of Individual Personnel (RIP), but this document may not substitute for ML Form 0183.

4-4. MERIT PLACEMENT PLAN.

a. Policy. The Tennessee National Guard will fill technician positions with qualified persons and will ensure that every technician has an opportunity to develop and advance to his (or her) full potential. All technician vacancies will be filled on the basis of merit and job-related factors. Military requirements are considered as job-related factors for positions in dual status. All actions under this plan will be accomplished without discrimination due to non-merit reasons, such as race, color, religion, sex (except for combat arms exclusions), national origin, marital status, membership or non-membership in a technician organization, age or non-disqualifying physical handicap (unless the military requirements of the position establish criteria which would prevent some persons from applying).

b. Scope. This plan encompasses all federal technician positions in the Tennessee Army and Air National Guard and will be used in filling positions in dual status and competitive service through initial appointment, promotion, reassignment, reinstatement, demotion, and transfer. Where the plan is silent regarding certain aspects, the provisions of regulation published by higher authority will apply. For members of the bargaining unit, negotiated provisions will take precedence over regulatory provisions.

c. Responsibilities. The Adjutant General is the appointing authority for the Tennessee National Guard technician program and is the highest level of authority in the State concerning overall application of the merit placement plan.

(1) Human Resources Officer (HRO). The HRO is responsible to the Adjutant General

for ensuring that the requirements of the merit placement plan are carried out. The HRO will:

(a) Ensure compliance with the program delineated by the merit placement plan.

(b) Develop, maintain, evaluate and revise the merit placement plan as necessary.

(c) Provide guidance and assistance to commanders and supervisors concerning their responsibilities under the merit placement plan.

(d) Ensure that candidates are properly evaluated and qualified for placement.

(e) Maintain required records to support merit placement actions.

(2) Managers and supervisors. Managers and supervisors at all levels will:

(a) Ensure that technicians are aware of the program delineated by merit placement plan.

(b) Take actions that are based on merit without discrimination.

(c) Encourage first-line supervisors to take actions based on merit without discrimination.

(d) Notify technicians under their supervision who are absent due to military duty, service school, etc., so they may apply for announced positions for which they could be qualified. Each supervisor is responsible for making a copy of an announcement and sending it to each absent technician when in LWOP status for military duty. Personnel who are aware they would not have an opportunity to see an announcement should furnish the supervisor with a current resume or application format, documentation of credentials, types of positions, grade levels, and locations for which they desire consideration and ask the supervisor to submit the application at the time the vacancy is announced. Supervisors are obligated under the merit placement plan to assist technicians with this task.

(3) Individual Technicians. Technicians are responsible for pursuing developmental opportunities in preparing to

assume higher duties, ensuring that applications contain accurate, current, and complete information concerning qualifications and self-development, arranging with supervisors to submit applications for them during periods of temporary absence, and familiarizing themselves with other provisions of the merit promotion plan,

d. Exception to Competition. Actions which are exempt from competition are:

(1) Reclassification. Promotion resulting from a technician's position being reclassified at a higher grade because of a change in responsibilities or duties, because of new classification standards, or a classification error.

(2) Earlier Competition. Promotion resulting from competition that was held earlier, e.g., position advertised with known promotion potential.

(3) Discrimination Resolution. Promotion or placement to resolve discrimination findings.

(4) Priority Placement. Placement of overgraded technicians entitled to priority placement.

(5) Re-employment. Former technicians who held Tenure 1 status (or Tenure 2 status within 3 years) at the same or lower grade.

(6) Reemployment Priority List. Selection of a former technician from a Reemployment Priority List for a position at the same or lower grade than the one last held.

(7) Re-promotion. Re-promotion to a grade or intervening grade or position from which a technician was demoted without personal cause and not at his request.

(8) Position Changes. Position change to a position having no higher promotion potential or change required by Reduction in Force (RIF) actions.

(9) Temporary Promotions. Temporary promotions of 120 days or less.

(10) Detail. Detail to higher grade

position or to a position with known promotion potential for 120 days or less. Details are optional, but this fill is normally accomplished as a temporary promotion.

4-5. KEY STAFF SELECTION.

a. Key Staff. The Chief of the Office of Human Resources at National Guard Bureau has identified certain key staff level positions that the Adjutant General may select as key advisors who are essential to him (or her). See Appendix Q.

b. Selection Procedures. Key staff positions are exempt from normal merit promotion announcement procedures due to their unique military qualifications and overarching military considerations, the need for their key talents in improving the effectiveness of the Tennessee National Guard, and the special relationship they must have with the Adjutant General (TAG). TAG may select from all qualified technicians available for the position after identifying the criteria required to perform position duties. Criteria used may be education, rank, grade, types of position, years of service, or other merit factors unique to the requirement. TAG will identify the position requirements in writing in advance and notify HRO of the need for a key staff selection. The staffing specialist will screen OPF and the HRO database to determine who meets the criteria and who will be placed on a list of eligibles. This list is provided to the selecting official who will make a selection. The selecting official will provide a statement for record to certify why this selection was the best qualified and identifying the "overarching military considerations" used for selection. There are no notification requirements for non-selected personnel. TAG may optionally announce the vacancy for competition IAW paragraph 4-3.

4-6. PRIORITY PLACEMENT PLAN.

a. Priority Placement Certificate. HRO will maintain a listing of excess or overgrade technicians entitled to grade and pay retention as a result of reduction in force or reclassification. These technicians will be afforded priority placement as outlined below in positions for which they meet the full technician and military qualifications. Such priority placement efforts will precede normal placement actions. See paragraph 4-8f for Title 5 priority placement list requirements for competitive position vacancies

after local priority placement actions are performed.

b. **Qualifications.** Qualifications will be determined by HRO at the time of registration in the system (within 30 days after RIF action and loss of military status). The affected technician and the staffing specialist at HRO will jointly complete OPM Form 1478, Section II, Employment Availability.

c. **Offers for Placement.** If a vacancy of equal or intervening grade for which the technician is fully qualified exists within the commuting area (called the area of consideration), the technician will be offered the position in writing. If there is more than one eligible technician on Priority Placement, the selecting supervisor will be given a list from which to make a selection.

d. **Grade and Pay Retention.** While in grade and pay retention, the technician is entitled to a rate of pay which is equal to a step in the grade of the technician's position after reduction. The provisions of grade and pay retention under priority placement will cease to apply to a military technician who has:

(1) A break in service of one workday or more;

(2) Been demoted for personal cause or at the technician's request;

(3) Elected in writing to have the benefits of retained grade eliminated;

(4) Been placed in or declined a reasonable offer of a position equal to or higher than his (or her) retained grade. A reasonable offer is an offer of a position for which the technician is qualified within his (or her) commuting area and equal to or higher than his retained grade; and

(5) Is entitled by pay system operation to a rate of basic pay which is equal to a step in grade of basic pay which is equal to a step in grade of the technician's position after reduction.

4-7. MANAGEMENT-DIRECTED REASSIGNMENT. The Adjutant General, through the HRO, may reassign or relocate any technician as mission needs dictate without regard to competitive provisions of this plan. In each case, the action must be appropriate to the

circumstances of the individual case and appropriate procedures must be followed. Adverse actions will be processed in accordance with TPR 752 and this regulation. Unacceptable performance will be processed in accordance with TPR 430 or TPR 715 and this regulation. See also Appendix D. The Adjutant General may elect to direct a technician to a lower grade with grade and pay retention for two years. At the end of the two year period, the technician must be regraded to the grade of the position, and the technician would receive only one half of each subsequent cost of living adjustment until the salary catches up to the grade and step of the position.

4-8. TECHNICIAN INITIATED ACTIONS.

a. **Request for Reassignment.** Requests for reassignment from technicians may be considered for vacant and funded positions in the same or lower grade. When a position is advertised, HRO will accept these requests until the closing date of the vacancy announcement. These requests will be considered before any promotion or hiring considerations are made.

b. **Request for Lower Grade.** Requests for reassignment to a lower grade or change to lower grade may be accomplished by SF 52 through their first-line supervisor or by sending a letter to HRO. The request will include the following information:

- Technician's name and mailing address.
- Organizational location and telephone number.
- Position desired (title, series, and grade).
- Organizational location desired.
- Experience applicable to the position.
- Reason for the request.

c. **Request for Other Actions.** May be accomplished using the procedures in paragraph 4-5b above. See Appendix D.

4-9. VACANCY ANNOUNCEMENTS.

a. **Announcement Requirements.** When a vacancy is to be filled an announcement (or advertisement) of the vacancy will be published unless a technician of equal grade is available for reassignment. The announcement will contain the following information, as a minimum:

(1) Title, series, grade, and salary rate of the position.

(2) Type of appointment (Dual Status or Non Dual Status).

(3) Organizational and geographic location of the position. If the position is in the State Area Command, the division and branch will also be identified.

(4) Military requirements (Commissioned officer, warrant officer, or enlisted), compatibility requirements, and exclusions (such as male only position, physical requirements, or military membership stipulation).

(5) Summary of the duties and minimum qualification requirements.

(6) Listing of documents required to substantiate specialized requirements, conditions of employment, developmental training, or military education requirements.

(7) Information regarding known promotion potential, if applicable.

(8) Opening and closing dates, and how to apply.

(9) EEO statement.

(10) Security clearance level required.

b. **Posting of Announcements.** Vacancy announcements will normally be open for at least 15 days, but are encouraged to be posted for longer periods and will normally be posted as soon as received at a facility and remain posted until closing. When a position is announced in a change of organizational activity structure or urgent management situation created by an emergency, the area of consideration may be restricted to the lowest organizational/functional area and may be advertised for three days. When this occurs with bargaining-unit positions, the recognized labor organization will

be informed of the intent prior to the action being implemented. Supervisors should realize that longer advertisement periods will usually improve the number of applications for a position.

c. **Area of Consideration.** The area of consideration (AOC) for each specific position vacancy announcement will be that deemed most appropriate by the HRO and the need identified by the PMO to ensure a sufficient number of qualified candidates. The AOC are as follows:

(1) Non-Dual Status (NDS) [Competitive Service] Positions (Army and Air National Guard).

(a) 1st AOC – Permanently employed NDS technicians of the Tennessee Army National Guard.

(b) 2nd AOC – Names received on an OPM certificate for entry-level positions.

(c) 3rd AOC --- Applicants with career or career conditional status.

(2) Dual Status Positions [Excepted Service] (Air National Guard only).

(a) 1st AOC. Air National Guard technicians permanently employed (tenure groups 1 and 2) within the commuting area of the city in which the vacancy exists.

(b) 2nd AOC. Permanently employed qualified Air National Guard technicians statewide.

(c) 3rd AOC. Personnel eligible for membership in the Tennessee Air National Guard.

(3) Dual Status Positions (Army National Guard only).

(a) 1st AOC. Permanent technicians (tenure groups 1 and 2) statewide.

(b) 2nd AOC. Members of the Tennessee Army National Guard.

(c) 3rd AOC. Applicants eligible for membership in the Tennessee Army National Guard.

d. **Application Procedures.** The application is the basic package of documents by which

the applicant makes known his (or her) qualifications for a position. The application must reflect the applicant's current and past employment data as well as military assignments, qualifications, training, and include any documents required for verification of eligibility. Complete and accurate information must be provided. False statements may result in loss of employment. Since the format ensures that most required information is provided, Applicants should use SF 171, Application for Federal Application, or a similar format. Air National Guard applicants must submit ML Form 0183 to be considered for vacancies (a RIP will not suffice for submission). On board technicians must also complete TNG HRO ASE Form 02, and other applicants are encouraged to complete this form.

e. Special Applications for Positions Requiring Commissioned Status. Applicants who do not have a commission, but who believe they can attain eligibility for employment must provide the following with their application:

(1) Army National Guard. Applicants must submit evidence of eligibility for a commission with the application, normally a Certificate of Eligibility or NGB letter of acceptance for direct appointment. Persons who are employed and who are unable to attain commissioned status will be separated due to failure to meet employment requirements.

(2) Air National Guard. Applicants must graduate from the Academy of Military Science (AMS) after appointment to an officer position and must obtain a commission in order to retain their technician employment.

f. Reemployment Priority List. The DOD Program for Stability of Civilian Employment for Competitive Technicians establishes the "stopper list," a computerized printout from the Defense Data Support Center which provides names of displaced employees from other agencies who are registered in the DOD Priority Placement Program. Placement actions under this DOD-directed program must proceed prior to filling a NDS position by vacancy announcement.

4-10. APPLICATION PROCESSING.

a. Submission. Applications may be mailed or hand delivered (and may be e-mailed or faxed to meet time deadlines if followed up by hard

copy) to HRO and must be stamped-in by HRO not later than the close of business on the closing date of the announcement. Applicants should be encouraged to send applications far enough in advance for the application to arrive on the day before the announcement closes. Since mail interruptions are more frequent now, early mailing of the application gives it a better chance of being delivered before the closing date. Applicants should be aware that certifying or registering mail may actually slow the delivery time.

b. Eligibility. Applications will be reviewed by HRO (Staffing Specialist) to determine whether the applicant submitted the required items to be evaluated for the position. Staffing actions will first be performed to determine whether applicants meet the area of consideration requirements and basic eligibility or selective placement factors. Applications are screened to determine if the applicants provided minimum documentation to make a qualification determination. When a position requires documentation to support qualification, this evidence must be enclosed in the application. For example, for positions requiring driving check to ensure that a copy of a valid driver's license enclosed; that a copy of a college transcript enclosed for positions requiring a particular level of civilian education; that a copy of the security manager statement is enclosed to support a particular security clearance level; or that the USAF form supporting multi-engine ratings or army aviation aircraft certification is enclosed.

c. Evaluation of Experience. All applications will be reviewed by HRO (staffing specialist) to determine if they meet minimum qualification for experience requirements of the position. If the applicant meets the minimum requirements for qualification, he (or she) will be certified to the selecting official based on AOC. The selecting official may select or non-select any candidate referred on the certificate. The selecting official may defer, with the approval of the HRO, to the next higher official in the chain of supervision if he (or she) feels there may be a conflict of interest, appearance of inequality, or other reason not to perform as the selecting official. If there are several certified applicants, based upon the agreed upon number by bargaining unit contract, special evaluation procedures will be used to rate and rank candidates. The panel will consist of at least three members, one of whom will be qualified in qualifications examination techniques and the

other two will have career field technical expertise or familiarity. The HRO will provide a merit-ranked certificate of candidates to the selecting official. HRO will notify those individuals who were rated as qualified, but not selected for interview by the panel. No additional names will be sent to the supervisor after rating and ranking.

d. Interview by Supervisor. Every effort will be made to conduct personal interviews from the list of qualified applicants. The supervisor may also elect to have another person present during the interview to provide technical information and serve as a witness to the interview process. When personal interview is not possible, telephone interviews may be conducted. A standardized list of questions, used to interview each applicant, will be developed by the selecting supervisor who interview the applicants. To avoid unintentional acts of discrimination, a prepared list of questions will be developed to reveal only potential, motivation, quality, expertise, and skills, and to eliminate any question for which there could be an implication of discrimination. No additional questions should be asked in the interview process. Each candidate will be required to sign and date the list of questions to validate that no other questions were asked. This list will be retained by the supervisor in a locked cabinet. If a candidate cannot be interviewed at all, the supervisor will explain the unique reasons that prevented the interview and enter these comments on the reverse of the selection certificate (NGB Form 300-6). Selection actions may be invalidated if a candidate was available, but was not offered an opportunity for an interview.

e. Selection. The supervisor will make a selection using the selection certificate, NGB Form 300-6. The supervisor's choice should be identified by entering the remark, "S," meaning "Selected" after the name of the choice. Enter "NS" for "Not selected" after those who are not selected for employment. Other remarks are available on NGB Form 300-6 for entry to explain various actions. The supervisor will retain one copy of the selection certificate, sign the other one, and forward it to his (or her) PMO. The PMO will approve or disapprove and forward the selection certificate to HRO. Should all candidates be rejected by the supervisor or should all applicants be rejected, the selecting official should return the certificate to the HRO requesting an extended area of consideration.

f. Certificate Expiration Date. The supervisor and PMO must sign and return the recommendation certificate with attachments to HRO before its expiration. If the selection is not made and the selection certificate is not received at HRO by close of normal business on the expiration date, the announcement is cancelled. HRO may extend the expiration date if it is requested before the expiration occurs.

g. Position Management Officer (PMO) Action. The PMO may approve or disapprove of the selecting official's recommendation and forward the certificate to the HRO. Signature of the PMO is required. [NOTE: For Key Staff Positions, only TAG signature is required.] If intermediate or higher supervisors do not concur with the selection, the selection is not changed but the certificate will be reviewed by TAG for a decision.

h. The Adjutant General (TAG) Action. Should TAG disapprove the selection, the certificate will be returned to the supervisor for further selection action. TAG must approve all certificate selections, but this authority may be delegated to the HRO.

i. Final Action Before Approval. When the supervisor receives TAG approval of the selection from HRO, the supervisor will notify all applicants of the selection decision. Normally, those persons who are not selected are notified first. This tends to prevent the news of non-selection being provided to an applicant prior to official channels notification. Non-selected applicants will not be provided a reason for non-selection. Record the date each person is notified as it occurs on the duplicate copy of the certificate which was retained and return it to HRO when all applicants have been notified of selection or non-selection.

j. HRO Action. HRO will formally notify all candidates not interviewed of the selection decision in writing. The affected labor organization will also be notified in accordance with the bargaining agreement when there are non-qualified bargaining unit applicants. A release date will be arranged with the PMO or supervisor for the technician to begin work in the new position. When an on-board technician is selected, the military technician will be released from his previous position. Release will be coordinated between gaining and losing

supervisors and PMO's, but normally a two week period is the preferred release time. Where agreement cannot be reached, the HRO will direct the effective date.

k. Merit Placement File. Complete records will be maintained by HRO to provide a clear historical record of the employment or promotion process. This ensures fairness, a means to evaluate the merit placement program, and will provide proof for evaluations or reviews, grievances, or investigations that employment steps were accomplished in an equitable and legal manner. HRO will maintain a copy of all applications and associated documents, to include the position vacancy announcement. Records will be maintained for a minimum of two years. If a grievance or court case was connected to the position, the records will be maintained in a separate locked file until resolution.

l. Privacy Protection. Information relating to individual placement action or to the applicant will not be shown to anyone without a need to know the information nor will the information be discussed with unauthorized individuals.

4-11. UPWARD MOBILITY PLAN.

a. Policy. The Upward Mobility Plan is a training and education program designed to allow technicians to advance so they can perform at the highest potential necessary to accomplish their mission. This plan has the essential parts of the Intern program. This policy is implemented without regard to race or color, religion, gender or age (except where limited by the military assignment), marital status, or non-disqualifying physical handicap, national origin (except for requirements of citizenship), reprisal, lawful political affiliation or lawful bargaining unit (labor union) membership.

b. Job Restructuring. This element is required to develop a different pattern of positions in an organization in which essentially the same amount of work gets done. It is not the same as upward mobility, but essential in getting it accomplished.

c. Eligibility. To be eligible for participation in upward mobility, a technician must be in permanent status and be in a dead-end position which lacks promotion potential below the grade of GS-9 or WG-equivalent. Fill must be based upon the Merit Placement Plan guidelines.

Military grade requirements must be met before the technician enters the target position.

d. Upward Mobility Coordinator. The HRO Staffing Specialist will be the coordinator for the Upward Mobility Plan and will assist PMO's in developing target positions and transition positions in locations where dead-end positions have been identified.

e. Appraisals. Technicians who are selected for participation will be evaluated using HRO Form 430-1 and locally developed Upward Mobility Evaluation.

4-12. SERVICE CONVERSION.

a. Conversion to Dual Status (Excepted Service). Entrance into the excepted service from competitive service may be accomplished through announcement of the position for competition. Title 5 USC career civilian status technicians may be appointed to dual status positions if the appointment is to the same or lower grade and all membership and employment stipulations are met. Non-dual status technicians may not convert to dual status technician in their own position.

b. Conversion to Non-Dual Status or Title 5 Competitive Service. Entrance into the competitive service may be accomplished through announcement of the position for competition. Technicians with a background in the excepted service may enter the competitive service with the following stipulations.

(1) Involuntarily-Separated Technicians.

(a) Must have served as least three years as a technician.

(b) Must have been involuntarily separated from excepted service for other than removal for cause or for charges of misconduct or delinquency.

(c) Must pass a simple non-competitive examination given by the employing agency.

(d) Must enter the competitive service within one year after separation as an excepted (dual status) technician.

(e) Must provide preliminary employment data.

(f) Must request the federal agency that agrees to accept the lateral appointment to coordinate with HRO so that pay actions, leave transfer, and other accession requirements are accomplished in a timely manner.

(2) Currently-employed Dual-Status Technicians.

(a) Conversions "in place" are prohibited.

(b) Entrance into the competitive service for another federal agency must be accomplished through announcement of the position for competition. Applicants must have status and be interviewed from a certificate of eligibles (SF 39) or federal register to be considered.

4-13. REEMPLOYMENT RIGHTS.

a. Restoration Rights Following Training Duty. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) requires that an employer may not discharge a National Guard member because of his (or her) military obligations or to discriminate against such a person with regard to hiring, promotion, reemployment, termination or benefits. The employer must have received written or verbal advance notice of the military duty. Military technicians who are serving in a permanent

status are eligible to enter active military duty after applying for technician status leave without pay (LWOP). Service members may not be forced to use vacation time to attend military training. There is no limit to the number of military periods of duty USERRA protects nor is there any maximum length of military duty if called to or extended on service ordered by the President or the Congress. Each period of duty reestablishes USERRA rights no matter how many times it has been used before.

b. Temporary Employment. Temporary employment is not always protected, especially if the authority for continuation was limited and there was no reasonable expectation that the employment would have been continued. Permanent and indefinite status technicians are protected.

c. Application for Restoration. USERRA does not apply to persons who leave the technician service to pursue another career, so a limitation of restoration is implied by the law. If the military duty was entered voluntarily, technicians are entitled to restoration so long as the Title 10 or Title 32 USC military service does not exceed five years. Technicians who entered military duty involuntarily are entitled to restoration without regard to length of service. Technicians must make application to restore within the following periods of time after release from active duty:

USERRA RESTORATION

Active Duty

Apply for restoration at HRO

Under 30 days AD
30-180 days AD
Over 180 days AD

After 8 hours, then next regular workday after REFRAD
NLT 14 days after REFRAD
NLT 90 days after REFRAD

Figure 4-1. Time Limits for Restoration

d. Types of Service Exempt from Five Year Limit. USERRA does not apply to persons who leave the technician service to pursue another career, so a limitation of restoration is implied by the law.

(1) Required National Guard training necessary for professional development or skill training.

(2) Involuntary call-up.

(3) At no fault of the soldier, unable to obtain orders of release from the service or service in excess of five years of obligated service imposed due to special training requirements.

d. Implied Resignation. Absence of lengthy periods of time (several years), especially when the person obtains a retirement from active status, implies an intent not to return. USERRA rights may not be extended in these cases. Five years will be the limit authorized for USERRA rights for voluntary service.

e. Loss of Status. Retention protection does not apply for persons who are discharged from military service with an other than honorable discharge, bad conduct discharge or dishonorable discharge.

f. Personnel Action for Restoration. If available, the technician will be placed in his (or her) previous position or a similar position and grade. The law requires the technician to be returned to work immediately without loss of status or seniority. Except for cause a special period of one year's protection applies against discharge of those who restore after 180 or more days of active service.

4-14. REDUCTION IN FORCE.

a. General. When organization structure changes occur that cause a reorganization or elimination of FTM positions, technicians may be removed from their previous position and reassigned or separated. When technicians are forced to separate due to loss of positions, a reduction in force (RIF) occurs. Any placement offer made to dual status technicians as the result of a RIF must have a compatible military assignment concurrent or prior to the reassignment action, unless waived by TAG or NGB.

b. Tenure Groups.

(1) I – Permanent.

(2) II – Permanent in trial status or career conditional status (probation).

(3) III – Indefinite.

c. Air National Guard Competitive Areas. Competitive areas are established based upon the number of affected personnel in the organization or activity during the RIF:

(1) State. If 15 or more technicians are adversely affected, the competitive area will be statewide.

(2) Area. If 8-14 technicians are adversely affected, the competitive area will be on an area basis.

(a) Nashville area (including Chattanooga).

(b) Knoxville area (including Alcoa).

(c) Memphis area.

d. Army National Guard Competitive Areas.

(1) Limited RIF. Within major commands.

(2) Statewide RIF. A statewide RIF will

be accomplished in accordance with the bargaining agreement. Abolished positions will determine the size of the RIF. Statewide RIF procedures will be applied when the RIF involves 30 or more technician positions in a "AA" entity, including the count of the supporting Organizational Maintenance Shop and Unit Training Equipment Site (UTES) positions.

e. Retention Register. A retention register will be created to be used in a RIF to establish a RIF order of merit list or Order of Release List (ORL). Technicians in positions affected by the RIF will be listing in descending order within their competitive levels, starting with the technician with the most points. Points are calculated based upon tenure of employment, performance appraisals, and length of service. Within tenure groups, add the points of:

(1) The average score of the last three official performance appraisals, HRO Form 430-1, Technician Standards and Appraisal, using the following point scale for the overall evaluation determination.

- (a) Unsatisfactory = 0 points.
- (b) Fully satisfactory = 4 points.
- (c) Outstanding = 8 points.

(2) Grant one point for each technician year of service since the service computation date (SCD).

f. Tie-Breaker. The tie-breaker for retention will be the technician with the earliest SCD. The service computation date (SCD) is computed based on all creditable military and civilian service performed in the Federal government. The Tennessee National Guard military service date will be used as the second tie-breaker.

g. Implementation.

(1) Release of Technicians. Release of technicians under RIF procedures will be done by releasing the technician with the lowest score on the ORL in the following order: Tenure Group III, Tenure Group II, then Tenure Group I. Only appraisals, using HRO Form 430-1, on hand prior to the announcement of the reorganization will be used in calculations. HRO will consider only those technician appraisals on hand when the announcement occurs and will not use any appraisal forwarded later for RIF purposes.

(2) Placement of RIF Technicians. Personnel who are removed from technician positions due to RIF may be placed in vacancies elsewhere by HRO in either the same grade or lower grade. HRO may waive all requirements except education and military requirements. Reemployment priority lists (RPL) will be established by HRO based upon tenure group and retention standing. An RPL is good for two years unless a name is removed due to selection for reemployment, a valid offer is made and rejected, or if the individual asks for his (or her) name to be removed.

CHAPTER 5 PERSONNEL ACTIONS

5-1. PURPOSE. This policy prescribes procedures for requesting personnel actions and instructions regarding the maintenance of the Supervisor's Record (Technician Work Folder). Personnel actions are accomplished through submission of SF 52, Request for Personnel Action (RFPA). See Appendix D.

5-2. REFERENCES. 32 USC 709, TPR 296-33, TPR 700, Chapters 715, 732 and 751, TPR 752, and TPR 800.

5-3. RESPONSIBILITIES FOR PERSONNEL ACTIONS.

a. First Line Supervisor. The first line supervisor must initiate a request for personnel action by submitting SF 52 in original only. If fax or e-mail SF 52 is forwarded for information action, the original, signed by the PMO, must be received for final acceptance.

b. Position Management Officer (PMO). The PMO must authenticate information, agree with the actions proposed (or disapprove them) and forward the RFPA to HRO. If funding is required for position fill, the PMO will route the RFPA through the appropriate financial manager, e.g., temporary positions for TANG support or unit activations.

5-4. ASSIGNMENT POLICY. A military technician will be the sole occupant of the military duty position to which he (or she) is assigned. The military duty assignment must also be compatible with the military technician's position description requirements (also found on the position announcement). Technicians who are not compatible may be separated with 30 days notice. Technicians must also be the sole occupant of their SPMD position.

5-5. VOLUNTARY ACTIONS.

a. General. All voluntary actions are accomplished using SF 52. A statement will be entered on the back of the RFPA in Block E to indicate whether the technician concurs or non-concurs. A technician's resignation letter may be attached to the SF 52 by the supervisor. The technician's signature and the effective date must both appear on the document sent. The effective

date is the date entered in Part E, Block 2 and must match the date entered in Part B, Block 4, the effective date requested by the First Line Supervisor.

b. Request for Reassignment. A request from the technician for transfer to another position must be accomplished by SF 52. Coordination should be made between the technician, his (or her) current supervisor, and his (or her) proposed new supervisor prior to initiating the request.

c. Change to Lower Grade. A technician can request a voluntary change to lower grade at any time. Such requests are normally made for personal reasons and are usually in the technician's own best interest. A request for voluntary change to lower grade must be in writing with all the facts and circumstances surrounding the action documented. A voluntary change to lower grade at the request of the technician does not carry a right to pay retention. Requests without explanation will be disapproved to protect the technician. Reasons for the request will be entered in Block E of SF 52.

(1) Prohibition of Involuntary Change to a Lower Grade. Management cannot demand that a technician request a change to a lower grade. When a technician is faced with an adverse action, management can advise the individual of the option to voluntarily request a change to lower grade. To make a well-informed decision, a technician should be referred to the HRO for rights and benefits information. A technician who alleges that his (or her) change to lower grade was not voluntary has a right to request an appellate review or administrative hearing (see TPR 752).

(2) Withdrawal of Request. A technician may request to withdraw his (or her) voluntary request for change to lower grade before it becomes effective. Requests to withdraw must be in writing (signed and dated); verbal requests must be followed up in writing. Management may deny withdrawal if the request is made verbally or if a technician's written request to withdraw is received after the action has become effective.

c. Resignation. A technician may resign at any time, and advance notice is not necessary, but technicians are requested to provide two weeks notice to allow for replacement actions,

work adjustment, or a short training period for the successor in some instances. Resignation is a voluntary termination of employment. A supervisor may advise the technician of the option to resign if he (or she) is faced with an adverse action, but may not demand a resignation. A technician who resigns rather than face an adverse action process forfeits his (or her) appeal rights in the adverse action. To make a well-informed decision, a technician should be referred to HRO for rights and benefits information.

(1) Processing. The effective date of a resignation will be the date requested by the technician; a resignation goes into effect at 2400 hours on the effective date. The technician should request the supervisor to complete SF 52 with the technician's entries, signature, and date in Block E, or may submit the resignation in writing, signed and dated, with an effective date and reasons for resigning. When the resignation is made orally, management should try to obtain written confirmation of the resignation from the technician. If this is not possible, the person to whom the resignation request was made prepares a memorandum for record to document the request including reasons given by the technician, the date, and the names of any witnesses. Relevant documents should be attached to the SF 52 to speed processing. Technicians are encouraged to provide the specific reason for resigning since these reasons are used to determine future employment eligibility, entitlement to various benefits including unemployment compensation, and whether management policy requires changes.

(2) Withdrawal of Resignation. Prior to the effective date and time of a resignation, a technician has the right to withdraw the resignation without management denial. Management may deny or withdrawal of resignation if the position has been abolished or if a successor has been selected for the position. If a technician requests to withdraw a resignation before the resignation becomes effective and is denied, then management must provide written explanation of its decision and advise the technician of the right to request an appellate review or administrative hearing (see TPR 752 for a description of both appeal processes). Management has the burden of establishing the validity of its reasons for denying withdrawal. A technician who has resigned and then alleges that the resignation was not voluntary must be

advised by the HRO of his (or her) right of appeal. The technician can request an appellate review or administrative hearing (see TPR 752) for a description of both appeals processes. The burden is upon the technician to prove by a preponderance of the evidence how the resignation was made involuntarily. Case law holds that free choice is undermined when technicians experience duress, time pressure, or mental incompetence at the time of their decision. Several decisions hold that a resignation is deemed involuntary if free choice is compromised (obtained by deception, coercion, duress, time pressure or intimidation).

d. Abandonment of Position. Absence without leave (AWOL) from the position for less than 10 calendar days is an attendance infraction and may be dealt with in accordance with TPR 752, Appendix A, Table A-5, Offense # 1, but a technician is considered to have abandoned the position if absent for 10 or more calendar days. Technicians will be removed for voluntary abandonment of position. The supervisor must attempt to determine if the technician does not intend to return. A technician who asks to return to duty after abandonment of position action is effective will be advised by the HRO of his (or her) rights of appeal (see TPR 752, paragraph 2-9). The burden is upon first-line supervisor and the PMO to prove that the technician abandoned the position including identification of AWOL in time and attendance actions and applied sanctions. If no intention to return can be established, an SF 52 should be forwarded to HRO requesting removal with documentation of the attempt to contact the technician attached. HRO will notify the technician of termination by mail to the last known home address. Removal will be effective on the last day that the technician was at work or the last day of approved leave, whichever is later. Abandonment of position is a voluntary termination from technician employment and does not require the 30 day notification established by 32 USC 709.

e. Optional Retirement. The effective date of a request to retire must be specified in the retirement application. Retirement is effective at 2400 hours on the date the technician asks the retirement to be effective. A request for optional retirement may be withdrawn before it becomes effective. Management is obligated to accept verbal withdrawal of retirement in the initial request either to the supervisor, PMO or HRO;

however, any verbal request must be followed up in writing. See Chapter 15.

5-6. INVOLUNTARY ACTIONS.

a. General. Involuntary actions are those actions taken by management with or without consent of the technician. A statement will be entered on the back of the SF 52 in Block D to indicate the supervisor's reasons for initiating the action, or a letter of explanation may be attached to the SF 52 (in which case, Block D will reference the attachment). The PMO will concur or nonconcur in Part F (Part 5) of SF 52 or will attach a letter of concurrence or nonconcurrence. A statement will be entered on the back of SF 52 in Block E to indicate that the technician has been advised of management's intention to take action (or a letter from the technician may be attached indicated his or her agreement or disagreement). The effective date is the date entered in Part A, Block 4 by the HRO, normally the date entered in Part B, Block 4, the effective date requested by the First Line Supervisor.

b. Management-Directed Reassignment. Management may elect to reassign a technician to a position of equal pay and grade for which he (or she) qualifies with or without consent of the technician. An entry will be made in Block D of SF 52 to indicate the reasons for this decision. The technician must also sign Block E to indicate whether he (or she) concurs or non-concurs (and the technician may attach a letter). A non-concurrence is grounds for separation after 30 days notice. The effective date is the date entered in Part A, Block 4 by the HRO, normally the date entered in Part B, Block 4, the effective date requested by the First Line Supervisor. Any date appearing in Part E will be immaterial.

c. Detail. A detail is a short duration reassignment to another duty or location to accomplish an unforeseen requirement or workload. Details will normally be effected for no more than 120 days, but may be approved by HRO for greater periods of time. A technician will not normally be detailed to perform work of a higher grade level unless he (or she) is temporarily promoted to the higher grade. The detailed technician's position may not be permanently filled while he (or she) is on detail, and the technician remains officially assigned to the original position. Details are accomplished by SF 52.

d. Administrative Separation. A 30 day notice of termination is required to be sent to the technician prior administrative separation. The technician may provide evidence for the record if it appears the action is based upon incorrect information. A notice of counseling by the first line supervisor must normally be accomplished prior to any TAG letter of termination. A copy of the notice will accompany the SF 52 with the technician's signature in Part E (unless he (or she) refuses to sign, in which case the situation will be explained and signed by a witness). Notice of termination may be in person and labor organization representation is not required. Reassignment or reclassification will be considered first as an option before administrative separation is requested. When a decision to terminate a temporary employee has been made, a 30 day notice is not required, but a letter should be sent to the technician reminding him (or her) of management's intent to separate on the "not-to-exceed" (NTE) date

(1) Loss of Military Membership. When a dual-status (excepted service) member loses membership in the National Guard, notice of termination of his civilian employment will be sent to the technician by the TAG. The last day of the 30 day notification must be a workday, but the effective date may occur during any holiday season. TAG policy for the Tennessee Army and Air National Guard is to delay the effective date until after a holiday period has ended except in extraordinary cases.

(2) Failure to Meet Military Appointment Requirements or Military Position Requirements. Failure to meet appointment requirements in AR, AFI, or NGR may result in a notice of termination. Position requirements are identified in various publications and position descriptions, but will normally be found on the position vacancy announcement. Temporary conditions may be waived for a short time, but permanent conditions require reassignment or termination. Reasons for termination include:

(a) Compatibility. Technicians are required by law to be assigned to a military position that is in the same technical field, similar to, or compatible with their technician position description. Should a technician cease being compatible, the agency may be required to provide a 30-day notice of intent to remove from employment. Other ways of becoming incompatible include failing a military course that

requires the technician to be militarily reclassified and reassigned to an incompatible position. A military reassignment due to poor performance may result in an incompatible assignment. Military commanders may reassign the technician to a new assignment that is compatible (even though it may require military administrative reduction), but this option belongs to the chain of command. The technician may request a waiver from TAG for a short time to allow a later reassignment to a compatible position, or at the option of management, the technician may be terminated due to failure to maintain a compatible military assignment.

(b) Position Requirement. Officers may not be assigned to an "enlisted only" position by law. There is no waiver for this provision. Enlisted members should not be assigned to officer positions, but a waiver may be requested from NGB in cases where a fully qualified enlisted member is available and where a qualified officer cannot be found.

(c) Prohibition of Grade Inversion. A technician may not hold a position that creates a military rank inversion, i.e., be supervised by a person of lower military grade.

(d) Flying Status Requirement. Most aviation positions require technicians to maintain flying status.

(e) Instructor Pilot Requirement. Some aviation positions require technicians to maintain current instructor pilot qualifications.

(f) Crew Chief Qualifications. Some aviation positions require special physical standards for Army and Air National Guard crew chief status. When required to maintain flying status any condition that permanently grounds a technician is grounds for a notice of termination.

(g) Driver's License. Many positions require technicians to maintain a current state and military driver's license. All maintenance positions require a driver's license. Losing a license permanently or for over 30 days is grounds for a notice of termination.

(h) Security Clearance. Most FTM positions require some level of security clearance. Failure to receive or maintain a security clearance required for the position is grounds for reassignment or notice of termination.

(i) Firearms Clearance. Some security positions require a current clearance to carry a firearm. Failure to maintain a clearance for these positions requires reassignment to a position not requiring a clearance or notice of termination.

(j) Training Failure. Failure to complete required training as published in the position vacancy announcement causes a breach of contract (see Appendix L). Failing to complete training for which there is a requirement in the position may result in reassignment to a position not requiring the training or a notice of termination. The first-line supervisor will retain a copy of the military training agreement (contract) signed by the technician regarding his (or her) acceptance of training as a condition of employment, and the original will be filed in a training suspense file or the OPF at HRO. Should the technician fail to meet this obligation within a year, an SF 52 with a copy of the training contract attached will be forwarded to terminate the technician's employment.

(k) Physical Requirements. A technician must meet physical requirements of his (or her) position in order to perform his position duties efficiently and safely. For example, if a heavy mobile equipment repair leader or mechanic is prohibited by his physician from lifting or climbing due to physical reasons, there is grounds for reassignment or notice of termination.

(3) Termination of General Officers. A military technician promoted to general officer cannot continue in technician employment unless he meets the criteria in TPR 300 (Air National Guard only). When a technician is nominated by the President to the Senate for promotion to general officer grade, the HRO should notify the technician immediately that promotion to general officer will result in termination from technician employment. To meet the requirements of law, the termination must occur:

(a) For Army National Guard, effective the day before the extension of Federal recognition as a general officer; and

(b) For Air National Guard, effective not later than 14 days following the date of U.S. Senate confirmation of appointment.

(4) Notification of Separation for Dual

Status Personnel. Federal law requires dual status technicians (excepted service) personnel to maintain membership in the National Guard as a condition of continued employment and requires prompt termination upon loss of membership in the Army or Air National Guard; however, termination may be delayed while awaiting adjudication from OPM on retirements or disability separations. A technician must be notified in writing of his (or her) termination at least 30 calendar days before the termination date. The following rules apply when computing the 30 day notice: (1) day means calendar day, (2) calendar day is the 24 hour period between 12 midnight and 12 midnight, (3) the 30 day period begins the day after the notification is given directly to the technician, or if mailed, 5 days after the date mailed as shown on the certified mail return receipt, and (4) the last day of the 30 day period may not be a non-workday. There is no prohibition against effecting this action during the period 15 December through 3 January; however, this agency will not normally terminate technicians during the holiday season except in unusual cases. A technician has the option of waiving the 30 day notice (waivers must be in writing). Preparation and issue of the notice is a HRO responsibility.

e. Transfer of Function or Abolishment of Position. Either of these actions fall under the provisions of a RIF. Failure to obtain another valid position may result in termination. See paragraph 4-8.

f. Furlough. This action is necessary when there is a shortfall of funds caused by over-commitment or transfer of funds, failure to approve authorization or budget by Congress or the President, lack of work, or unforeseeable circumstances such as a breakdown in equipment, natural disaster, sabotage, or other sudden emergency requiring a curtailment of activities. Furlough may be referred to as a "layoff." Labor organizations will be notified in advance of any intent to furlough. A notice of furlough will be provided to each technician as soon as possible, but unless prevented by law, before the effective date of the furlough. The notice may be sent to the technician's address of record. The notice will include the reason for the furlough, the estimated length (up to 30 consecutive calendar days or 22 days nonconsecutive, for example), and will include a notice of the right of the technician to appeal. Objections to furlough will be sent to HRO, and

TAG will review each case individually. The decision will advise the technician that there is no administrative appeal to TAG decision. Furloughs of greater than 30 consecutive calendar days or 22 nonconsecutive days will be handled as a RIF.

g. Enforced Leave. When a technician appears to make the workplace or himself (or herself) unsafe due to illness, alcohol abuse, medication, controlled substance abuse, or other causes, including rage, the technician may be placed on enforced leave. A technician may be instructed to leave the work site if it is probable that he (or she) can do so safely. Management may decide what type of leave, i.e., annual leave, sick leave, LWOP, in which to place a technician who is forced to leave the workplace when their presence is considered a threat to persons or property or due to not being "ready, willing, and able" to perform assigned duties. When there is a doubt about whether the technician can get home safely, the supervisor should arrange for a family member or co-worker to transport the technician home. Only if the problem was caused by illness is the supervisor required to allow the technician to later decide what type of leave should be requested as an administrative correction to what has already been submitted. Enforced leave will not be continued when it is apparent the emergency is past and that the technician is ready to perform his or her duties. If enforced leave is applied, the supervisor should determine if disciplinary sanctions are required.

5-7. REQUESTS FOR LIGHT DUTY FOR OWCP CASES. Technicians should normally not be returned to duty if they cannot perform all the physical functions of the position description. There are, however, some situations in which the supervisor may allow a worker covered by the Office of Worker's Compensation Program (OWCP) to work for a short period of time under "light duty" without a change in the position description, but this period may not exceed two weeks. For personnel under OWCP who still cannot perform duties required by the position description, a request for a detail or Statement of Differences must be sent to HRO. The technician may not be allowed to continue duty without this approval, especially in cases where the technician has been hospitalized or where there is a doubt regarding whether there may be further harm to the technician's medical condition due to performance requirements. The HRO may require a technician to undergo a physical examination prior to return to duty. Extended

inability to perform position duties may require a reassignment or a disability termination or retirement.

5-8. REQUESTS FOR TEMPORARY FULLTIME SUPPORT.

a. Indefinite Technicians. Although an indefinite technician is not technically temporary, such a person is employed for a short period of time to accomplish a specific mission or assignment. The period of indefinite employment should not exceed 1-3 years.

(1) Request for Employment of Indefinite Technicians. A supervisor may request employment of an indefinite technician when a requirement develops for which there will be an employment need for a short period of time less than three years, there are many years available to support the employment, and position vacancies are available for the type of employment required. An indefinite technician receives the benefits of health insurance coverage and other permanent technician benefits. A request for an indefinite technician will be submitted with a probable project end date in Block D of the SF 52.

(2) Termination Actions for Indefinite Technicians. A determination must be made by the first line supervisor each year if the mission or assignment has been accomplished and whether the technician should be terminated or converted to permanent. Indefinite employees should be encouraged to apply for permanent positions if they have good performance. Indefinite technicians must be issued a 30 day notice of termination prior to the separation.

b. Temporary Hires.

(1) Request for Temporary Technicians. A supervisor may request a temporary technician for emergency work or when a requirement develops for a short period of time less than a year, and there are funds available to support the employment. A position vacancy must be available for the type of employment required. A temporary technician does not receive the same benefits of health insurance coverage and other permanent technician benefits. A request for a temporary technician will be submitted with a "Not to Exceed" date.

(3) Extension/Termination Actions for

Temporary Technicians. A determination must be made by the first line supervisor whether there is still a need for the temporary technician and whether there are funds available to support the position. If an extension is anticipated, the first line supervisor will forward an SF 52 to extend the employment. Temporary technicians should be informed of the decision to extend or terminate not later than two weeks from termination.

c. Unauthorized Employment. First line supervisors or PMO's may not, under any circumstances, advise a proposed temporary technician to begin work until formally notified by HRO of employment approval and provided with a start date. Authorizing persons to begin work before the signature of the HRO approving federal funding is a violation of federal law and may open the supervisor and PMO to an adverse action.

5-9. SUPERVISOR'S RECORD.

a. Supervisor's Brief. Each first line supervisor is required to maintain a folder for each supervised technician. The supervisor's folder may also be referred to as a "Technician Work Folder" or "Supervisor's Work Folder." This folder may be a manila file folder or a hardback (cardboard) folder with partitions, but not SF 66, Official Personnel Folder. Supervisor's Folders provide the only readily available system for the supervisor to keep current information regarding technician's supervised. First-line supervisors must keep a separate work folder for each technician, but higher-level supervisors are not permitted to maintain duplicate work folders or make entries in the record for lower levels than one level below them. Work folders are a part of the Technician Performance File System and are subject to the Privacy Act.

b. Required Documents.

(1) NGB Form 904-1, Supervisor's Record of Technician Employment (Orange stock). This form is no longer published and has been replaced by the electronic, "Supervisor's Brief." The supervisor's brief is sent to each gaining supervisor when a change of position occurs. The orange stock record or a copy may still be maintained as an option to the electronic form. Pencil entries in Item 12 will be made to record counseling of performance. First line supervisors must establish their own schedule based on birth month for those technicians they

evaluate so that this important step is not forgotten. Appraisal ratings for the last three years are also entered in pencil. The technician's current home address and telephone number should be entered in pencil as well due to the possible number of changes.

(2) OF 8, Current Position Description. A copy of the technician's current position description should be in the file, signed and dated by the technician and the supervisor.

(3) Position Announcement. A copy of the job announcement (or "advertisement") of the technician's position will be included in the file. This requirement ensures that job requirements and special experience requirements are easily found. Critical element information can be obtained from this document for entries on the position standard and appraisal.

(4) Performance Standards. The supervisor will record the expectations of the technician in performance standards on HRO Form 430-1, Technician Standards and Appraisal. Standards are developed by the supervisor from the position description, and expressed as measurable objectives or tasks. This discussion is attested by signatures and dates by the supervisor and technician.

(5) Appraisals. Performance of the technician will also be recorded on HRO Form 430-1, Technician Standards and Appraisal. The appraisal will be entered on HRO Form 430-1 that has been approved as the technician's performance standards. Retain the last three appraisals. Previous appraisal dates and evaluations may be shown in pencil on the NGB Form 904-1, but appraisals prior to the last one are immaterial to any positive or negative actions anticipated except to show trends.

c. Optional Documents.

(1) Conduct-related Items. Conduct-related records should be maintained until no longer relevant. If the items are retained due to a continuing or recurring problem, the file becomes more sensitive and should be locked in a secure container or file cabinet. Supervisors will take care not to include any adverse actions in work folders after punishment or sanctions have been administered, and it is obvious the technician has changed his (or her) performance. Copies of letters of reprimand may not be kept in the work

folder, but will instead be kept in the Official Personnel File (OPF) at HRO for the duration of the letter. If a letter of reprimand or censure does not have a duration date, it may not be retained in the file at all. Notation of punishment on NGB Form 904-1 is normally sufficient for record in the work folder.

(2) Leave or Work Schedules. Leave schedules for advance notice of desired annual leave may be retained in the file. Work schedules to indicate the hours of work normally worked may be included.

(3) SF 52's. SF 52 copies may be kept until the action is completed. Original copies of the SF 52 should be provided to the technician with a copy of the SF 52 retained for the supervisor's folder.

(4) Training Documents. Copies of correspondence or forms related to training may be kept until training is completed. Training plans may be kept until no longer relevant.

(5) Special Experience or Training Certification. Special documents required for the position, for example, copies of licenses, professional accreditation, certificates of proficiency documenting knowledge of equipment, tools, firearms proficiency, emergency medical technician certification, or other similar validations, may be retained in the file. This includes diplomas or transcripts from colleges or universities when a particular civilian education level is required by the position. Training certificates that are not relevant to the position requirement will not be filed in the supervisor's folder.

(6) Awards. Copies of documents supporting awards or other special recognitions may be retained in the file. "Time Off Awards" should be recorded on the Supervisor's Brief or NGB Form 904-1.

d. Prohibited Documents.

(1) Letters of Reprimand (LOR). LOR's may not be retained in the work folder, but must be filed in the OPF at HRO. An entry on the NGB Form 904-1 or supervisor's folder will be adequate for record.

(2) Old SF 50's. The SF 50 or copies of

the SF 50 may not be retained in the folder after the Supervisor's Brief or NGB Form 904-1 has been posted. SF 50's should be recorded on the folder and given to the technician.

(3) Security Investigations. Security investigative records and reports will not be retained in the work folder. This material will be retained in a separate secured file until the action is completed.

(4) Letters of Indebtedness. Letters of indebtedness which have no bearing on a technician's ability to perform his duties will not be retained. However, if such information is important in regard to overall deterioration of performance, the possibility of loss of security clearance which is a job requirement, or may affect the reputation of the National Guard due to its flagrancy, the materials may be retained pending conclusion of the incident.

(5) Medical Records. Not retained in the supervisor's folder except when the material forms a part of an overall failure to maintain job requirements or physical stipulations for performing the job. This includes SF 256, Self-identification of Medical Disability. Such material may be retained only so long as it is relevant to loss of employment. These records may not be retained due to the "likelihood" of future problems. If the technician meets the job requirement, the materials will be removed.

(6) Photographs. Not retained.

(7) Resumes. Not retained.

(8) Personal Notes. Notes regarding events that have occurred in the technician's past maintained as memory aids for the supervisor are forbidden.

e. Sequence of Documents. Documents will appear in the supervisor's folder in the following order to ensure they are easily located.

(1) Supervisor's Brief or, optionally, NGB Form 904-1.

(2) Position Vacancy Announcement.

(3) OF 8, Position Description.

(4) Pending Actions (optional). Includes unposted SF 52's, unposted training certificates

annual leave schedules, work schedules, etc.

(5) Permanent Actions (optional), Includes job requirement certificates or licenses, job requirement training certificates, etc.

(6) HRO Form 430-1, Technician Standards and Appraisal.

(7) HRO Form 430-1. Last 3 appraisals.

f. Review. Upon request, a technician must

be allowed to review his (or her) own folder. Technicians wishing to provide access to another person must provide the supervisor with written authorization which specifically authorizes the person to be given access and the records to be provided. Access by other management official will be on an official need-to-know basis, although supervisor's folders are subject to review by HRO staff.

g. Disposition of Supervisor's Folder.

(1) Transfer to Another Supervisor. Deliver or mail the folder to the new technician supervisor. The technician must not be allowed to hand carry his or her own folder. Supervisors will ensure that any necessary steps are accomplished prior to forwarding the folder, including appraisals, time off awards, or other actions which may require the folder.

(2) Separation or Retirement. Upon discharge from employment, the folder should be offered to the technician. If he (or she) declines to accept it, destroy the contents.

CHAPTER 6 SERVICES

6-1. PURPOSE. The Customer Services Branch of HRO has the mission to perform administrative, technical, evaluative and customer services which will establish and maintain good employer-employee relations and contribute to satisfactory productivity, morale, discipline and motivation. This branch has the responsibility for pay administration, processing of retirements and other separations, administration of time and leave, and the initial implementation of special programs for federal employees of the Tennessee Army and Air National Guard.

6-2. REFERENCES. 10 USC 331, 332, 333, 3500, 8500, 32 USC 709, Public Law 93-181, Family Friendly Leave Act, Family Medical Leave Act, DODI 7000.14-R, 5 CFR (except as modified by Title 32), OPM 890-series publications, AR 25-400-2, AFI 33-322, AFI 137-138, NGR 37-111, TPR 532-1, TPR 990-2 and AFM 37-123.

6-3. HOURS OF DUTY.

a. Establishment of Duty Hours. The provisions of 32 U.S.C. 709 authorizes the Secretaries of the Army and Air Force to prescribe the hours of duty for National Guard Technicians. The Position Management Officer (PMO) will establish the duty hours for his or her areas of responsibility. Hours of duty will not be earlier than 0600 or later than 1800 hours unless differential pay is authorized or compensatory time is approved.

b. Work Week. Technicians are required to work a minimum of 80 hours per pay period in any combination that has been approved by HRO. The standard administrative workweek is Sunday through Saturday with actual workdays Monday through Friday. Alternative work weeks must be approved in advance through HRO.

c. Core Time (Work Hours or Work Schedule). The core hours of employment are 0900-1500 hours. Each office should be open and manned by at least one employee during this period. The public may normally expect offices to be open during these hours. Hours of duty may be changed by HRO upon justification based upon emergency or significant mission needs.

(1) USPFO for Tennessee, Nashville,

TN (ADP/3 shifts). CORE TIME: 0900-1500 hours.

(2) HRO, Nashville, TN. CORE TIME: 0900-1500hours.

d. Lunch Period. Lunch periods are established by supervisors and are limited to 30 minutes. Organizations may extend the 30 minute lunch period, not to exceed 60 minutes. Supervisors should coordinate with HRO and obtain approval from HRO prior to enacting this change.

e. Variation for Education. When attendance at a college, university, or other educational institution would meet the needs of the service, the Adjutant General (or his designee) may authorize a rescheduling of the customary workweek to allow such attendance. This authority is to benefit the service and not for the needs of the individual. The courses taken must not be government training. Such attendance also must not appreciably interfere with the accomplishment of the technician's work to be performed, and the technician is still responsible for a full 40-hour workweek (80 hour pay period). No premium pay will be paid solely because of the rescheduling.

f. Performance of Active Service. When a technician is ordered to active service for training or special work, the following rules apply:

(1) On the first day of the active duty period, if the technician must report for military duty after he has begun a normal technician workday, he (or she) will be in an appropriate leave status from the technician position for the remainder of the normal technician workday. If the normal technician workday is completed before being required to report to military duty, then no leave is required.

(2) On the last day of the active duty period, if the technician performs a normal technician workday after release from military control, no leave is required. If after release from military control, he performs a portion of the normal technician workday, he will be in an appropriate leave status for the hours not worked. The technician will be expected to report for duty after training or special work period termination no later than the required dates under USERRA

(see Figure 4-1). Failure to report for duty within the required time will exhaust any rights under USERRA.

(3) On days between the first and last day of the active service period, the technician will be in an appropriate leave status from the technician position.

g. Travel during Non-duty Hours. Travel during non-duty hours normally shall not be required of a technician, but when it is essential that such travel is required, the supervisor shall request compensatory time. The supervisor will record his or her reasons for ordering travel at those hours on NGB Form 46-14 and shall furnish a copy of this form to the technician concerned.

h. Travel Away from Official Duty Station. Time spent in travel status away from the official duty station shall be considered hours of work when the technician is required to:

- (1) Travel during regular working hours;
- (2) Drive a vehicle or perform other work while traveling;
- (3) Travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the technician's regular working hours;
- (4) Ordered to return to the duty station to report to work at the beginning of the next work day when such an order necessitates travel that does not meet the criteria listed in subparagraphs (1) - (4) above. Such travel is not considered hours of work when the purpose is to perform military service (IDT, ADSW, ADT, etc.); or
- (5) Ordered to perform travel as a result of a required event which could not be scheduled or controlled administratively, including travel to such an event and the return to the official duty station.

i. Home to Work Travel. A technician who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel; such travel is not considered hours of work.

(1) A technician who is offered a mode of transportation and who elects to use an alternative mode of transportation by choice or a technician who travels at a time other than that selected by the agency, shall be credited with the lesser of:

- (a) The actual travel time which is hours of work; or
- (b) The estimated travel time which would have been considered hours of work had the technician used the mode of transportation offered by the agency or traveled at the time selected by the agency.

(2) Travel which is performed within the regularly scheduled duty hours on a holiday or on a day designated as the "in lieu of" holiday is not compensatory time earned. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.

(3) The following are examples of situations involving travel which show the number of hours that would be creditable as compensatory time based on the situations given. In these examples the basic work schedule of the technician is Monday through Friday, 8 hours per day, 0730 - 1600 hours. The technician's normal "home to work" travel time is 30 minutes. The designated TDY period is 5 days, Monday - Friday with reporting time of 0730 hrs Monday.

(a) Example #1: Technician commences travel on Sunday, leaves home at 1230 hours and reports at 1300 hours at airline terminal, one hour prior to scheduled departure time. Arrival time at TDY location is 1800 hours.

Decision - Compensatory time authorized would be 3.5 hours from 1230 - 1630 hours. Hours traveled beyond 1630 hours are not creditable and time equivalent to "home to work" time must be deducted.

(b) Example #2: Technician commences return travel to home station after 1630 hours on Friday on a voluntary basis.

Decision - No compensatory time is authorized for travel beyond 1630 hours unless directed by competent authority.

(c) Example #3: Technician commences return travel to home station on Saturday, 1000 hours with travel time at 1500 hours same day.

Decision - All travel time hours are creditable since travel crossed regular scheduled duty hours on off duty day. Home to work time is deducted. Compensatory time is credited for 4 hours.

(d) Example #4: Technician is offered commercial air, but elects to travel by privately owned auto. Technician departs Sunday 0800 hours and arrives on or after 1630 hours, same day.

Decision - Compensatory time would be credited for 3.5 hours. Compensatory time is based on constructive air travel time when traveling by privately owned auto.

(e) Example #5: Suppose the directed mode of transportation in Example #4 is by government auto.

Decision - All hours minus home to work time, while driving the vehicle would be creditable. Authorized travel for any reason is creditable as hours of work when traveling during hours on non-workdays which correspond to the regular working hours on regular workdays.

6-4. WORK SCHEDULES.

a. Normal Duty Period. A normal duty day will be eight hours in length. A normal duty week will be 40 hours in length. A pay period will be scheduled for a total of 80 hours. Each subordinate element will adhere to the schedule as it appears in Figure 6-1. Each of the schedules is described below.

b. Compressed Work Schedules.

(1) 5 x 4 x 9 Shutdown Schedule. Technicians will work Monday through Friday the first week of all pay periods. Monday through Thursday will be nine hours of duty plus lunch. The first Friday of the pay period will be an eight-hour day. The second Monday of each pay period is the day off. Tuesday through Friday of the second week are all nine hour days.

(2) 4 x 10 Continuous Schedule. Technicians will work four days per week, ten

hours per day plus lunch. Scheduled workdays will fall between Monday and Friday each workweek. Managers and supervisors will ensure that there are sufficient personnel available each workday to meet mission requirements.

(3) 4 x 10 Shutdown Schedule. Technicians will work four days per week, ten hours per day plus lunch (see paragraph 6-4 for detailed guidance for lunch periods). Monday of each week is the day off.

c. Tour of Duty Requirement.

Technicians who are scheduled for a special duty period are obligated to follow the special schedule unless excused by the first-line supervisor. Similarly, technicians in a travel, training, or detail status will adhere to the tour of duty hours of the organizational segment to which they are temporarily assigned.

d. Exception Schedules.

(1) Approval Authority. First line supervisors are empowered to approve deviations to established schedules on a single instance basis. This exception authority is to provide the first line supervisor a tool to correct situations when the Compressed Work Schedule creates a one-time undue hardship on a technician. Exceptions are not to be granted on personal preference. As hardship situations are resolved, technicians are expected to revert to the Compressed Work Schedule designated for his or her work location as approved by the Adjutant General. No supervisor has the authority to approve an exception to his or her own personal schedule.

(2) Exception Schedule Hours of Work. When circumstances warrant granting an exception, the individual will work a standard schedule (5 x 8.5). Unless an exception is granted, individuals must work the schedule established for his or her workstation. The standard schedule (5 x 8.5) is the only exception alternative.

e. Notification of HRO. Changes in work schedules must be approved by HRO. When a supervisor or PMO decide that a work schedule should be changed, a request showing this approval will be forwarded to HRO in writing. Changes of work environment normally require notification and agreement with bargaining units and HRO should effect these notifications.

Memorandums must include the affected units or sections and include reasons or, if applicable to only one or two persons, the title of the technician's section, the technician's hours of work. Technicians may not be briefed on any work environment change until a formal meeting is held (see Appendix O).

COMPRESSED WORK SCHEDULE

WORK SCHEDULE	ANG	MAINTENANCE	UNITS	BNGC	R&R
4X10 Continuous	OPS	MATES			
5x4x9 Shutdown (2 nd Monday)		OMS-11	ALL	ALL(-)	
4x10 Shutdown (every Monday)	MAINT	OM Shops (-)			
	Supply			CLASS IX	
	Support	CSMS			
		AASF			
5x8	CE	OMS-12			R&R

Figure 6-1. Example Compressed Work Schedule

6-5. BASE PAY DETERMINATION.

a. Promotion. When a technician on pay retention is promoted, the technician is entitled to either a two-step increase added to the maximum step of the technician's grade, or the technician's retained rate of basic pay, whichever is higher.

b. Grade Retention. A technician on grade retention is entitled to have the retained grade treated as the technician's grade for promotion purposes for two years.

c. Movement from FWS to GS - General Pay-Fixing Guides. Upon reassignment from an FWS position, a technician's rate of basic pay may be set in the GS grade at the maximum payable rate, if qualified. For General Schedule (GS) technicians who enter FWS, refer to OPM pay setting guidance.

6-6. HIGHEST PREVIOUS RATE POLICY.

a. Entitlement. When former employees are returned to duty or other applicable status, there is no automatic entitlement to the maximum of the highest previous rate rule in the setting of

the rate of pay. The employee must provide a copy of the previous SF 50 to prove he (or she) held a higher rate. The recommendation of the supervisor to HRO may determine the amount paid, or in the absence of a request, the beginning pay step will be paid.

b. Approval Authority. Approval authority for utilization of the highest previous rate rule in the setting of the rate of pay is delegated to the HRO.

c. Policy. The highest previous rate rule will not be applicable in the following circumstances:

(1) From one temporary appointment to another with or without a break in service.

(2) Temporary appointment to permanent appointment.

(3) Service breaks in excess of five years.

(4) Voluntary requests for change to lower grade for personal reasons or in response

to the merit placement process when the technician has been in the higher grade for less than one year. In those instances, the technician will be placed in the lower grade and the rate that if re-promoted would not exceed the rate of pay prior to downgrade, unless the rate falls-between steps.

(5) Changes to lower grades resulting from cause based on character, conduct, or inefficiency. Technicians in this category will be placed in the same step of the lower grade.

b. Recommendation of Rate. Supervisors may recommend any step (except when not allowable) between the basic entitlements of the new position and the maximum entitlements under the applicable highest previous rate rule, but normally the highest previous rate will be payable. In making this recommendation, the supervisor should consider the following factors:

(1) The span of time that the employee has been away from the career field for which selected.

(2) Equity among the rest of the work force.

(3) The-impact upon the morale of the other employees.

6-7. PREMIUM PAY. Premium pay is a higher rate of pay for overtime, holidays, night differential, Sunday, standby and administratively uncontrollable work. National Guard technicians are prohibited from receiving overtime pay, standby pay and pay for administratively uncontrollable work. During periods of normal operation, DODI 7000.14-R, paragraph 030103, limits the amount of basic pay and premium pay that a technician can receive in any bi-weekly period to 1/26th of the GS-15, step 10 rate. During an emergency however, the Adjutant General may remove the biweekly limitation, leaving in place only an annual limitation. During such an emergency, employees directly involved in emergency work may be paid basic pay plus premium pay not to exceed that paid to a GS-15, step 10 in an annual period.

a. Standard Premium Pay. The Tennessee National Guard does not pay standard premium pay for overtime. Compensatory time will be provided to technicians IAW DODI 7000.14-R and

TPR 990-2 for any overtime work, to include nights or weekends. Also see paragraph 6-19.

b. Holiday Premium Pay. Only essential personnel will work on a holiday. Work for essential personnel will be scheduled on a holiday only with the approval of the PMO/AO and the HRO and when the mission cannot be accomplished on a regular work day.

(1) Air: All requests for Holiday Premium Pay will be submitted by the supervisor to the air commander or his designated representative on AF Form 428 at least one week prior to performance.

(2) Army: All requests for Holiday Premium Pay will be submitted by the supervisor through supervisory channels to HRO to USPFO on NGB Form 46-14 at least one week prior to performance.

6-8. NIGHT DIFFERENTIAL PAY. Technicians assigned to a regularly scheduled night shift will receive differential pay.

a. General Schedule (GS) Technicians.

(1) Night Differential Rate. General Schedule technicians on a regularly scheduled tour of duty for not less than one week are entitled to night differential pay for the hours worked (scheduled) between the hours of 6:00 p.m. and 6:00 a.m. The rate of pay is the regular rate plus ten percent.

(2) Continuation of Status. Payment of night shift differential will continue for General Schedule technicians for regularly scheduled night hours when the technician is absent due to a holiday or other non-workday or is in an official travel status. It continues during short periods of paid leave, i.e., periods of less than eight hours of paid leave, inclusive of night and day hours, during the pay period. Payment of night differential is not authorized for any periods of leave when the total leave in a pay period is eight hours or more.

b. Federal Wage System (WS/WL/WG) Technicians:

(1) Night Differential Rate. A Federal Wage System (FWS) technician on a regularly scheduled tour of duty not less than one week is entitled to pay at his scheduled rate plus a

differential of seven and one-half percent of his scheduled rate for regularly scheduled non-overtime work when a majority of his work (5 hours or more) occurs between 3:00 p.m. and midnight, or ten percent of his scheduled rate if the majority of his work hours occurs between 11:00 p.m. and 8:00 a.m. The differential pay will be paid for the entire shift when a majority (5 hours or more) of the technician's hours fall between the hours above.

(2) Continuation of Status. A FWS technician regularly scheduled to a night shift for which the night shift differential is payable, is entitled to the night shift differential for periods of excused absence on a holiday, while in official travel status during the hours of his regular night shift, or on court leave.

(3) Differential Pay During Leave. The night differential is still payable during periods of leave with pay if the work schedule has not changed.

(a) A technician regularly assigned to a night shift shall be paid a night shift differential during a period of leave with pay.

(b) A technician regularly assigned to a day shift who is temporarily assigned to a night shift shall be paid a night shift differential for any leave with pay taken when scheduled to work night shifts.

(c) A technician assigned to a regular rotating schedule involving work on both day and night shifts shall be paid a night shift differential only for any leave with pay taken when scheduled to work night shifts.

(d) A technician who is not regularly assigned to a day shift or a night shift but whose shift is changed at irregular intervals shall be paid a night shift differential during leave with pay if the technician received a night shift differential for the last shift worked preceding leave with pay.

c. Approval for Night Differential Pay. Requests for night differential pay must be submitted in writing through channels to the Human Resources Office.

d. Departure from Night Differential. When technician schedules are changed based

upon TDY or schools, the normal work schedule changes to eight hours per day without night differential pay.

6-9. ENVIRONMENTAL DIFFERENTIAL PAY/HAZARDOUS DUTY PAY. The elimination or reduction to the lowest level possible of all hazards, physical hardships and unsafe working conditions is the objective of the Tennessee National Guard. When such action is not possible, environmental differential pay (EDP) is warranted for wage grade technicians exposed to the condition. Even though an environmental differential is authorized, supervisors are still responsible to initiate positive actions to eliminate the danger and risk contributing to or causing the hazard or physical hardship. EDP is paid for exposure to hazards, hardships and working conditions of an unusually severe nature which could result in injury, illness or death. General Schedule technicians are eligible for Hazardous Duty Pay under the same rules as EDP.

a. Recommending Authority. The Adjutant General will appoint the EDP Committee. The EDP Committee, composed of members of the ARNG and ANG, is established to make determinations on local work situations and on the administrative procedures of the plan.

(1) EDP Committee Duties. At least annually, upon a the call of the Chairman, the EDP Committee will review existing HRO/EDP Committee-approved situations to determine whether or not the situation still exists and if it still warrants the payment of EDP. The findings and recommendations of the Committee will be forwarded to the HRO for final approval and implementation. As new situations occur or categories that apply are added to OPM guidance, the Committee will make timely determinations on their applicability to local work situations and then forward recommendations to the HRO.

(2) Composition. The EDP Committee consists of:

- (a) HRO representative.
- (b) Surface Maintenance Officer.
- (c) Budget Officer, USPFO.
- (d) Occupational Safety and Health Officer, Army.
- (e) Labor Organization representative.
- (f) Aircraft Maintenance Officer, Army.

- (g) Supervisory Logistics Management Specialist, Air.
- (h) Safety and Occupational Health Manager, Air.
- (i) State Aviation Officer, Army.

b. EDP Approving Authority. The HRO (Personnel Officer) is delegated authority to approve situations that warrant the payment of EDP as recommended by the EDP Committee.

c. Conditions Authorizing Payment. EDP may be paid for only those conditions which have been authorized by OPM, determined by the EDP Committee to be a situation that meets the requirement, and approved by the HRO. In addition, there must be a local determination that a technician has been exposed to the hazard or condition. Conditions and EDP percentages authorized by category are identified and authorized by OPM guidance.

d. Amount of EDP Payable.

(1) The amount of the environmental differential that is payable is determined by multiplying the percentage rate authorized for the condition described by the rate for the wage grade (e.g., WG-10, step 2) on the current regular non-supervisory wage schedule for the area, counting one-half cent and over as a full cent. The resulting cents an hour amount is paid uniformly to each wage technician in the area who qualifies for the authorized environmental differential, regardless of the grade level of the wage technician or the Federal Wage System wage schedule (WG, WL, or WS) on which the technician is paid.

(2) A technician subjected at the same time to more than one hazard, physical hardship or working condition must be paid for that exposure which results in the highest differential, but will not be paid more than one differential for the same hours of work.

e. Implementation Procedures.

(1) Technician supervisors are responsible for evaluating the duties that are being performed by their subordinates and, if any situation warrants consideration for EDP, requesting that a determination be made as to eligibility. The request should be submitted in

writing to HRO. Each request should contain, as a minimum, the following information:

- (a) Category, differential rate, and part number that covers the hazardous situation (call HRO for this information).
- (b) A complete description of the hazard, physical hardship, or working condition being performed.
- (c) A complete description of the safety devices/measures provided to eliminate the hazardous situation.
- (d) A statement as to why the available safety devices/measures are not satisfactory to eliminate the potential hazard.
- (e) A list by job title and number (no names submitted) of the management officials/supervisors who are authorized to certify as to the exposure for pay purposes.

f. Eligibility Determination. Upon receipt of the request for eligibility determination for EDP, the EDP Committee Chairman will convene the committee at the earliest opportunity to evaluate the request. The committee will determine eligibility and the suggested rate of EDP in accordance with the guidelines established by OPM and appropriate directives from NGB. If the request meets the eligibility criteria, the Committee will prepare an EDP Category Determination, forward it along with all of the other correspondence pertaining to the request to the HRO and recommend approval. The date of determination will be the date the request is approved by HRO. If the request does not meet the eligibility criteria, the Committee will forward it to HRO with the recommendation that it be returned to the requesting official for additional justification or disapproval as deemed appropriate.

g. Approval Process. Upon receipt of the EDP Committee recommendation, HRO will either approve or disapprove the request, or return it to the requesting official for additional justification as deemed appropriate. If approved, HRO will sign and date the EDP Category Determination to authorize the payment of EDP for that particular hazardous situation. EDP requests will be reviewed by the EDP Committee to determine if they warrant the payment of EDP. Records of determination will be maintained by

HRO. Eligibility determinations which cannot be resolved by the EDP Committee will be forwarded to NGB for determination.

h. Equitable Work Distribution. Technician supervisors are responsible for insuring that work assignments warranting EDP are distributed equitably among qualified technicians in accordance with workload requirements and the skills of technicians available.

i. Documentation of Time and Attendance Cards. Officials who have been delegated authority to authorize EDP are identified on each EDP Category Determination. These officials are responsible for certifying the authorization of environmental differential pay.

j. Reports. EDP Reports for active cases are required semi-annually in May and November

each year and will be due in HRO by 15 April and 15 October. Reports should disclose each individuals name who is to receive EDP, the position title and the total amount paid to the individual.

k. Types of EDP Payments. There are two types of EDP.

(1) Payment for Actual Exposure. The technician is paid EDP for the actual hours of exposure to the condition. The technician is entitled to a minimum of one hour of EDP for each exposure in increments of one-quarter hour (15 minutes) or portion thereof in excess of one hour. One hour's pay is authorized for a 15 minute exposure. One and one-quarter hour's pay is authorized for a one hour and ten minutes exposure. When a technician is exposed at various times during a day, each exposure is considered separately for the purpose of determining the pay due.

(2) Payment for Hours in a Pay Status. Under this type of payment a technician is paid EDP for all hours he is in a pay status during the day on which the exposure occurs, including hours in a paid leave status. For example, exposure occurs from 0800 to 1100, no exposure but in a work status from 1100 to 1200, and annual leave from 1300 to 1700 would entitle a technician to differential pay for eight hours.

6-10. EARNING LEAVE

a. General. This chapter provides the description and explanation for hours of work and various types of leave in Federal civilian service established by Title 5, United States Code, Chapters 53, 55, 61, 63 and 81. Comprehensive coverage is found in 5 Code of Federal Regulations (CFR) Parts 610 and 630 as well as Technician Personnel Regulation (TPR) 990-2 and DODI 7000.14-R. Although not fully comprehensive, most guidance applicable to Tennessee National Guard technicians may be found in this chapter; however, labor-management agreements will take precedence over this chapter when different.

b. Key Definitions.

(1) Accrued leave. Leave earned by an technician during the current leave year that is unused at any given time in that leave year.

(2) Accumulated leave. The unused leave remaining to the credit of an technician at the beginning of a leave year.

(3) Contagious disease. A disease requiring isolation of the patient, quarantine, or restriction of movement by health authorities.

(4) Excused absence. An absence from duty authorized by the first-line supervisor or higher chain of supervision without loss of pay and without charge to leave. An excused absence is the same as administrative leave.

(5) Leave year. A leave year consists of 26 pay full pay periods. The leave year begins on the first day of the first full pay period after the 26th pay period in the previous calendar year and includes all days through the last day of the 26th pay period in the current calendar year.

(6) Medical certificate. A written statement signed by a registered practicing physician or other practitioner, usually on office letterhead or prescription pad, certifying to the incapacitation, examination, treatment, or the period of disability.

(7) Undue hardship. Adversity to the degree that an individual's continued employment will be jeopardized unless relief is provided (i.e. conflicts with care for ill parent, scheduling conflicts with childcare, etc.).

(8) Official time. Any duty time spent on hours of work for which pay is received and when not in a leave status.

c. Earned Leave. A technician must be employed during a full bi-weekly pay period to earn leave. Full time technicians earn leave during each full biweekly pay period while in a pay status or in a combination of a pay status and

non pay status. Part time technicians who are in a pay status in excess of their basic working hours in a pay period receive no credit for the excess hours when computing leave earnings. The technician is considered to have been employed for a full period if he (or she) is on the rolls on all days falling within the pay period, exclusive of holidays and non-workdays. When a

technician's service is interrupted by a non-leave-earning period, the technician earns leave on a pro-rated basis for each fractional pay period that occurs within the continuity of his employment. All permanent and indefinite technicians are eligible for annual leave. Full time and part time technicians who change to an intermittent work schedule during the pay period are eligible to have their leave accruals prorated. Temporary technicians who are appointed to positions over 90 days are entitled to earn annual leave upon completion of the first biweekly pay period. Temporary technicians who are appointed for 90 days or less are not entitled to annual leave. However, when temporary appointments of less than 90 days cumulatively exceed 90 days, without a break in service, the technician is entitled to annual leave. In such cases the technician accrues leave retroactively to the effective date of the initial appointment. A break in service occurs anytime a technician is not on the Government's employment rolls for a period of more than three calendar days.

(1) Full-time technicians will earn annual leave as follows:

(a) Less than 3 years of Service. Four hours annual leave for each biweekly pay period.

(b) Between Three Years and Less than 15 Years of Service. Six hours of annual leave for each biweekly pay period except for the last full pay period of the calendar year when they earn 10 hours of annual leave.

(c) Fifteen Years or More of Service. Eight hours of annual leave for each full biweekly pay period.

(2) Part-time technicians will earn annual leave as follows:

(a) Less than 3 Years of Service. One hour of annual leave for each 20 hours in a pay status.

(b) Three But Less than 15 Years of Service. One hour of annual leave for each 13 hours in a pay status.

(c) Fifteen Years or More of Service. One hour of annual leave for each 10 hours in a pay status.

d. Creditable Service for Leave Earnings. The following types of service are creditable for determining the leave earning category (4, 6 or 8 hours category).

(1) Permanent CSRS or FERS service.

(2) Indefinite CSRS or FERS service.

(3) Non-deduction (temporary or LWOP) civilian service except that LWOP in excess of 6 months in a calendar year (cumulative) is not creditable. Excess LWOP to perform military duty or as a result of a workers' compensation case is creditable.

(4) Active military service performed under Title 10 USC.

(5) Active military service performed under Title 32 USC which meets all of the following criteria:

(a) Interrupts creditable civilian service.

(b) Is performed under Section 316, 502, 503 or 504 or 505 of Title 32.

(c) Pay is received for the Title 32 service.

(6) Technicians who have service they believe may be creditable should forward copies of documentation to HRO for review and determination.

e. Maximum Accumulation of Leave. Federal technicians may accumulate a maximum of 240 hours of annual leave. However, excess annual leave will only be forfeited at the beginning of the first pay period of the new leave year.

f. Restoration of Forfeited Annual Leave. Public Law 93-181, 14 December 1973, provides for restoration of annual leave forfeited due to administration error, sickness, or exigencies of the public business, including furlough. Of paramount importance in the review of any request for restoration of annual leave is a determination that the operational demands were of such importance that technicians could not be excused from duty for the duration and that there was no reasonable alternative to cancellation of scheduled leave. In addition, the law requires that the annual leave must have been scheduled at least three pay periods prior to the end of the leave year before such leave can be considered for restoration.

(1) HRO may approve any request for restoration of annual leave forfeited as a result of:

- (a) Administrative error over which the technician had no control;
- (b) Emergencies or exigencies of public business preventing leave when the leave was scheduled in advance by the employee (aircraft conversion or major equipment fielding is an example of an exigency of public business).
- (c) Sickness of the technician when the leave was scheduled in advance.
- (d) Of paramount importance in the review of any request for restoration of forfeited annual leave is a determination that the condition was such that the technician could not utilize the leave and that there was no reasonable alternative to the cancellation of the scheduled leave. The law requires that the scheduling of annual leave must be accomplished in writing at least three pay periods prior to the end of the leave year or leave cannot be considered for restoration.

(2) To support requests for restoration of forfeited leave the following documentation is required:

(a) Letter of request with reason(s) for subsequent cancellation of approved leave.

- the dates during which the cancelled leave has been rescheduled for use.

- the exact number of hours requested to be restored.

- the beginning and ending date of the condition that caused the forfeiture must be included. The date fixed as the termination date of the condition determines the beginning of the two year period within which any restored leave must be used.

(b) Supervisor's annual leave schedule. Must reflect the technician's scheduled leave planned in advance (at least three weeks ahead). Calendar date of approved leave must be reflected.

(c) SF 71. Must include the copies of request for the periods of leave being considered for restoration.

6-11. AUTHORIZED ABSENCE AND LEAVE UTILIZATION.

a. General. Administration of the leave program in the Tennessee Army and Air National Guard is a responsibility of management, and supervisors must carefully review to ensure fair treatment to all and prevent misuse. In granting leave, consideration should be given to the needs of the National Guard and the rights and welfare of the military technician. Annual leave is provided to allow every technician periods of relaxation and to provide short periods of time off for personal and emergency purposes.

b. Use of Leave. Whenever an individual is granted leave, it shall be the individual's option on the type of leave taken, if an option is available. See paragraph 6-15 for incremental use of annual leave when on military orders.

c. Scheduling Annual Leave. Supervisors have the responsibility to decide when the leave may be taken. This decision will generally be made in the light of the needs of the service rather than solely on the desires of the technician. Supervisors will insure that annual leave is scheduled for use so as to prevent any unintended loss at the end of the leave year. If a

severe work interruption should arise, supervisors may cancel scheduled leave.

d. Maximum Accumulation. Normally, the maximum amount of annual leave that can be carried forward from one leave year to the next is 240 hours (30 days).

e. Minimum Charge for Leave. The minimum charge for annual leave is one hour.

f. Order of Precedence for Taking Leave. A technician make use leave in any combination that is a legal option; however, if the type or amount of hours of leave requested by a technician are insufficient to cover the hours used or requested, the order of precedence for charging the excess will be in accordance with the order of precedence matrix in Appendix E.

g. Advancing Annual Leave. Annual leave may be advanced. Annual leave which will be earned during the leave year may be credited to a technician's account at the beginning of the leave year. When it is so credited, it is available for use during the year. Advancement of leave will be handled on a case by case basis and approved or disapproved by the first-line supervisor. The amount of advanced leave cannot exceed the amount of leave that would accrue to the technician during the current year. Annual leave may not be advanced during the 90 day qualifying period for new and temporary technicians.

h. Sickness During Annual Leave. When sickness occurs during a period of annual leave, supervisors may grant sick leave for the period of sickness.

i. Leave Records.

(1) Time and Attendance (T&A) Reporting. Time and attendance reporting procedures will be in accordance with DODI 7000.14-R. The retained copy of NGB Form 46 (Individual Time and Attendance Report) and any supporting forms (e.g., SF 71) will be filed by the first-line supervisor and disposed of in accordance with the Records Information Management Systems (RIMS) or Modern Army Records Keeping System (MARKS) filing system (AR 25-400-2). The Army National Guard will use file number 37-105d, Time and Attendance Report and Leave Record Card. No other type of leave record will be maintained by supervisory personnel.

j. Scheduling.

(1) Annual leave is provided by law and is a right of the technician. Annual leave accrues automatically; however, supervisors have the responsibility to decide when the leave may be taken. This decision will generally be made in the light of the needs of the service as well as the desires of the technician. Supervisors and employees should develop and maintain an annual leave schedule to help preclude any unintended loss of annual leave at the end of the leave-year. Employees not scheduling yearly annual leave during the first pay period of a calendar year will not have a valid basis for challenging an arbitrary denial of leave by the supervisor.

(2) Supervisors must ensure having a sufficient work force at all times. However, if an unusual workload should arise toward the end of the year supervisors should not cancel an employee's planned leave unless a policy of annual scheduling of leave has been in effect and the technician was not scheduled for leave during the period affected. There are crises that arise which could cause disallowance of leave, but these must be rare. Supervisors will assist technicians in scheduling leave and will encourage technicians to retain a small balance for emergencies.

(3) Supervisors will document leave by using SF 71 or OPM Form 71.

k. Annual Leave in Lieu of Sick Leave. Generally, an approved absence otherwise chargeable to sick leave may be charged to annual leave if requested by the technician and approved by the supervisor. Annual leave may not be substituted for sick leave on a retroactive basis for the purpose of avoiding forfeiture of annual leave at the end of the leave year.

l. Disposition of Annual Leave upon Separation. Technicians are entitled to receive a lump sum payment for all accumulated and accrued annual leave upon separation from technician employment. If the technician leaves the Tennessee National Guard to accept a position in another federal agency, lump-sum payment of annual leave is not allowed. If the leave is transferable to the new position, it must be transferred.

6-12. LEAVE WITHOUT PAY (LWOP).

a. General. Leave without pay (LWOP) is a temporary non-pay status and authorizes absence from duty upon the technician's request. LWOP for 30 calendar days or more must be documented on SF 50, Notification of Personnel Action. LWOP is governed by DODI 7000.14-R.

b. Granting LWOP.

(1) Administrative Discretion. LWOP must be requested by the technician unless the technician is out of leave and there is no other option. Approval of LWOP when other leave is available as an option is a matter of management administration discretion.

(2) There must be reasonable expectation that the technician will return at the end of the approved period before LWOP is granted. In addition, it should be apparent that at least one of the following benefits will result:

- (a) Increased job ability;
- (b) Protection or improvement of employee's health;
- (c) To cover a disabled veteran's absence for medical treatment;
- (d) To cover a technician's absence to perform military duties (not covered a form of paid leave), however indefinite employees must be separated and may not use LWOP for periods greater than 30 days and temporary employees may not use LWOP at all.
- (e) To cover an absence, for limited periods, when the technician is receiving injury compensation under the Federal Technicians Compensation Act (workers compensation).
- (f) To cover an absence under the provisions of the Family Medical Leave Act or other authorized special program.
- (g) To participate in school activities directly related to the educational advancement of a son or daughter (or step son/daughter) such as a parent-teacher conference or interviewing for a new school; accompanying son or daughter to routine medical or dental appointment; accompanying an elderly relative to routine medical or dental appointments

for other professional services related to the elders' care. Leave without pay for this purpose is limited to a total of 24 hours unpaid leave in any 12 month period.

(h) Retention of a desirable employee; or

(i) Furtherance of a program of interest to the Government.

(3) Duration. LWOP will not be authorized for a period in excess of 52 weeks (1 year), except for personnel on an AGR tour that will not exceed five years. A 30-day letter will be sent to those personnel who exceed the 5-year tour period in LWOP. The notice of termination does not affect the rights of the former employee to invoke USERRA rights if it applies. LWOP will not be granted to indefinite or temporary employees who enter on active duty; these employees should submit a resignation or will be issued a 30 day letter. This form of termination does not affect the employee's rights under USERRA.

(4) Approval of LWOP for Less Than 30 Days. First line supervisors may approve periods of less than 30 days of LWOP upon the request of the individual on SF 71.

(5) Approval of LWOP for More than 30 Days. All requests for LWOP for more than 30 days will be submitted on SF 52, Request for Personnel Action, and forwarded to HRO for determination. Part F (Part 5) of SF 52 will be completed by the requesting technician, indicating the specific reason for LWOP. If the request is to attend a military training course or deployment, a copy of orders will be attached. If the request is for a medical reason, a statement from a doctor will be attached.

c. Accounting Status. Normally, a supervisor may not place a technician on LWOP without his or her consent. LWOP may not be imposed as a penalty. The HRO may determine that there is no other available status from which to select and will require LWOP whether the technician consents or not.

d. Associated Actions for LWOP-US. LWOP-US status is used when a technician is called to military service by the President of the United States. When the SF 52 is completed (with activation orders attached), the technician

should retain FEHB although it may be terminated or placed in abeyance. The government will pay the agency and the employee portion of FEHB for up to 18 months. FEGLI should be retained for at least 12 months since it remains in effect that long without cost to the employee. Employees whose tour of duty exceeds a year should remember to convert FEGLI to a private policy at the end of the year's time. To obtain retirement credit for the active duty time a deposit must be made to cover normal retirement withholdings for that period.

6-13. ABSENCE WITHOUT LEAVE (AWOL).

a. **AWOL Status.** Absence without leave (AWOL) is defined as an absence from duty (i.e., tardiness or leaving the work area) which has not been authorized or approved by the proper official in accordance with this regulation. Pay is denied for the entire period of absence. When it is determined that the absence is excusable the charge of AWOL may be changed. The absence may be charged to any appropriate form of leave. The supervisor must determine whether or not the circumstances warrant a change to approved leave. When a technician is charged with AWOL the agency may not require him to perform work for any part of the period for which pay will not be received.

b. **Recording AWOL.** Technician AWOL is recorded on NGB Form 46 or AF Form 1278. No other pay action is required, but a disciplinary action is required with a recording of AWOL. Pay is withheld for the entire period of such absence. The minimum charge of AWOL is one half hour to be charged as one hour and additional charges of AWOL will be in multiples of one hour. If it is later determined that the absence without prior authorization was excusable or that the technician was ill, the charge to absence without leave will be changed to annual or sick leave.

c. **Sanctions.** AWOL is a status and not a disciplinary measure. Incidents of unauthorized absence should be dealt with by counseling and may be made a basis for disciplinary action in accordance with TPR 752.

6-14. SICK LEAVE.

a. **Earning Rates.** Technicians earn 13 days of sick leave per year (four hours per fully completed pay period) regardless of length of service. Sick leave may be accrued and carried

over from year to year without limit. Upon retirement, a technician is given credit for any unused sick leave in the computation of his length of service in CSRS (not FERS) retirement. There is no provision for lump sum payment of accrued sick leave under any circumstances. Part time technicians earn 1 hour of sick leave for each 20 hours in a pay status. Technicians must be employed for the full bi-weekly pay period to be entitled to accrue sick leave for that period. Full time and part time technicians who change to an intermittent work schedule during the pay period are eligible to have their leave accruals prorated. Sick leave is earned from the first pay period of employment and its earning is not affected by the type of appointment or length of service. Unused sick leave accumulates without limit.

b. **Granting Sick Leave.** Supervisors shall grant sick leave when a technician:

- (1) Receives medical, dental, or optical examination or treatment;
- (2) Is incapacitated for the performance of duties by sickness, injury, or pregnancy and confinement;
- (3) Is required to give care attendance to a member of his immediate family who is afflicted with a contagious disease (doctor's statement required for all instances of this kind); or,
- (4) Would jeopardize the health of others by his presence at his post of duty because of exposure to a contagious disease. It is the responsibility of the immediate supervisor to determine whether absences are properly chargeable to sick leave.
- (5) Has military travel orders (travel and per diem only; no pay, incapacitation pay or retirement points) for the purpose of seeing military and medical authorities as a result of injury or illness sustained while engaged in military duty.
- (6) Requests sick leave for bereavement involving death of a family member.

The limit on the amount of sick leave a technician can use for care and bereavement each leave year is 40 hours. An additional 64 hours can be used if the use of that leave does not cause the amount of sick leave to the

technician's credit to fall below 80 hours. Advanced sick leave may not be considered when determining whether a technician has maintained this 80 hour minimum balance.

c. For the purposes of sick leave use, family member is defined as relatives of the technician:

- (1) Spouse and parents of the spouse;
- (2) Children, including adopted children and spouses thereof;
- (3) Parents of the technician;
- (4) Brothers and sisters, and spouses thereof; and
- (5) Any individual related by blood or affinity whose close association with the technician is the equivalent of a family relationship.

d. Charging Sick Leave. The minimum charge for sick leave is one hour. If the hours available to a technician are insufficient to cover the hours used or requested, LWOP will be charged.

e. Requesting Sick Leave.

(1) The technician who becomes ill is responsible for notifying his supervisor immediately upon return to work or as soon as he (or she) is physically able.

(2) A technician may request sick leave for medical, dental or optical examinations.

(3) The technician will, when requested by his supervisor, furnish a medical certificate under the following conditions:

(a) For absences in excess of three (3) workdays.

(b) For absences for short periods at frequent intervals when there is reason for the supervisor to believe that the sick leave privilege is being abused. The technician may be required to support any future grants of sick leave in writing regardless of duration.

f. Advancing Sick Leave. A full time technician who is seriously injured or ill may draw on his (or her) anticipated future sick leave

accruals if the disability surpasses the current accumulation. The advancing of sick leave may be granted subject to the following conditions:

(1) A maximum of 30 days of sick leave (or 240 hours) may be advanced to a technician by HRO subject to the following conditions.

(a) Request for advancement of sick leave may be submitted to HRO supported by a medical certificate signed by a licensed medical practitioner certifying to the incapacitation of the technician and the date the technician may be expected to return to work.

(b) All of the technician's sick leave must have been used.

(c) Any annual leave that would otherwise have been forfeited must have been used; and

(d) There must be a reasonable assurance that the technician will return to duty to earn and repay the sick leave which is being advanced. Should the technician be separated from federal service before the advanced sick leave has been repaid, the technician will be liable for payment of the difference to the agency.

(2) Extension of advanced sick leave without HRO approval will not be a valid action.

(3) Advanced sick leave may be used for family leave purposes. However, sick leave that has been advanced may not be considered when determining whether a technician has met the 80 hour minimum balance of used sick leave required to make a technician eligible for the additional 64 hours of sick leave for family care or bereavement .

(4) In the case of technicians serving under temporary appointments or under probationary or trial periods, sick leave may be advanced only up to the total amount they would earn during the term of the appointment.

(5) The advanced sick leave credited to a technician's account may never exceed 240 hours at any time. Where it is known that the technician is to be retired or where it is anticipated that he (or she) is to be separated, the total advance may not exceed an amount which can be repaid by sick leave accruals prior to the separation.

(6) Unliquidated advance sick leave is carried forward from pay period to pay period and from one leave year to another until liquidated by sick leave accruals. When separation occurs prior to liquidation of the entire advanced sick leave, the remaining balance must be repaid unless the separation is caused by death, disability retirement, or a disability which prevents the technician from continuing in service and which is the basis for the separation. The advanced sick leave must be accounted for by requesting the technician to refund the amount paid for the period covering the leave for which indebted, charge the amount of advanced sick leave against available annual leave, offset the amount of sick leave advanced against earned salary or unapplied savings bond balances, or request a retirement offset (except in disability retirement cases). In case of employment termination by death, unliquidated advance sick leave will be recovered from the estate.

g. Sick Leave for Purposes Related to Adoption.

(1) Adoptive parents may request sick leave for the purpose of appointments with adoption agencies, social workers, attorneys and court proceedings for adoption.

(2) Sick leave may be approved by the HRO for other activities related to adoption.

h. Medical Certificates. Medical certificates may be required or waived under the following conditions:

(1) Four Days or More. Any technician's request for sick leave for more than three days must be accompanied by SF 71 or OPM Form 71 and a doctor's statement or medical certificate clearly showing the need for the absence. A technician's statement along with another official's statement may be accepted by the supervisor when the illness is extensive but does not require the services of a doctor, a doctor was not involved due to remoteness of locality, or the technician was unable to secure medical services for some valid reason.

(2) Three Days or Less. A technician's SF 71 or OPM Form 71 (or verbal statement until a form can be submitted) that he (or she) is sick (or has a doctor's appointment) when the absence does not exceed three days

may be considered and accepted by the supervisor. However, where there is a doubt regarding misuse of sick leave, the technician will be notified in writing by the supervisor that a medical certificate will be required to support any future grants of sick leave, whether of short duration or not. This written notification will be effective until such time as a review of the case reveals that the requirement is no longer necessary.

i. Disposition of Unused Sick Leave. When a technician separates from federal service disposition of the unused sick leave balance will be as follows:

(1) Upon transfer from one agency to another, a technician's sick leave balance will be transferred to the new agency.

(2) If a technician separates from the Federal Government and then is re-employed within three years, unused sick leave will be re-credited to his (or her) account.

(3) If the technician separates by means of retirement under the Civil Service Retirement System (CSRS), unused sick leave at the time of separation will be annotated in the Official Personnel Folder to be converted to years, months, and days for credit to the technician as service for retirement purposes.

6-15. MILITARY LEAVE.

a. General. Military leave permits a military technician to be absent from technician duties without charge to leave or loss of pay while performing active duty, active duty for training, or inactive duty for training. Technicians are provided the option of using any applicable type of leave in any order.

b. Earning Military Leave. Each eligible technician is entitled to leave of absence from his or her duties without loss of pay, time, or efficiency rating for 15 days (120 hours) in each fiscal year to perform active duty or for training in active duty or inactive duty status. Leave will be prorated for part time technicians. Technicians with temporary appointments of less than one year or temporary appointments not to exceed one year are not entitled to military leave.

c. Granting Military Leave. An eligible technician must be granted any military leave

available whenever ordered to active duty for training. A supervisor may not deny leave when valid orders are presented, no matter whether accrued leave is available or not. Technicians are provided the option of using other available leave first, i.e., annual, compensatory leave, or leave without pay for the performance of such duty. No military leave will be charged for non-workdays. Military leave is available to a technician on the basis of 120 hours each fiscal year (1 Oct-30 Sep). A technician may carry over a maximum of 120 hours of military leave to the next fiscal year provided the total military leave available to a technician does not exceed 240 hours during any fiscal year. A technician may use as much military leave in a single period of duty as he (or she) has legally accrued and may immediately accrue 120 hours more of military leave on the first day of the new fiscal year, whether on military duty or not.

d. Use of Leave. Military leave may be taken in hourly increments. Military leave will not be charged for non-workdays and intervening workdays and holidays falling wholly within the period of absence for military duty when there is a commingling of military leave and other types of leave. No charge is made for non-workdays and holidays at the beginning and end of a period of absence on active military duty. Military leave may not be used to cover an absence due to state active duty. A military technician in LWOP may not accrue military leave, although a one-time payment against unused military leave may be made to a person who departs on a military tour. A full day of technician leave is required when using military leave for Army National Guard Active Duty Special Work (ADSW) (see NGR 37-111, paragraph 2-2). When ordered to inactive or active duty other than ADSW, a technician whose orders reflect a later report time than the last duty hour may submit military leave, annual leave, or other available leave (except sick leave) in hourly increments for the remainder of the technician duty day. When released from inactive or active duty other than ADSW, a technician whose orders reflect an earlier report time than the last duty hour of the technician duty day may submit military leave, annual leave, or other available leave (except sick leave) in hourly increments for the remainder of the day. Hourly increments less than a full day may not be used for any other day covered by military orders.

e. Leave Combinations. When combinations of leave are used, the following

order of use is encouraged: military leave, compensatory time, annual leave, and leave without pay.

f. Maximum Accumulation. Unused military leave may be accumulated for use in the succeeding fiscal year until it totals 120 hours at the beginning of a fiscal year. This gives a full time technician the potential of 240 hours of military leave during a fiscal year.

g. Dual compensation. Under normal circumstances a period of technician duty and a period of active duty may not be credited on the same calendar day. A technician on active duty status during any portion of a technician duty day must be in an appropriate leave status (annual, military, compensatory, LWOP) for that entire calendar day. When the situation necessitates using a technician for mission accomplishment, the technician is placed on active duty orders, and the entry on active duty occurs after the technician has begun a normal technician duty day, the technician will be placed in a military leave status (if military leave is available) from his (or her) technician position for the remainder of the day. If the technician has exhausted his (or her) military leave, other leave should be used.

h. OCONUS Military Leave. Military technicians may be granted an additional 44 days

of military leave for OCONUS non-combat operations in addition to the normal 120 hours of military leave granted each year. A copy of military orders must be issued by competent authority or a statement signed by the technician's commanding officer must be provided. This additional 44 days of military leave

becomes available on a calendar year basis and must be requested by the technician in writing (memorandum) through channels to HRO. Any unused balance is lost at year's end. There is no provision to carry this entitlement over from one calendar year to the next. OCONUS military leave will be converted from days to hours and charged on the same basis as annual leave. Technicians who work 80 hours per pay period (including those on compressed work schedules) are entitled to a maximum of 352 hours ($8 \times 44 = 352$). The 44 day military leave provision does not apply when the active duty is during war or national emergency declared by the

President or Congress. See DODI 7000.14-R for

more detailed guidance.

i. Rules of Utilization. There is no charge for non-workdays and holidays when using military leave. Technicians using military leave are not entitled to holiday (premium) pay. Technicians who are working an alternate work schedule will be administratively placed on 5 day, 8 hour workdays (Monday through Friday) for the duration of the period of eligible military duty. Technicians must make their leave election prior to deployment. Technicians using military leave may not earn compensatory time. Technicians are not entitled to receive a lump sum payment for accumulated military leave upon separation from technician employment. Military leave is forfeited upon separation.

6-16. COURT LEAVE.

a. General. Court leave is the authorized absence, without charge to leave or loss of pay, of a technician from work status for jury duty or for attending judicial proceedings in a non-official capacity as a witness on behalf of any party to which the United States, state, or local government is a party. This type of leave may NOT be used for appearing in court for personal reasons or a witness for other reasons which must be covered with annual leave. The term "judicial proceeding" means any action, suit, or other proceeding of a judicial nature, but does not include an administrative hearing. Supervisors may require a technician entitled to court leave to return to duty or be charged with annual leave if he is excused from court service for a day or even a substantial part of a day. The technician should not, however, be required to return to duty if it would create a hardship.

b. Eligibility. Court leave for jury duty is granted to both permanent and temporary technicians.

c. Use of Annual Leave. If an employee is on annual leave when called for jury service, court leave should be substituted.

d. Evidence of Court Service. A request to appear in court should be presented to the supervisor as far in advance as possible. Upon return to duty, the technician will submit written evidence from the court reflecting dates (and hours if possible) of his or her attendance in court. Appropriate notations will be made on the time and attendance report for the days/hours of

court leave granted to the technician while he (or she) was absent from his or her regularly scheduled duties. A copy of court orders, subpoenas, summons, or official request to appear in court must be presented to the supervisor. Upon return to duty, the technician will submit written evidence from the court reflecting dates (and hours if possible) of his or her attendance in court.

e. Reimbursement of Fees to the Government. When a court pays for services when the technician is in court leave status, those fees must be returned to the federal government. When in a court leave status technicians must forward fees collected to their payroll office. Fees earned on non-workdays may be kept by the technician, and a technician is permitted to keep travel and per diem allowance for each day's attendance in court. Failure to forward fees collected will result in a charge to annual leave.

f. Witness in Official Capacity. When a technician is summoned or assigned by his or her agency to testify in an official capacity or to produce official records, the technician will be in an official duty status and will not be placed in leave status. The uniform of the appropriate service will be worn while performing this duty.

6-17. PARENTAL, FAMILY RESPONSIBILITY AND FAMILY MEDICAL LEAVE.

a. General. Leave for the birth of a child, leave for child care, and leave for parental and family responsibilities is provided through approval of annual leave primarily, but may include appropriate combinations of annual leave, sick leave, and leave without pay. Sick and annual leave may also be advanced to technicians for this purpose. All technicians are eligible to use leave under the provisions of the Family Medical Leave Act (FMLA) except intermittent technicians and technicians serving under a temporary appointment with a time limitation of one year or less. Further, the technician must have completed at least 12 months of civilian service with the Federal Government (not required to be 12 recent or consecutive months). Technicians are entitled to be restored to the same or equivalent position, with equivalent benefits, pay, status, and other terms and conditions of employment. The law will not entitle any restored technician to the accrual of any employment benefits during any period of leave or to any right, benefit, or position of

employment other than those to which the technician would have been entitled had the technician not taken the leave.

b. Employee and Agency Responsibilities.

(1) Employee Responsibility. An employee should ask for leave as far in advance as possible, particularly if such absence is to be prolonged, as may be the case in leave for childbirth, for the care of a newborn child or adoption of a child. This gives the agency time to make necessary adjustments to cope with the absence, such as finding someone to fill in temporarily or changing work assignments. Submit requests involving use of sick or annual leave to the supervisor with any supporting documentation. Submit requests for family or medical leave involving over 80 hours of LWOP on an SF 52 through the line of supervision to HRO. Remarks must indicate FMLA. If the request is for medical reasons a certification of health care provider form will be enclosed. If LWOP is used for FMLA purposes the technician may elect to continue federal employee health benefits (FEHB) coverage. The technician must make arrangements through HRO to pay the technician portion of the premiums.

(2) Agency Responsibility.

(a) Establish policy on leave for parental and family responsibility that is compassionate and flexible for the employee.

(b) Managers should administer leave policies equitably and reasonably. Since individual needs will vary both for the employee and the organization, the request for leave will be initiated by the technician and supported by a doctor's statement. Supervisors may not deny this type of leave unless extenuating circumstances apply; any denial of such leave will be forwarded to HRO for final determination. Determine whether absences are properly chargeable to family or medical leave. Ensure proper documentation of family and medical leave for reporting purposes. Family and medical leave will be posted to T& A reports according to payroll requirements. The supervisor may require certification from the health care provider concerning the technician's ability to resume work. Supervisors may also require periodic status reports on the technician's ability or intention to resume work.

c. Employee Actions After Childbirth or Adoption.

(1) Employees Who Plan to Return to Work. Agencies have an obligation to assure continued employment for an employee for whom extended leave has been approved unless termination is otherwise required by expiration of appointment, by reduction in force, for cause, or for other reasons unrelated to the absence. The technician must be allowed to return to the position formerly occupied or to a position within the same commuting area and of like seniority, status and pay.

(2) Employees Who Do Not Plan to Return to Work. An employee who has given birth and does not plan to return to work should submit her resignation at the expiration of her period of incapacitation. She may, however, be separated earlier for other reasons, such as expiration of appointment, reduction in force, cause, or other reasons unrelated to the maternity absence.

(3) A male technician may be granted annual leave, leave without pay, or compensatory time for the purpose of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. Further, a male technician may use sick leave provided the provisions for care of a family member are met.

d. Leave for Childbirth.

(1) Physical Incapacitation and Recuperation.

(a) Many woman want to work virtually up to their expected date of delivery. Other women may need to stop work at some point before the due date for reasons of health. Sick leave may be used for this purpose. Pregnancy must be treated in the same manner as any other short-term disability, and employers may not set an arbitrary date at which maternity leave must begin.

(b) Agencies should always be aware of working conditions or strenuous requirements in the workplace that could have an adverse effect on an expectant mother. If, after consulting her doctor, an employee asks for a change in duties or assignments, every reasonable effort should be made to

accommodate her. Agencies may request medical certification of the nature of the limitations recommended by the employee's doctor.

(c) Sick leave is appropriate for the period of incapacitation for delivery and recuperation. Periods of recuperation will vary because of the physical condition of the mother and the physician's instructions. Agencies should bear in mind that it takes longer to recuperate from a Cesarean delivery.

(2) Infant Care. A new mother may need time beyond her recuperation period to adjust to a new family member and develop a close relationship with the infant. Annual leave and LWOP are appropriate to meet these needs.

e. Leave for Child Care.

(1) Well-Baby Care. Parents take their babies to the pediatrician periodically for check-ups to make sure the baby is exhibiting the normal developmental signs and is otherwise healthy. Annual leave or LWOP are appropriate.

(2) Routine Illness. Children often suffer minor maladies such as ear infections, colds, stomach ailments, and mysterious rashes. Annual leave or LWOP are appropriate.

f. Leave For Other Parental and Family Responsibilities.

(1) Annual leave and LWOP are appropriate for these activities.

(2) Sitters. Sitters get sick, need time off for personal reasons, and have emergencies. This means that the working parent may have no alternative but to stay home with the child.

(3) Elderly Parents and Other Dependents. We should not forget that among the more typical family responsibilities is care for the elderly and the infirm. There will be times when employees will need time off to attend to the medical and personal needs of these dependents.

(4) Individuals who use sick leave for family care or bereavement under the provision of the Family Friendly Leave Act (FFLA) must annotate the SF 71 by writing "FFLA - Family Care" or "FFLA - bereavement," as appropriate,

in the remarks section (block 6). Further, the remarks must indicate the relationship of the family member (i.e. father, newborn son, grandmother, etc). See Sick Leave. The provisions of the Family Medical Leave Act (FMLA) apply to both male and female technicians who need to be absent for maternity/paternity reasons.

g. Family Leave. Technicians may schedule and take up to a total of 24 hours of unpaid leave in any 12 month period to participate in school activities directly related to the educational advancement of a son or daughter, such as a parent-teacher conference or interviewing for a new school, for accompanying a son or daughter to routine medical or dental appointments, for accompanying an elderly relative to routine medical or dental appointments or for appointments for other professional services related to the elders' care. A father and a mother are each entitled to 12 administrative work weeks of unpaid leave for a birth, adoption, foster care, or for the care of a son or daughter with a serious health condition. Technicians shall be entitled to a total of 12 administrative work weeks of unpaid leave (LWOP) during any 12 month period for one or more of the following reasons:

(1) Birth of a son/daughter and care of a newborn.

(2) Placement of a son/daughter with technician for adoption or foster care (within one year after placement).

(3) Care for a family member with a serious health condition.

(a) Son or daughter - Includes biological, adopted, foster child, step child, a legal ward, or a child of a person in *loco parentis* (in the place of a parent). The child must be under 18 years of age, or 18 or older and incapable of self-care because of a mental or physical disability.

(b) Parent - A biological parent or an individual who stands or stood in *loco parentis* to a technician when that technician was a child.

(c) Children - Includes adopted children and spouses thereof.

(d) Brothers, sisters and spouses thereof.

(e) Any individual related by blood or an affinity whose close association with the employee is the equivalent of a family relationship.

(4) A serious health condition that makes the technician unable to perform the essential functions of his (or her) position either temporarily or prior to disability separation. A serious health condition may also be extended to a member of the technician’s family. Serious health condition is further defined as follows:

(a) To be considered a “serious health condition, the condition must require an absence from work, school, or other regular daily activities of more than 3 calendar days. In addition, a “serious health condition” must require continuing treatment by, or under the supervision of, a health care provider.

(b) Examples of serious health conditions cited in the legislative history include, but are not limited to, heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy (such as severe morning sickness), the need for prenatal care, childbirth, and recovery from childbirth. All of these conditions meet the general test that either the underlying health condition or the treatment for it requires absences on a recurring basis or for more than a few days for treatment or recovery. They also involve either inpatient care or continuing treatment and/or supervision by a health care provider, and frequently involve both.

(5) Substitution Of Paid Leave.

(a) A technician may elect to substitute paid time off for any or all of the period of leave under FMLA.

(b) Any of the following types of paid time off may be substituted: accrued or accumulated annual or sick leave, leave donated to the technician under the voluntary leave transfer program, or compensatory time.

(c) The agency may not deny a technician’s right to substitute paid time off for any or all of the period of FMLA leave.

(d) The agency may not require a technician to substitute paid time off for any or all of the period of FMLA.

(e) If the hours available to a technician are insufficient to cover the hours used or requested, the order of precedence for charging the excess will be in accordance with the order of precedence matrix in Appendix E.

6-18. LAW ENFORCEMENT LEAVE.

a. General. Law enforcement leave (LEL) is authorized without loss or reduction of annual leave to which otherwise entitled for the purpose of providing aid to enforce the law. This leave is not similar to annual leave or compensatory leave

and allows only the difference in a lower state or federal duty pay and technician pay to be payable. Eligible technicians are entitled to LEL regardless if the active duty is mandatory or voluntary. Based on Congressional intent, the law also includes situations where the Guard assists civil authorities as a function of “law enforcement.” Law enforcement leave may be used to:

(1) Participate in rescue or protective work in connection with fires, floods, or other natural phenomena.

(2) Drop feed to cattle during a blizzard.

(3) Provide support services during a strike.

(4) Assist State officials during refugee processing.

(5) Provide security for buildings, facilities, or other property.

b. Coverage. This paragraph covers National Guard technicians who, for the purpose of providing military aid to enforce the law or for assisting civil authorities, perform—

(1) Federal service under sections 331, 332, 333, 3500 or 8500 of Title 10 or other provisions of law, as applicable, or;

(2) Full-time military service (state active duty) for the State, Puerto Rico, the Virgin Islands, Guam or the District of Columbia.

c. Basic Legal Entitlement. Each National Guard technician serving under a permanent or indefinite status appointment who is a member of the National Guard is entitled to law enforcement leave for not more than 22 workdays in a calendar year. Excused absence may not be granted for performing such duty.

d. Using LEL. To use LEL technicians must provide the supervisor a federal or state military order issued by competent military authority authorizing the law enforcement duty. It is understood that in emergency situations orders may be provided after the service has begun. Technicians may elect to use annual leave, LWOP, compensatory time, or LEL (or any combination) to cover absences. There is no requirement that one form of leave be used before another. Holidays and non-workdays which fall within the period of military duty are not charged against the technician's LEL balance. Technicians engaged in law enforcement after the workday has started and/or returns before the workday ends will be charged LEL on an hourly basis. Excused absence may not be used to perform law enforcement duty. If the hours available to a technician are insufficient to cover the hours requested, or if military orders are not provided, charging of leave will be in accordance with the order of precedence matrix in Appendix E. Any unused portion of the 22 days LEL is forfeited at the end of the calendar year. There is no provision for carrying over the unused balance to the next leave year.

e. Crediting Amount of Pay Received. Pay for military service may not be less than the pay due a technician at the rate of his regular civilian pay for the same period of time. If military pay exceeds the civilian pay, no civilian pay will be made, nor will a refund of the excess be required. Military pay and allowances received (other than travel, transportation, or per diem allowance) shall be credited against the technician's civilian pay and, if less than the civilian pay, the technician shall be paid the difference.

f. Worker's Compensation. Technicians who suffer injury or death as a result of State Active Duty (SAD) are not eligible for federal workers' compensation benefits under the Federal Employee's Compensation Act (FECA) since SAD does not constitute performance of official technician duties. Coverage under FECA for injuries incurred while on excused absence is determined on a case-by-case basis by the U. S. Department of Labor. National Guardsmen on SAD are covered by State of Tennessee worker's compensation rules and benefits.

6-19. VOLUNTARY LEAVE TRANSFER PROGRAM.

a. General. Technicians are eligible for Voluntary Leave Transfer (VLT) as recipients and donors. The annual leave transfer program has been established to allow the unused accrued annual leave of one technician to be transferred for use by another technician who needs such leave because of a personal emergency. The deciding official for the National Guard will be the PMO.

b. Prohibited Leave Transfer. A leave recipient's employing agency shall not transfer annual leave to a leave donor's immediate supervisor.

(1) In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he (or she) would be entitled to accrue during the leave year in which the donation is made.

(2) In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be donated during the leave year shall be the lesser of:

(a) One-half of the amount of annual leave he (or she) would be entitled to accrue during the leave year in which the donation is made; or

(b) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

(3) Limitation Waivers. The stated limitations on donating annual leave may be waived in some cases. Waiver requests with appropriate justification must be forwarded in writing through channels to the HRO.

c. Medical Emergency. Only technicians experiencing a "medical emergency," including a medical condition of a family member, are eligible to become leave recipients. Maternity situations will be considered in the same manner as other incapacitating medical conditions of similar duration. For the purposes of VLT a "family member" is defined as:

- (1) Spouse, and parents thereof;
- (2) Children, including adopted children, and spouses thereof;
- (3) Parents;
- (4) Brothers and sisters, and spouses thereof; and
- (5) Any individual related by blood or affinity whose close association with the technician is the equivalent of a family relationship.

d. Application to Become a Leave Recipient:

(1) A technician who has been affected by a personal or family member medical emergency may make written application through his (or her) immediate supervisor on OPM 630-C to the PMO for a donation of leave. If the technician is not capable of making application on his (or her) own behalf, another technician may make written application for him (or her).

(2) The appropriate PMO will—

(a) Determine if the potential leave recipient has any available paid leave, will determine if the medical emergency is or is expected to be at least 24 hours in length (or in the case of a part-time technician or an technician with an uncommon tour of duty, at least 30 percent of the average number of hours in the technician's biweekly scheduled tour of duty), and whether there is a likelihood of a substantial loss of income due to the medical emergency.

(b) Complete blocks 12a-d, to include signature in block 12c of the OPM 630-C indicating approval or disapproval, and forward the request to HRO.

(c) Will coordinate with HRO to notify the leave recipient within 10 workdays after the application is received regarding approval or disapproval. This notification will inform the technician that the request was approved (or not) and that other technicians are being informed of the need for the transfer of annual leave to the account of the leave recipient. Any disapproval will be accompanied by the reasons for disapproval.

(d) Solicit donors for the emergency.

(e) Continuously monitor the status of the personal emergency and notify HRO when the emergency has terminated.

(3) Immediate supervisors will—

(a) Attempt to verify the information submitted, make their recommendation in block 17 of the OPM 630-C and forward the request through channels to the appropriate deciding official. Documentation of the medical emergency is required and must be provided by the attending physician or medical expert stating the extent of the medical emergency and its approximate duration. The Base Commander serves as the deciding official for all Air Guard technicians. The Chief of Staff serves as the deciding official for all army technicians. Further, the first-line supervisor will monitor the status of the medical emergency and will notify HRO when the emergency has terminated.

(4) Periodic Substitutions for LWOP. Annual leave transferred under this law may be substituted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave.

(5) Technician Pay Branches. The USPFO-TN or the Civilian Pay Branch at each air base will maintain files of the leave recipients, leave donors, and total hours of leave transferred between individual pay accounts. Pay records must be maintained in a manner that will record and track the amount of leave donated and by

whom. The HRO will forward all approved documents to the appropriate Civilian Pay branch.

e. Application to become a Leave Donor. Technicians may apply to become annual leave donors by completing OPM 630-A and submitting it to the first line supervisor. Sick leave may not be donated.

f. Use of Transferred Annual Leave.

(1) A leave recipient may use annual leave transferred to his (or her) account in the same manner and for the same purposes as if he (or she) had accrued sick leave. Annual leave is always transferred to a recipient's sick leave account.

(2) Transferred annual leave (as sick leave) may NOT be:

(a) Used until all normally accrued annual leave is exhausted.

(b) Used until all accrued sick leave, if applicable, is exhausted. Sick leave is applicable if the technician is ill or injured or the medical emergency involves a family member and limitations on use of sick leave for family care or bereavement have not been attained.

(c) Transferred to another leave recipient under this regulation.

(d) Transferred to another agency upon the leave recipient's transfer of employment.

(e) Included in a lump sum payment.

(f) Made available for re-credit upon re-employment by an Federal agency.

(3) Annual leave transferred under this program may be submitted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave that was granted on or after the date determined to be the beginning of the period of medical emergency which gave rise to use of voluntary leave transfer.

(4) Donations from other agencies. The employing agency of the leave recipient must accept the transfer of annual leave from a donor employed in another agency if;

(a) The leave donor is a family member of the leave recipient;

(b) The leave recipient's employing agency determines that the amount of annual leave donated within the agency may not be sufficient to meet the needs of the leave recipient; or

(c) In the judgment of the leave recipient's employing agency, acceptance of leave transferred from another agency would further the purpose of the voluntary leave transfer program.

g. Termination of Emergency. The PMO must monitor the status of the personal emergency of the leave recipient. The personal or family member medical emergency affecting a leave recipient shall terminate:

(1) When the leave recipient's employment is terminated by the Tennessee National Guard.

(2) At the end of the bi-weekly pay period in which the leave recipient's PMO determine that the leave recipient is no longer affected by a personal emergency;

(3) At the end of the bi-weekly pay period in which the leave recipient's employing agency receives notice that OPM has approved an application for disability retirement.

(4) When the personal emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient may be granted, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors.

h. Disposition of Transferred Annual Leave.

(1) Any transferred annual leave remaining to the credit of the leave recipient when the medical emergency terminates, shall be restored to the leave donor(s) to the extent administratively feasible. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

(a) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;

(b) Multiply the ratio obtained in paragraph h(1)(a) of this section by the number of hours of annual leave transferred by each leave donor eligible for restoration under of this section; and

(c) Round the result obtained in paragraph h1(b) of this section to the nearest hour (smallest increment of annual leave that may be taken).

(2) If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

(3) If the leave donor is by any means separated from Federal service before unused transferred annual leave can be restored, the employing agency of the leave recipient shall not restore the unused transferred annual leave to that donor.

(4) At the election of the leave donor, unused transferred annual leave restored to the leave donor under this section may be restored as follows:

(a) Crediting the restored annual leave to the leave donor's annual leave account in the current leave year;

(b) Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or

(c) Donating such leave in whole or part to another leave recipient.

(5) If a leave donor elects to donate only part of his or her restored leave to another leave recipient, the donor may elect to have the remaining leave credited to the leave donor's annual leave account.

(6) Transferred annual leave restored to the account of a leave donor shall be subject to

the limitation of 240 hours maximum annual leave accumulation.

6-20. COMPENSATORY TIME.

a. Earning Compensatory Time. NGB Form 46-14, Request, Authorization and Report of Compensatory Leave, will be used to request advance approval of compensatory time. Overtime work will be ordered and approved in advance. Except in unusual situations, compensatory time to be worked should be scheduled at least a week in advance. Compensatory time will not be accrued in conjunction with military duty, to include additional flying training periods (AFTP's). Compensatory time may be earned in quarter hour (15 minute) increments. Compensatory time may be earned for time spent by technicians in a student status outside regular working hours and is considered as hours of work, provided the time spent in training is approved by the supervisor, the PMO, and the training facility commander, and the purpose of the training is to improve the technician's performance. Normally, homework is a requirement of obtaining a certificate of graduation and is not covered by compensatory time.

b. Prohibitions in the Use of Compensatory Time.

(1) Compensatory time cannot be earned for any holiday for which a holiday rate (premium pay) is payable. Premium pay must be paid if a technician has worked or is scheduled to work on a holiday.

(2) Prohibition of Compensatory Time for GS-15 Equivalent Pay Grade Maximum Rate. Compensatory time may not be offered to any employee whose basic rate of pay equals or exceeds the maximum rate for grade GS-15. Employees whose pay would exceed this rate are prohibited from earning compensatory time.

(3) Compensatory time off will not be granted before it is earned except for religious services.

c. Use of Earned Comp Time. Compensatory time must be taken within 26 pay periods from the pay period in which it was earned. There are no provisions for the restoration of forfeited compensatory time. Positive steps will be taken by supervisors and

technicians to insure that accrued compensatory time is scheduled for use to avoid forfeiture. Compensatory time should be taken before annual leave, except in those instances where forfeiture of annual leave will occur. A technician in compensatory time off status is considered to be in status equal to annual leave.

d. Minimum Increment of Comp Time. The minimum charge for compensatory time off is one hour.

e. Order of Precedence for Use of Earned Time. If the hours available to a technician are insufficient to cover the hours used or requested, the order of precedence for charging the excess will be in accordance with the order of precedence in Appendix A.

f. Forfeit of Unused Comp Time. Technicians are not entitled to receive a lump sum payment for accumulated compensatory time upon separation from technician employment. Compensatory time is forfeited upon separation.

g. Religious Services. To the extent that such modifications in work schedules do not interfere with the efficient accomplishment of the mission, a technician will be afforded the opportunity to work compensatory overtime and will be granted compensatory time off for religious observances when the technician's personal religious beliefs require that the technician abstain from work during certain periods of the workday or workweek. A technician whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in overtime work for time lost for meeting those religious requirements. A grant of advanced compensatory time off should be repaid by the appropriate amount of compensatory overtime work within a reasonable amount of time. Compensatory overtime shall be credited to a technician on a hour for hour basis or authorized fractions thereof. Appropriate records of compensatory overtime earned and used will be maintained by the timekeeper of the second line supervisor. The premium pay provisions for overtime work do not apply to compensatory overtime work performed by a technician for this purpose.

6-21. ADMINISTRATIVE DISCRETION (ADMINISTRATIVE LEAVE OR EXCUSED ABSENCE).

a. General. The authority to grant excused absence to technicians is within the administrative discretion of the Adjutant General or his immediate designee. In addition to the more common situations listed, technicians may also be authorized excused absence from regular duty assignments for brief periods without charge to leave to perform acts or services in situations where the Adjutant General or the HRO has made a determination that such support would benefit the National Guard or the Federal Government. Excused absence may not be used without the express written consent of the Adjutant General or the HRO or as authorized by this paragraph.

b. State-level Determination of Administrative Leave for Groups of Employees or Individuals. The Adjutant General or HRO may make the determination that the following group excused absences are in the best interests of the National Guard.

(1) Attending military conferences or conventions. For the purpose of this paragraph, the interests of the federal government are being served through attendance at meetings or conferences of the National Guard of the United States.

(2) Participation in funerals. Technicians may be granted normal military leave (or other available leave) to participate in funeral honors duty. Administrative leave may not be granted for participation in funeral ceremonies when the technician is remunerated in a funeral honors duty status.

(3) Civil activities. Technicians may be excused for short periods to participate in civil activities the federal government is interested in encouraging. Before granting excused absence, it must be determined by the HRO that such participation is in the best interest of the federal government (including the National Guard). These periods will be limited to no more than a combined total of three workdays during a calendar year. Official civil activities may include, but are not limited to, inaugurations, dedication of public buildings and projects, ceremonies for officially-invited governmental visitors, and the convening of legislative bodies. Technicians should be advised that if they suffer injury or death as a result of service in a state status, they are not normally eligible for employee's

compensation benefits under the Federal Employee's Compensation Act for injuries. This normally includes all events incurred while on excused absence. Situations will be determined on a case-by-case basis by the Department of Labor.

(4) Absences for Relocation Purposes. An employee may be excused for a reasonable time to make personal arrangements and to transact personal business directly related to a permanent change of station which is in the interest of the U.S. Government, provided that such business or arrangements cannot be transacted outside the employee's regular working hours.

(5) Holiday Dismissals of Certain Employees Who are Under Premium Pay. Some employees may not earn compensatory time and would otherwise be required to be paid premium pay. These employees are to be excused from technician duty on holidays.

(6) Employment Interviews. Employment interviews within the Tennessee National Guard may be in administrative leave status. When competition is for a position outside the Tennessee National Guard or when an individual is under notice of separation or change to lower grade for personal cause, the absence will be charged to the appropriate leave status.

(7) Other times allowed by OPM and under discretion of the Adjutant General.

c. First Line Supervisor Authority to Grant Excused Absence. Supervisors are authorized to make individual determinations that the following acts or services are job related and not chargeable to leave. Supervisors must place reasonable limits on the length of such absences from normal assignments not to exceed a day within the following guidelines:

(1) Blood Donation. Military technicians are encouraged to serve as blood donors and will be excused from work without charge to leave for the time necessary to travel to and from the donation site. The maximum excused absence time will not exceed four hours on the date of blood donation except in unusual cases. When the employee must travel a long distance or when an unusual need for

recuperation occurs up to four more hours may be requested from HRO.

(2) Registration and Voting. The Employment Relations Specialist and the PMO will maintain up-to-date information as to voting hours in all areas in which their technicians reside and will make this information available to technicians. On the basis of this information, supervisors will determine the amounts of excused absence to be permitted or technicians to register or vote prior to polls closing. The period granted will not exceed three hours.

(3) Tardiness and Brief Absence. Excused absence for tardiness and brief absences is limited to periods of less than one hour.

(4) On-the-job Injury. Time required on the day of an on-job-injury for an initial examination or emergency treatment may be granted, but not to exceed one half day. When a technician sustains a traumatic job-related injury and files a Worker's Compensation claim, the employing agency is required to continue the technician's pay for the period of disability, not to exceed 45 calendar days. Continuation of pay is chargeable as excused absence. However, this option is not available if OWCP covers the technician for pay; then, the period is changed to LWOP.

(5) Physical examinations. When a technician requires a physical examination to meet a condition of employment, the technician may obtain the physical in duty status without charge to leave or loss of pay. Hours of work or work schedule may not be changed to include weekends just to meet this requirement. If the physical examination is outside the normal duty period, the technician must obtain the physical on other appropriate status.

(6) Credit Union Participation. Technicians who serve on Federal Credit Union Boards and committees on a voluntary basis, without compensation, may be granted excused absence to participate in associated meetings. The amount of excused absence for this purpose is limited to 4 hours per month. Technicians who are Credit Union members may be granted excused absence not to exceed one hour to attend the annual Credit Union meeting.

(7) Bone Marrow or Organ Donor. A

technician is entitled to excused absence for the time necessary to serve as a bone marrow or organ donor. Excused absence for this purpose may not exceed 7 days in a calendar year.

(8) Technician Interviews. A technician may be excused when competition is for a position within the National Guard or the individual is under notice of separation or change to lower grade for any reason except for personal cause. All other employment interviews will be charged to annual leave. Authorization to prepare an application or deliver a job application to HRO or any personnel office is not an excused absence and should be charged to an appropriate leave status.

(9) Technician Assistance Program (TAP). A technician may be provided an excused absence for the time required to participate in the initial counseling and first-time assessment for TAP. If the technician is referred for treatment or assistance the technician must be in an appropriate form of leave status, normally annual leave or sick leave.

(10) Time Off Awards. A Time Off Award is an excused absence granted to technicians without charge to leave or loss of pay for recognition purposes. A Time Off Award may be used to perform military duty or any activity for which annual leave could be used.

6-22. ADMINISTRATIVE DISMISSAL (CLOSURE OF ACTIVITY IN EMERGENCY).

a. General. Sometimes a facility, work station, or activity must be closed due to environmental disasters which require the closure of that area. This usually refers to hazardous weather situations, but also includes power failures, earthquakes, floods or other emergencies. The Adjutant General reserves the right to detail technicians to other locations, where applicable, instead of opting for administrative dismissal.

b. Essential Operations. Certain operations are so essential that they cannot be interrupted regardless of weather conditions. Firefighting personnel, medical staff and snow removal crews are obvious examples. Technicians who are expected to report for and remain at work even when others are excused are called "essential" personnel. These individuals will be officially notified in writing of their requirement for

continued performance with a copy of the letter to HRO.

c. Authority for Closing. The closing of a National Guard activity for brief periods (normally no longer than three days) is at the administrative discretion of the Adjutant General of Tennessee. When a general announcement is made that closes state buildings within a county or the state, the Adjutant General may determine that that National Guard activities in that area will be closed.

d. Types of Emergencies.

(1) Environmental Disturbances. Installations or activities may be closed due to inclement weather conditions, earthquake, snowstorm, fire, flood, etc. The senior technician will coordinate with the next higher headquarters prior to closing. The MSC/MACOM will notify the HRO of the closing telephonically and in writing. It is very important that supervisors understand how to handle their responsibilities for administering the leave program during hazardous weather situations and that they notify their employees. The first determination to be made is whether the condition arose during or outside of duty hours. When the problem arises during work hours, and results in early dismissal, whether a technician is charged leave and how much depends on the individual technician's status at the time of the announcement.

(a) At work: If the technician is at work and is excused, there is no charge to leave for the remaining hours of the work shift (administrative leave).

(b) At work, departed prior to dismissal: If the technician was on duty and departed after official word was received, but prior to the time set for dismissal, leave is charged only from the time the technician departed until the time set for dismissal. Technicians should not be permitted to depart before the time set for dismissal without a charge to leave.

(c) Absent on approved leave during closure: If the technician was absent on approved leave for the entire work shift, the entire absence is charged to the appropriate previously scheduled leave. If the technician was at work and departed before official word was received for dismissal the approved leave will be charged for

the remainder of the work shift (e.g., annual, LWOP, as applicable).

(d) Closure when hazardous conditions arise outside of normal duty hours: When hazardous conditions arise outside of normal duty hours resulting in the closure of federal activities, the ground rules are quite different. When Guard installations are closed, they are on-work days (for leave purposes). If an employee is on annual or sick leave (pay status), the technician will be authorized administrative leave with resubmission of SF 71. However, for all personnel on military leave or non-pay status (e. g., LWOP), the status is continued without change.

(e) Installation not closed, but hazardous conditions exist due to weather.

- Individuals who report to

work late will be granted administrative leave for time spent en-route.

- Individuals who do not report will be charged with annual leave or other applicable status.

(2) Local holidays. Employees may be granted administrative absence at the option of the Adjutant General.

(3) Interruption of building services, malfunctioning equipment, renovation of facilities, etc. Employees who are present for duty at the time of release will be granted administrative absence. Changes in status from leave or LWOP are not authorized.

(4) Better utilization of funds or resources. These periods of non-work are normally in a non-pay status. Personnel may be granted annual leave, LWOP, or furlough.

e. Use of Leave During Administrative Closures.

(1) Technicians may, at their discretion, use any form of appropriate leave (Annual, Comp, or LWOP) when they:

(a) Are prevented from arriving to work on time.

(b) Need to leave work early

to avoid hazardous conditions.

(c) Could not return home if they report to work.

(2) Supervisors will work closely with their technicians to allow them to make up time they missed due to events beyond their control.

f. Report. When a PMO or senior technician closes an installation for all or part of a day due to weather conditions, he will forward a memorandum to the HRO advising of the closing and including the date and number of hours. This memorandum will be supported with a newspaper account of the weather conditions or a statement indicating reasons for the closing.

6-23. HOLIDAYS.

a. Established Holidays. There are ten established holidays for the purpose of pay of National Guard Technicians:

- New Year's Day -- 1st day of January
- Martin Luther King Jr. Birthday -- 3rd Monday of January
- President's Birthday -- 3rd Monday of February
- Memorial Day -- Last Monday of May
- Independence Day -- 4th Day of July
- Labor Day -- 1st Monday of September
- Columbus Day -- 2nd Monday of October
- Veterans Day -- 11th Day of November
- Thanksgiving Day -- 4th Thursday of November
- Christmas Day -- 25th Day of December

Any other day designated as a holiday by Federal statute or Presidential Executive Order.

b. Determining Holiday. If a technician's workweek is Monday through Friday and the holiday falls on Sunday, Monday is the holiday. If the holiday falls on Saturday, Friday is the holiday. When weekdays are scheduled as non-workdays in lieu of either Saturday or Sunday or both, the holiday is determined as follows:

(1) Since the workweek begins on Sunday and ends on Saturday, the first day off is in lieu of Sunday and the second day off is in lieu of Saturday. If the holiday falls on the day

scheduled off in lieu of Sunday, the next workday is the holiday.

(2) If the holiday falls on the day scheduled off in lieu of Saturday, the immediately preceding workday is the holiday.

c. Holiday Pay.

(1) Technicians receive their regular straight-time pay for holidays that they are not required to work. When the activity is closed on a Friday or Monday because of a holiday falling on Saturday or Sunday, such closed days are not considered holidays in determining holiday benefits for part-time technicians, but these technicians may be excused without charge to leave for such days.

(2) If a technician works on a holiday falling on one of his regular work days or on a holiday falling on the day designated as his "in lieu of holiday" he will be paid at twice his regular rate for not more than the number of hours in the technician's regularly scheduled tour of duty. If the technician is required to work more than the number of hours in his/her regularly scheduled tour of duty, that technician is authorized compensatory for all hours worked in addition to his/her regularly scheduled tour of duty.

(3) Technicians who are normally eligible for basic pay for a holiday when no work is required will not be paid when:

(a) The technician fails to report for duty after being directly notified that his or her services would be required on the holiday and an acceptable reason is not provided for the absence.

(b) The holiday falls within a period of nonpay status (a holiday that falls on the first or last day of an authorized period of LWOP is within the nonpay period and payment is not authorized - if the date of the holiday is not included in the period of nonpay status, payment for the holiday is authorized).

(c) The technician was AWOL on the regularly scheduled workday immediately preceding the holiday.

d. Holiday Travel. Travel that is performed within the regularly scheduled duty hours on a holiday or on a day designated as the "in lieu of"

holiday is not compensatory time earned. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.

e. Procedures for Processing Premium Pay.

(1) Army National Guard. All requests for holiday premium pay will be submitted by memorandum from the supervisor through channels to the HRO prior to performance of such duty.

(2) Air National Guard. All requests for holiday premium pay will be submitted using AF Form 428 from the supervisor through channels to the HRO prior to performance of such duty.

6-24. FEDERAL INJURY BENEFITS.

a. Purpose. National Guard technicians (military and competitive) employed under the provisions of 32 USC 709 are eligible for benefits under the Federal Employees Compensation Act (FECA), managed by the Office of Workers' Compensation Program (OWCP) under the Department of Labor (DOL) when they suffer a job-related injury or incur an occupational disease or illness.

b. Responsibility of Technicians. Technicians have the following responsibilities for administration of the Office of Worker's Compensation Program (OWCP).

(1) Observe all safety regulations, and require wearing of safety equipment.

(a) Protective eye goggles.

(b) Ear plugs or muffs.

(c) Respirators or face masks.

(d) Steel-toed shoes.

(2) Report safety, health, and fire hazards.

(3) Keep supervisor informed of emergency information.

(4) Report all injuries, no matter how minor.

(5) Report status change on continuation of pay (COP) or compensation.

c. Responsibility of Supervisors. Supervisors must:

(1) Prevent injuries and occupational illnesses.

(2) Enforce safety regulations and wearing of protective equipment. Do not allow technicians to report to work without equipment.

(1) Report and assist technicians in reporting injuries.

(2) If a traumatic injury occurs:

(a) Refer for treatment promptly.

(b) Report injury to HRO.

(c) Complete the proper forms and forward in a timely manner to HRO. This must be accomplished within ten days. Supervisors must be cognizant of federal laws providing penalties for failure to efficiently forward reports of injuries. Refer to OWCP package furnished by HRO for requirements.

(d) Recommend whether to withhold COP when the technician failed to follow published safety regulations or whether to provide this benefit.

6-25. HEALTH BENEFITS.

a. General. All technicians except those specifically excluded by law or by regulation of the Civil Service Commission, are eligible for Federal Employees Health Benefit (FEHB) coverage.

b. Source of Health Benefits Money. The cost of health benefits is shared by the technician and the government. The government pays 60% of the average high option premium and the technician pays the remainder of the cost of the enrollment through pay withholdings.

c. Continuation of Enrollment.

(1) Upon retirement: A technician will be able to continue his benefits enrollment into

retirement if they were enrolled under FEHB Program for five years of service immediately preceding retirement.

(2) Employees' Compensation Cases. Enrollment continues automatically when the employee enters the compensation rolls of the Office of Workers' Compensation Programs (OWCP).

d. Open Season. OPM provides an annual open season during which any employee who is eligible to participate in the program may enroll. Employees already enrolled may change plans, options or type of enrollment. These open seasons will be held from the Monday of the second full workweek in November through the Friday of the first full workweek in December.

e. Specifics. Detailed provision for the operation of Federal Employee Health Benefits Plan are as outlined in OPM publications in the 890 Series.

6-26. ABSENCES FOR EXTENDED ACTIVE DUTY MILITARY SERVICE.

a. General. Absences to perform federal active military service in excess of 30 days raise issues and concerns that technicians should carefully consider. This chapter is dedicated to identifying those issues so the technician can plan appropriately when the need for extended active duty arises.

b. Appropriate Leave Status. Individuals performing extended active military service may use any appropriate form of leave. Appropriate forms of leave include military leave, LWOP, annual leave, compensatory time, or law enforcement leave. There is no requirement that any form of leave be used before another. Technicians are prohibited from using excused absence or sick leave to perform active duty.

c. Continuation of Benefits. When a technician elects to remain in a paid leave status, there is no effect on federal benefits. Technicians may continue to be covered by FEHB for up to 18 months unless the technicians elects in writing to terminate the enrollment. When a callup in support of a contingency operation (as defined in Title 10 USC, Section 101a(13)) applies and the employee is on LWOP, the Agency may pay the employee's share of the FEHB premium for up to 18 months.

(1) Federal Employees' Health Benefits (FEHB).

(a) Regardless of leave utilized, the technician may elect to terminate FEHB and rely upon active duty health care for the duration of the active duty.

(b) FEHB can be reinstated immediately upon return to technician status.

(c) When called to active duty by the President of the U.S., the agency will pay the matching cost and the technician's premiums for FEHB for a period not to exceed 18 months. When a technician volunteers for military duty and takes LWOP, the technician may continue FEHB for the first 12 months by continuing to pay his (or her) share of the premium. For the following 6 months technicians may continue their coverage, but must pay 102% of the premium. At the expiration of this 6 months the technician may convert to a non-group contract.

(d) If a technician performs active duty in a LWOP status and wishes to maintain FEHB he (or she) may choose to pay FEHB premiums directly to DFAS. In this circumstance the government continues to pay its portion of the FEHB premium. The technician must make a monthly payment. The technician should contact the HRO Customer Services Section to make arrangements. The technician may choose to defer all FEHB premium payments until his or her return to technician status. If this option is selected FEHB payments are doubled upon return to technician status until the debt is recovered. If the technician departs for active duty without making a selection, this is the option that will be implemented.

(2) Federal Employees' Group Life Insurance (FEGLI).

(a) FEGLI is maintained in a LWOP status for one year at no cost to the technician. If the technician is LWOP beyond one year, FEGLI coverage terminates.

(b) FEGLI can be reinstated immediately upon return to technician status.

(c) Anyone who loses FEGLI may convert the coverage to a non-group contract.

(3) National Guard Association of the United States (NGAUS) Insurance.

(a) Regardless of the type leave utilized the technician may elect to terminate NGAUS insurance.

(b) NGAUS insurance can be reinstated immediately upon return to technician status.

(c) Technicians in LWOP status in excess of one pay period are individually responsible for maintaining premium payments. Technicians should contact the HRO, Technician Relations Section to make arrangements if he/she elects this option.

(4) Vulcan Life Insurance.

(a) Regardless of the type of leave utilized the technician may elect to terminate Vulcan Life insurance.

(b) Vulcan insurance can be reinstated immediately upon return to technician status.

(c) Technicians in LWOP are individually responsible for maintaining premiums. Technicians should contact the HRO Customer Services Section to make arrangements if he (or she) elects this option.

d. Retirement.

(1) Technicians in LWOP status may not make contributions to CSRS, FERS, or CSRS offset, but may make up missed payments after returning to federal service. Any makeup for CSRS and FERS contributions may be made interest-free for two years.

(2) Technicians who return to technician status may contribute to the Thrift Savings Program (TSP) an amount equal to the amount they would have contributed were it not for the active duty. These "catch up" payments must be deducted from pay and must be made within one year.

e. Compensation for Injury. Technicians who suffer injury or death as a result of Federal Active Duty are not eligible for technician's compensation benefits under the Federal

Employees' Compensation Act. Federal active duty does not constitute performance of official technician duties.

f. Union Dues. Union dues are discontinued until re-employment.

6-27. ABSENCES FOR STATE ACTIVE DUTY MILITARY SERVICE.

a. Appropriate Leave Status. Military technicians who are required to perform State Active Duty (SAD) may, at their discretion, elect any of the following types of leave to cover the absence.

- (1) Annual Leave.
- (2) Leave Without Pay (LWOP).
- (3) Law Enforcement Leave (if applicable).
- (4) Compensatory Time (if earned).

b. Prohibited Status. Under no circumstances will a technician use military leave, sick leave, or excused absence (administrative leave) to perform SAD.

c. Order of Precedence for Leave Use. If the hours available to a technician are insufficient to cover the hours used or requested, charging the excess will be in accordance with the order of precedence in Appendix E.

d. Means of Charging Leave. Technicians will be required to take leave for the hours they are absent from work to perform SAD. There is no requirement to be in leave status when SAD is performed after normal technician working hours, provided the following guidelines are strictly followed:

- (1) State active duty must not conflict with the technician position in any way (i.e. start and stop times must not be violated).

(2) The technician must receive sufficient rest to ensure safe work practices in the federal duty.

e. Non-Workdays or Holidays. There is no charge of leave when SAD is performed on non-workdays or holidays.

f. Responsibility for Oversight. It is the responsibility of the technician and the first line supervisor to ensure that there is no overlap of technician and SAD time or responsibilities.

g. Compensation for Injury. Technicians who suffer injury or death as a result of State Active Duty are not eligible for technician's compensation benefits under the Federal Technicians Compensation Act. State Active Duty does not constitute performance of official federal technician duties.

h. Union Dues. Labor organization dues would normally be discontinued if SAD exceeds 30 days.

CHAPTER 7 TECHNICIAN TRAINING PROGRAM

7-1. PURPOSE. This regulation is to provide information and guidance on the administration of the Technician Training Program in the Tennessee Air and Army National Guard. It is also applicable to AGR soldiers attending PEC, USDA-OPM or civilian courses. It covers training and training management related to all full time support personnel.

7-2. REFERENCES. Title 32 USC Section 709; Public Law 85-807, Public Law 90-486, Executive Order 11348, JTR Volume II, C1055, TPR 300, Chapter 302, TPR 400 (400-1)(410).

7-3. DEFINITIONS.

a. Agency. Agency means the Tennessee Air or Army National Guard.

b. Activity. Activity means a training course of instruction of at least 8 hours.

c. Course of Instruction. Course of Instruction includes all training programs conducted by government agencies or activities other than military services (i.e., college or university-conducted courses, etc.)

d. Official Duties. Official duties are authorized duties which the technician is presently doing or can be reasonably expected to do in the future as defined in the performance standard which is derived from the official position description assigned to the individual and IAW applicable regulations and the Labor Management Relations Agreement.

e. Service Schools. Service schools include all training that is conducted on a regular and repetitive basis by the military services. Special "one time" or infrequent indoctrination conducted by the military services is not considered to be a service school for the purpose of this regulation.

f. Technician. Technician includes non-dual status (competitive) and dual-status (excepted) military technicians of the Tennessee Air or Army National Guard.

g. Technician Training. Technician training is the process of making available to a technician, and the placement or enrollment of a technician in a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative or other fields which are or will be directly related to the performance by the technician of official duties for the agency in order to increase the knowledge, proficiency, ability, skill and qualifications of the technician in the performance of those official duties.

7-4. POLICY ON TECHNICIAN EMPLOYMENT TRAINING.

a. Qualification. The Technicians Act of 1968 requires that military technicians are to be employed for administration and training of the National Guard and for the maintenance and repair of supplies (and equipment) issued to the National Guard or the Armed Forces. Technicians are provided priority by law for supporting high priority units and organizations and must be assigned to a military position that is compatible with their civilian position skill. The reason for the existence of military technicians is to support National Guard units and are prioritized to units to enhance their readiness. To enhance readiness, a military technician must be MOS or AFSC qualified as well as qualified in the civilian position.

b. Support of Qualification. To support qualification of technicians, the policy for technician employment training is to establish or strengthen needed in-service training programs; to send technicians to training programs conducted by other government agencies (subject to availability); send technicians to non-government facilities for needed training (when it is not reasonably available within the government); and to pay all or any part of the expenses of such training, and to encourage adequate time from the civilian position for the technician to become militarily qualified.

c. Training Opportunities. The training program is designed to provide training opportunities to meet mission requirements and to increase efficiency and economy in building and maintaining a skilled work force.

d. Required Training. Supervisors and other management officials of the National Guard have the authority to direct a technician to take a course of training that is necessary for the performance of the technician's official duties, as described in the individual's position description or standards. Any training that supports the mission of the National Guard may be required. Disciplinary action may be imposed if such an order is not obeyed; however, the order to train must not be arbitrary, capricious, or unreasonable. A technician should not be required to take training in order to solely improve their performance if that performance is already satisfactory. However, a technician with a fully acceptable or better performance rating cannot use that reason solely to object to attending a directed training course when the supervisor has determined the training to be in the best interest of the needs of the organization. The supervisor's determination must be based on the duties and responsibilities of the official position description or the standards and merits of this regulation. A training contract will be prepared for each new or developmental position employees whose position requires specific training for the position (see Appendix L). The Adjutant General directs that the following minimum training requirements for technicians will be imposed and these items will be entered on the training contract:

- (1) New Technicians. Technician Orientation.
- (2) Developmental Position Technicians. Target Level Qualification within stated time-frames as reflected on the training contract. See Appendix L.
- (3) New Supervisors. Basic Course for Technician Supervisors. Supervisors who have not completed this course may not appraise or administer discipline to technicians until the course is completed.
- (4) Technicians Who are Not Fully Qualified in their Military Position. 9 digit-MOSQ or 3-Level AFSC.
- (5) Sole FTM at a Facility or Unit. Unit Support Specialist Course or Unit Readiness and Mobilization Course. Negative actions involving inefficiency may not be sustained for any technician who is the sole fulltime member at a facility or unit and who has not attended one of these courses.

(6) New Managers. Any management-level basic course or higher.

7-5. RESPONSIBILITIES.

a. Human Resources Office (HRO). The HRO is responsible for:

- (1) Administering the technician training program in accordance with the authority delegated by the Adjutant General.
- (2) Documenting, recording, and keeping files on all training requests and training matters.
- (3) Certifying training programs meet legal and regulatory requirements.
- (4) Performing an annual technician training survey, identifying training needs, developing an annual training plan, and formulating and submitting input for the Army and Air training budgets.
- (5) Developing and issuing a written policy on training in a state regulation.
- (6) Providing supervisory training.
- (7) Ensuring that the HRO is represented at all training committee meetings and the ANG Financial Management Resources Board Meeting or Financial Work Group.
- (8) Ensuring regulatory and Labor Management Relations Agreement requirements are followed whenever training is intended primarily for promotion.

b. Employee Development Specialist. The HRO Employee Development Specialist (EDS) is responsible for:

- (1) Serving as career counselor and upward mobility training coordinator.
- (2) Monitoring compliance with negotiated agreement of the labor organization relating to training and employee development.
- (3) Ensuring that all newly appointed technicians receive an orientation briefing.

(4) Ensuring that organizational training needs are forecasted and reported for future budget projections.

c. Supervisors. Each supervisor is responsible for:

(1) Determining training needs for their subordinates, but especially identifying the minimum required training for specific categories of technicians and developing a plan to ensure they meet training requirements.

(2) Enforcing the minimum training requirements by applying disciplinary action for those technicians who fail to meet those standards. Progressive discipline, beginning with counseling and corrective training, must be applied to those technicians who do not meet the minimum requirements of the training agreement (contract).

(3) Establishing Individual Development Plans (IDP's) for technicians hired below the full performance level and Performance Improvement Plans (PIP's) for technicians rated below fully acceptable. Supervisors are encouraged to develop an Individual Development Plan for all employees, but will complete an IDP (and if applicable, a PIP) for those technicians who fail to meet minimum training requirements after counseling.

(4) Encouraging individual self development.

(5) Ensuring training is in support of overall mission priorities.

(6) Submitting all requests for technician training on DD Form 1556, DD Form 1556-1 or automated DD Form 1556. DD Form 1556 will be completed as outlined in Appendix H.

(7) Evaluating effectiveness of training.

(8) Annotating training on the Supervisor's Brief or NGB Form 904-1, Supervisors Record of Technician Employment.

(9) Ensuring that training completion documents are forwarded to the HRO for data collection, analysis and filing IAW OPM Supplement 293-31.

(10) Evaluating the results of performance appraisals as a basis for determining training needs and approving training request.

d. Technician. Each technician selected or required to attend a training activity is responsible for:

(1) Attending all required sessions of scheduled training.

(2) Completing the appropriate evaluation, received from EDS.

7-6. IDENTIFICATION OF TRAINING NEEDS.

a. Resource Elements to Identify Training. Position vacancy announcements, position descriptions and training contracts are basic resources in determining training needs. Each supervisor must also analyze performance standards against assigned technician qualifications to determine training needs. The training needs identified must be captured and scheduled to overcome shortcomings in job performance, mission accomplishment, and fulltime expertise for M-day advice. Other options to be considered are on-the-job-training, coaching, special project or rotational assignments.

b. Determination of Priority. All technician training requested must be given a priority determination. Priority will be coded on the DD Form 1556 using the following guidance:

(1) Priority 1 - Must be accomplished or it will have a direct adverse effect on the National Guard mission. Such training includes new equipment, new programs, and NGB directed training, e.g., Basic Supervisors Course.

(2) Priority 2 – All other Training and Development

7-7. MANDATORY TRAINING. Expertise to support unit readiness, supervisory training, and refresher courses and enhancement of skills are required for technicians as follows:

a. Basic Orientation Course (Long). Each newly appointed supervisor (technician and AGR members who supervise technicians) is required to attend the NGB Basic Orientation Course within six months of assignment. On a space

available basis supervisors with more than five years experience may attend this course as a refresher. Supervisors are not authorized to appraise employees, issue sanctions or discipline, or perform any formal supervisory tasks before completing the course.

b. Basic Orientation Course (Short). New supervisors may be scheduled to attend the one day (8 hour) NGB Basic Orientation Course prior to attending the mandatory 40 hour course which eliminates the prohibition against issuing sanctions or discipline and performing other supervisory tasks except for appraisals.

c. Progressive Development. All supervisors and managers are encouraged to attend personnel management development courses throughout their careers.

7-8. REPORTING TRAINING NEEDS.

a. Training Needs Identification. After each supervisor has completed the training needs identification process outlined in paragraph 7-6, a list will be submitted to the HRO Employee Development Specialist. When submitting identified training needs, a cost estimate must be included. This cost estimation will assist the EDS in funding support training requirements. The EDS will work with the Training Committee (if applicable) to determine the most efficient means to accomplish the identified training.

b. Annual Requirement. The identification and reporting of training needs must be completed annually no later than 15 March for input into the next fiscal year's budget. This procedure facilitates programming into the budget. The EDS will supply a training needs survey.

c. Consolidated Funding. Consolidated funding estimates will be submitted by the HRO to the USPFO and NGB for submission of funding requirements into the next fiscal year budget.

d. Funding Allocation. Upon receipt of the funding document from NGB, funds are allocated on the priority of training needs, with consideration of actual funding received compared to requested funds.

7-9. ATTENDANCE AT SCHOOLS IN TECHNICIAN STATUS.

a. Technician Status Attendance. The vast majority of government training made available to National Guard technicians is provided through military service schools, including National Guard schools, government inter-agency schools, i.e., USDA, General Services Administration (GSA), National Independent Study Center (NISC), Professional Education Center (PEC) and other DOD agencies. Technicians will normally attend training in technician status when that training more closely relates to the technician's civilian duties than their military duties. When determination of status is difficult, the final decision rests with the HRO. When it is optional, attendance at training in a technician status is encouraged.

b. Factors that Determine Status. Attendance in technician status is encouraged when:

(1) The technician's position is being affected by an equipment conversion and training is required to meet the basic qualifications of the technician position description or standards.

(2) A technician has a position change because of a reduction-in-force and requires minimum retraining to bring performance to an acceptable level.

(3) A change in a technician's position description or standards requires formal training.

c. Technician Briefing. Before technicians attend military service schools, they must be advised of the following:

(1) Limited military privileges that are available at the school (e.g., commissary, open mess, or exchange privileges).

(2) Technicians must comply with all the requirements of the appropriate military service component, including the wearing of the uniform, as if they were attending in military status. See TPR 300 (302.7) and the applicable Labor Management Relations Agreement.

(3) Government quarters should be used if available. (JTR Vol. II, C1055). They should also be aware that for dual status

members, government quarters will be occupied based on military grade, not civilian grade.

(4) Technicians will not be required to perform incidental military duties such as charge of quarters, barracks chief, officer-of-the-day, etc., but will be expected to perform additional duties required of any civilian class member and IAW the applicable Labor Management Relations Agreement.

(5) May be requested to travel at individual's own expense and later reimbursed using DD Form 1351-2 or IAW the Labor Management Relations Agreement.

7-10. NATIONAL GUARD PROFESSIONAL EDUCATION CENTER (PEC). The EDS is the Quota Management Officer for training at PEC. The EDS will monitor quotas for personnel attending proponent courses at PEC, Camp Joseph P. Robinson, North Little Rock, Arkansas.

a. Training Requirement Identification. Each Major Subordinate Command (MSC), Air Base, and Headquarters STARC Directorate desiring quotas at the Professional Education Center will assess and identify the training needs using the annual survey.

b. ATTRS Quotas. The Army National Guard obtains training seats through the computer system called ATTRS. DCSOPS will identify requested quotas VIA the ATTRS system during the month of April proceeding the next training year. Quotas are distributed to the state from NGB (normally occurring in June-July timeframe). MSC's will request seats via ATTRS to OID 048. If not locked-in, at 45 days prior to start date, any quota listed is lost. Air bases will obtain quotas through the base commander.

c. Scheduling. Position Management Officers should schedule their work force for courses conducted at PEC.

7-11. SUBMISSION OF APPLICATIONS FOR TRAINING.

a. General. HRO will act as coordinator for technician training. All questions concerning training request will be directed to the Employee Development Specialist. The overall control of Army technician training funds is the responsibility of the HRO. The HRO is the program manager for Army technician training funds and will be

responsible for the allocation and transfer of funds in coordination with the USPFPO. The funds allocated to support Air technician training are controlled by the Base Financial Committees. It is the responsibility of the HRO and the Comptroller of each respective Air base to ensure that technician training funds are obligated according to identified training needs and priorities. To ensure compliance with legal and regulatory requirements, all DD Forms 1556 for technicians (to include individuals attending military service schools in technician status) must go through HRO for approval.

b. Application Forms. Applications for training are submitted on DD Form 1556, DD Form 1556-1 or automated "Request, Authorization, Agreement, Certification of Training and Reimbursement Form". See Appendix H. DD Forms 1556 are used by HRO to secure training and monitor or manage training costs. Supervisors should ensure all relative costs are indicated on the application (i.e. tuition). Further assistance in completing DD Forms 1556 may be obtained by contacting the EDS in the HRO. Air National Guard applications must be processed through the Resource Advisor or the Comptroller for verification of funds and the training coordinator prior to submission to HRO for processing.

(1) In addition to forms required by the military training office, applications for a military service school must be submitted on a DD Form 1556 for HRO approval. The approved DD Form 1556 will be forwarded to the appropriate military training office for processing.

(2) Supervisors are responsible for approving and certifying that the training is job related or closely related to the technician's official position and duties. The supervisor's signature is required in Item 32 of the DD Form 1556.

(3) The Employee Development Specialist will review the application for accuracy and completeness and ensure the training requested meets legal and regulatory requirements.

(4) The HRO has the responsibility to secure training and to notify individuals of their acceptance either in writing or verbally, and IAW the Labor Management Relations Agreement, unless the training vendor forwards confirmation

direct to trainee. In this case, the trainee must notify the HRO.

7-12. SUBMISSION OF REQUESTS FOR TRAVEL ORDER. All Army technicians will submit a request for orders along with the DD Form 1556 to their appropriate level of authority.

For example:

All units submit to their Major Command Headquarters

PMO Maintenance shops submit to PMO

USPFO employees will submit to PMO

All flight facilities will submit to PMO

All STARC divisions or branches submit to applicable PMO

If an employee does not know his or her PMO, HRO can assist in identification. Requests for orders and DD Form 1556 will be sent to Human Resource Office ATTN: HRO-EDS. The request for orders should have at least the following information to process and key in a civilian travel order.

Name and SSN
 Travel Dates
 Purpose of TDY
 Place of TDY
 Mode of Transportation
 Registration fee, rental car, special remarks

7-13. TRAINING RESULTS REPORT. This agency is required by law to submit an annual report to NGB, which in turn forwards a consolidated report to the Office of Personnel Management (OPM). This report details how training was conducted within the fiscal year. The report includes, at a minimum, the number of technicians trained; supervisors and managers versus non-supervisors; number of hours and costs for tuition, travel, per diem and other related training costs.

a. **Compilation.** The Employee Development Specialist in the HRO compiles required data from the DD Form 1556 for each fiscal year, issuing a separate report for the Army National Guard and Air National Guard.

b. **Reporting Cycle.** Reports are forwarded from each state to NGB for consolidation to the Office of Personnel Management (OPM). Prior to submission to OPM, each report is reviewed by NGB to determine impact on the upcoming fiscal year budgets. The report is due as of the end of the fiscal year.

7-14. TRAINING DOCUMENTATION. All training accomplished must be documented by the technician's supervisor on the Supervisor's Brief or NGB Form 904-1.

a. **Original Completion Certificate.** All technicians should retain the original copy of the completion certificate in their own personal file.

b. **Training Request.** The original DD Form 1556 is kept in a personnel training file by the first-line supervisor and will serve as a permanent source document to verify completion of training. When training has been completed that meets the stipulations of the training contract, the first-line supervisor should ensure that diplomas or certificates are forwarded for attachment to the training contract in the OPF.

c. **Training Evaluation.** The evaluation will be retained by the HRO and used to recommend future schools and courses for other technicians. Unfavorable evaluations will be used in consideration to modify the use of particular courses or vendors.

7-15. INDIVIDUAL DEVELOPMENT PLAN (IDP).

a. **Developmental Qualification.** The Individual Development Plan (IDP) is completed when a technician is hired in a developmental position. Before the technician may be advanced to an intermediate or target grade, the IDP must show the technician has completed the required training and experience required. The immediate supervisor or the nominating official must prepare an IDP designed to meet the fully qualified level of the position.

b. **Submission Requirement upon Selection.** The completed IDP must be forwarded to HRO with the selection package. It is recommended that an outline of the developmental requirements be briefed to all candidates during the interview process. A copy of the IDP will be provided to the technician

during the supervisor's initial in-briefing of the individual assigned to the developmental position.

c. Qualification Period at Each Level. The minimum period of each grade level will be listed on the Employee Notice of Personnel Action, SF 50.

d. Target Grade Development. An IDP should be developed for employees who need additional training even though they are already at target grade. IDP's present a realistic answer to the need for employee development in

response to agency and individual needs. It also provides valuable input for planning purposes and funding request.

e. IDP Format. See Appendix R for an example of an IDP for a technician assigned to a developmental position.

CHAPTER 8 INCENTIVE AWARDS

8-1. PURPOSE. The National Guard Incentive Awards Program is designed to motivate military technicians of the National Guard to increase productivity and creativity and to achieve greater efficiency, economy, and improvement of operations. It also provides a method for rewarding those members whose job performance and ideas are substantially above normal job requirements and performance standards. The Incentive Awards Program must be vigorously supported by all levels of management and will be administered entirely on the basis of merit without regard to age, sex, race, color, religion, and national origin, martial status or physical or mental handicap. Provisions of Technician Personnel Regulation 451 are applicable to the Tennessee Army and Air National Guard. Non-merit pay military technicians may only be awarded a Quality Salary Increase (QSI)(GS only) or Sustained Superior Performance Award (SSP)(Cash Award) for the period of eligibility. The period of eligibility is three years without QSI or SSP.

8-2. REFERENCES. TPR 451.

8-3. PROCEDURES FOR MONETARY AWARDS.

a. Quality Step Increase (QSI) or Sustained Superior Performance (SSP) Cash Award. The military technician's immediate supervisor is responsible for initiating incentive award nomination using NGB Form 32 accompanied by the last performance appraisal. Complete items 1 through 9, including a narrative statement of 70 words or less, and forward through supervisory channels. The recommendation must be supported by all in-line supervisors through the PMO to HRO or be denied. Denial of award may be for any subjective reason based on lack of merit, under PIP, inefficiency, or misconduct. If disapproved, the supervisor will return the recommendation to the originator, through channels, with a suitable explanation. The recommendation may be corrected and resubmitted if accomplished within the 30 day time frame after the end of the appraisal period. Item 10 will be completed by the PMO. If approved by the PMO, award recommendation will be forwarded to either the Assistant Adjutant General

(Army/Air) for approval or disapproval, as appropriate. HRO will continue to screen award recommendations for administrative accuracy and will forward only administratively correct award recommendations to TAG for final approval.

b. Submission Suspense.

Recommendations for award should be submitted with the annual performance ratings within 30 days of the last day of the rating period to allow processing time and meet the 60 day deadline for submission of recommendation of award in conjunction with annual performance rating.

c. Documentation for Award. The following documentation must be attached to the NGB Form 32.

(1) Detailed statement of fact supporting the reason for the award. The statement should be factual, show how it exceeds the normal, indicate benefits resulted (preferably in dollar amounts or other tangible results), and include any other analysis or praise received.

(2) Statement of major duties performed.

(3) Copy of Military Technician Position Description.

(4) Copy of Performance Standard (HRO Form 430-1). The performance standard must be objective and expressed in terms of quality, quantity, timeliness, expected results, manner or method of performance and show how the technician performed beyond the minimum level. The supervisor's standards should reflect organizational as well as individual duties and responsibilities, to include EEO where applicable.

(5) For recommendations for QSI (GS only): The immediate supervisor must also certify, based on past experience, that it is believed the technician's high quality of performance is likely to continue. If the technician has received a previous QSI, the justification for another such increase in the same grade and position must provide specific evidence of increased quality of performance over and beyond that on which the previous increase was warranted.

(6) Draft of the proposed citation, written in third person and not exceeding 70 words. Use 8 ½ x 11 sheets.

d. Sustained Superior Performance (SSP) Award Amount. Payment of awards for SSP's will be determined by an outstanding performance appraisal and upon the Supervisor's and Position Management Officer's recommendation of 1 to 5 percent of base salary based on 2087 hours of performance.

e. Limitations. HRO will provide assistance to PMO's to ensure funding targets are not exceeded due to awards. PMO 's will establish controls to ensure that recommendations do not exceed funds that are available in the technician payroll account to support the program. PMO's will be provided designated fund amounts or percentages that may not be exceeded. This procedure eliminates award board requirement except for those technicians who are recommended for award for the third consecutive period of eligibility. Third consecutive eligibility period award nominees will be reviewed by a specially called Awards Board. This board will be appointed by the HRO with one member-from the affected command and one from HRO. The board will determine the validity of such award with special attention to whether the action is routine or truly meritorious. Incentive awards and special act awards are governed by TPR 451.

8-4. NATIONAL GUARD TIME-OFF AWARD PROGRAM (NON-MONETARY).

a. Purpose. The Time-Off Award Program is defined as an excused absence granted to technicians without charge to leave or loss of pay for recognition of a special act/service or other

personal effort that contributes to quality, efficiency or economy of government operations. The act or service may or may not be within the technician's normal job requirements.

b. Policy. All technicians are eligible for the Time-Off Award, but the award will be for some outstanding performance or act. Technicians may be granted up to 40 hours off for a single contribution, but not more than 80 hours during any one leave year. Each occurrence of a time-off award will be recorded separately with an associated effective date. The number of hours of time-off award will be entered in item 1 of the SF 52, i.e., 8 hours time-off award. Technicians must use time-off award hours within 12 months of the effective date on the SF-50. The time-off award hours may also be used as leave for military duty.

c. Processing Requests.

(1) The SF 52 will be used to document the Time-Off Award. Parts A and B will be used to identify the technician and to document the award. Part F (Part 5) will be used to make a brief recommendation.

(2) Delegation of recommending authority: First level supervisor.

(3) Delegation of approving authority:

(a) Intermediate supervisors to Position Management Officer

(b) The Position Management Officer will approve or disapprove, monitor for mission accomplishment and fairness, and forward to HRO for administrative review.

CHAPTER 9 LABOR RELATIONS AND GRIEVANCES

9-1. PURPOSE. The Tennessee National Guard has a means under Title 5 USC, Chapter 71 (Civil Service Reform Act of 1978), to resolve issues on behalf of technicians when they believe they have not been treated fairly. The system is called the grievance procedure. Grievances may be appealed all the way to the Adjutant General. The act establishes the Federal Labor Relations Authority (FLRA) as an independent administrative and appellate authority with a wide range of labor relations responsibilities in the federal sector. The FLRA provides ... Military technicians have a right under federal law to organize formal groups or labor organizations to represent their views to the leadership and negotiate for certain privileges. There are three such labor organizations in the Tennessee National Guard, two Army and one Air, all of them chapters of the Association of Civilian Technicians (ACT). The Tennessee National Guard, referred to as the Agency, will negotiate or bargain with technicians through these formal groups to improve working conditions, provide added benefits, or change procedures when efficiency is not affected or is improved.

9-2. REFERENCES. 5 USC Chapter 71, Civil Service Reform Act of 1978, 32 USC 709, and TPR 700, Chapter 771.

9-3. POLICY. The Tennessee National Guard requires supervisors to use labor management agreements concurrently with regulation to manage personnel, implement policy, and execute certain procedures. When a labor management agreement, or contract, specifies a procedure to be accomplished in a particular manner, the Agency (Adjutant General) has agreed to the policy, and this policy supersedes the published regulation, but may not supersede or change law. No technician will carry on any activity as an officer or agent of a labor organization that conflicts or appears to conflict with the proper exercise of, or are in conflict with, his or her official duties.

9-4. LABOR ORGANIZATION MEMBERSHIP AND REPRESENTATION. By law the labor organization is required to represent all technicians in the bargaining unit regardless of whether they are members or not. This

presentation includes grievances, collective bargaining, labor management meetings, etc. Labor organization membership is generally open to any Agency technician. Management officials, supervisors, and confidential personnel who are excluded from the bargaining may not act as a representative of, may not participate in the management of, or be represented by a labor organization. The following categories of personnel are excluded from labor organization involvement:

- a. Management officials and supervisors (those who have supervision over 3 or more employees).
- b. Technicians engaged in the administration of the Federal Labor Relations Statute.
- c. Confidential technicians who act in confidential capacities for management and who formulate or affect management policies in the field of labor-management relations.
- d. Professional technicians (e.g., pilots, doctors, nurses, etc.) and technicians engaged in personnel work that is more complex than purely clerical.
- e. Technicians engaged in intelligence, counterintelligence, investigative, or security work which directly affects national security or investigation or auditing that affects internal security of an Agency.

9-5. NEGOTIATION OF LABOR MANAGEMENT AGREEMENTS. Collective bargaining is a right assured by the Civil Service Reform Act. Any agreement is subject to approval of the Federal Advisory Service which ensures compliance with law and regulations. Any approved labor agreement has a higher degree of force and effect in the workplace than subsequently issued agency regulations. Only law takes precedence over labor agreements. When the Adjutant General contemplates taking action which will impact on conditions of employment of bargaining unit personnel, the exclusive representative will be notified sufficiently in advance to provide a reasonable opportunity to bargain on the proposed change. This right will not interfere with the right of the Adjutant General to take action in an emergency for the benefit of the nation, state or organization. When in the course of bargaining, the parties cannot agree on a matter, a Federal Services Impasses Panel (FSIP) may

be directed by the FLRA to provide mediators to hear the issues, establish arbitration, and resolve the impasse.

9-6. EXCLUDED MATTERS.

a. Matters Prohibited from Negotiation by Statute. Any matter for which a statutory appeals procedure exists or those matters which would conflict with law may not be negotiated. Any actions taken pursuant to 32 USC 709(e)(1-4) are expressly excluded from the grievance procedure by law. The exclusions are listed in this paragraph since they are powers granted to the Adjutant General by Congress under Title 32 USC. The final level of appeal in these matters is the Adjutant General of Tennessee.

b. Political activity prohibited by law.

c. Position classification. A position downgrade may be discussed before implementation.

d. Termination. Termination of employment will terminate the grievance.

e. Non-selection for Promotion. Non-selection for promotion cannot be the sole basis for a grievance when the allegation is that he (or she) is better qualified than the person selected.

f. Discrimination Allegations. Allegations of discrimination on grounds of race, creed, color, national origin, sex or age. These complaints should be filed under provisions of EEO guidelines.

g. Other exclusions (due to powers by law or where other complaint procedures are in place):

(1) Denial of a Wage Grade Increase.

(2) Oral disciplinary admonitions or verbal warnings.

(3) Performance standards and appraisals.

(4) Disapproval of incentive award recommendations.

(5) Salary decisions.

(6) OPM decisions.

(7) Group life insurance issues.

(8) Group health insurance issues.

(9) Re-employment rights or restoration after military service.

(10) Examination ratings.

(11) Technician suitability and military-related items.

9-7. GRIEVANCES. Grievances are complaints about a prohibited policy or practice. Each bargaining unit has established a grievance procedure which governs how complaints (or grievances) can be submitted and how they are handled. The agency grievance procedure will be used unless a technician is a member of an exclusive bargaining unit in which case the bargaining agreement will determine the grievance procedure. Optionally, appeals may always be submitted through the supervisory chain.

a. Coverage. A negotiated grievance or arbitration procedure established through a negotiated agreement as set forth in Title VII, PL 95-454 will take precedence over the stipulations of this regulation. Personnel covered by such agreements must use procedures established in their labor management agreement for grievance or arbitration of issues. Managers, supervisors and confidential technicians are not covered by a bargaining unit. Guidance effecting the rights of management will be followed as stated in this regulation.

a. Settlement. Every effort will be made to settle differences at the lowest level. Grievances normally arise from misunderstandings (poor communication) which can be settled promptly and satisfactorily on an informal basis at the first line supervisor level or PMO level. Grievances may be initiated by a technician, by the labor organization, or by the Agency if there is a belief that an inappropriate action has been taken by the Agency or labor organization.

b. Allowable Time for Grievances. Time off the job will be allowed for a military technician to present a grievance to a supervisor, provided their work assignments are not of such urgency that they cannot be spared at that moment. Grievance

discussions between the technician and the first line supervisor shall be held during duty hours of the affected technician. Supervisory permission is not required for submission of a grievance; however, permission is required if the technician finds it necessary to leave his (or her) duty assignment to present the grievance to a higher authority, e.g., the PMO. A technician is entitled to directly communicate with and seek advice from the following personnel or offices:

- (1) Human Resources Officer (HRO).
- (2) State Equal Employment Manager (SEEM).
- (3) Bargaining Unit. The appropriate recognized labor organization should be consulted for issues regarding the labor organization or its procedures.

c. Decision Processing. A technician's grievance will be given full, impartial and prompt consideration. A decision on the grievance will be issued within 90 days after initiation of the informal grievance.

d. Cancellation. The HRO may cancel a grievance in the following situations:

- (1) At the technician's request.
- (2) Upon termination of the technician's employment with the Agency unless the relief sought by the technician may be granted after separation from employment.

(1) Upon the death of the technician unless the grievance involves a question of pay; or

(4) For failure to pursue the grievance when the technician does not furnish required information necessary for the agency to understand the problem and duly proceed with advancement of the grievance.

9-8. AGENCY GRIEVANCE PROCEDURES.

For non-bargaining unit members, a grievance will begin at the informal level and if not resolved progress to the next level for attempted resolution. The supervisors or managers at each level are obligated to reach a decision and present a decision within the suspense shown in the workdays column below. HRO will monitor the process and will provide advice regarding meeting the suspense. When a second level supervisor is the PMO, the next level will apply. The grievance becomes formal at Step 2.

a. Informal Level – Technician-First Line Supervisor. 7 days.

STEP 1: PROCESS	WORKDAYS
Technician presents the grievance orally to the first line supervisor	
Immediate supervisor meets promptly with technician and renders an oral decision.	4
Technician accepts or rejects decision.	3

b. Formal Level – Technician-Second Level Supervisor. 11 days (Total of 18 days).

STEP 2: PROCESS	WORKDAYS
Technician submits grievance in writing to the second line supervisor. Send copy to PMO and HRO.	3
Second line supervisor will meet with the first line supervisor and prepare a written response to the grievance.	5
Technician accepts or rejects decision.	3

c. Formal Level – Technician-Position Management Officer. 13 days (Total of 31 days).

STEP 3: PROCESS	WORKDAYS
Technician submits grievance in writing to the PMO after receiving written response from the second line supervisor.	3
The PMO will meet with the technician and any supervisors and will render a written decision to the grievance.	7
Technician accepts or rejects decision.	3

d. Formal Level – Assistant Adjutant General. 21 days (Total of 52 days).

STEP 4: PROCESS	WORKDAYS
Technician submits grievance in writing to the Assistant Adjutant General after receiving written response from the PMO.	3
The Assistant Adjutant General will decide whether to meet with the parties or not and will render a decision.	15
Technician accepts or rejects decision.	3

e. Formal Level (Alternative Dispute Resolution – Hearing Examiner). 35 days plus the time required to hold the hearing for which no limit has been placed. Most hearings take less than a week, but more technical situations may take longer. (Total for planning – 60 days).

STEP 5: PROCESS	WORKDAYS
Technician may request a hearing examiner or appeal directly to TAG. If a hearing examiner is requested:	5
The hearing examiner may conduct an inquiry of a nature and scope appropriate to the issue involved and at his (her) discretion, take the following steps: Secure documentary evidence Perform personal interviews Call a group meeting of the parties involved Hold a formal hearing, or any combination of the above.	No limit
If a hearing is held, the conduct of the hearing will be in accordance with the requirements of TPR 735-5, Chapter 5. HRO (Labor Relations Specialist) and the appropriate legal counsel will present the case to the hearing examiner and coordinate the appearance of witnesses. The examiner will submit a written recommendation to the Adjutant General within 30 days.	30

f. Formal Level – The Adjutant General. 28 days. Total without a hearing examiner – 90 days. Total with a hearing examiner – uncertain, but probably less than 6 months.

STEP 6: PROCESS	WORKDAYS
If the technician appeals the decision of the Assistant Adjutant General, the Adjutant General will review and decide. The decision of TAG is final.	14
If a hearing examiner was requested, the hearing examiner forwards his (or her) recommendation to TAG. The Adjutant General will review the recommendation and decide. The decision of TAG is final.	14

9-9. FILES. A grievance file is the official record of the grievance proceedings and must contain all documents related to the grievance. This file is separate from the supervisor’s folder or the OPF and will be maintained by HRO a minimum of two years.

9-10. UNFAIR LABOR PRACTICE. Any action by the union or by the Agency that violates rights granted by the Federal Labor-Management Relations Statute is an unfair labor practice (ULP). A ULP may be filed with the FLRA by labor, management, or an employee. ULP’s are resolved by the FLRA and may result in any number of actions, including cease and desist orders, posting requirements, and other legal actions.

**CHAPTER 10
EQUAL EMPLOYMENT OPPORTUNITY
PROGRAM**

**10-1. CIVILIAN TECHNICIAN EQUAL
EMPLOYMENT OPPORTUNITY REFERENCES.**

Civilian discrimination complaint processing and adjudication is governed by the following regulations.

- a. Army National Guard. NGR (AR) 690-600.
- b. Air National Guard. NGR (AF) 40-1614.

**10-2. MILITARY EQUAL EMPLOYMENT
OPPORTUNITY REFERENCES.**

Military discrimination complaint processing and adjudication is governed by the following regulations.

- a. Army National Guard. NGR 600-21, Equal Opportunity Program in the ARNG.
- b. Army and Air National Guard. NGR 600-22/ANGI 36-3, National Guard Military Discrimination Complaint System.

CHAPTER 11 TECHNICIAN ASSISTANCE PROGRAM (TAP)

11-1. PURPOSE. The Technician Assistance Program (TAP) is an administrative means to assist a technician who voluntarily admits he (or she) has a problem with alcoholism, drug abuse, or other job impairment problems. Technicians in sensitive positions should refer to PL 91-616 and PL 91-255.

11-2. REFERENCES. Public Law (PL) 91-616, the Comprehensive Alcohol Abuse and Alcohol Prevention, Treatment and Rehabilitation Act of 1970, PL 92-255, The Drug Abuse and Treatment Act of 1972, PL 93-282, amending PL 91-616 and PL 92-255, TPR 752, TPR 792-2, Technician Personnel Supplement 792-2, Directory of Licensed Hospitals and Ambulatory Surgical Treatment Centers in Tennessee, and Directory of Drug and Alcohol Facilities (TN).

11-3. POLICY. The Adjutant General of Tennessee is responsible for the most efficient and rapid accomplishment of the mission of the Tennessee National Guard and recognizes the need to maintain technician morale and aid productivity. The Adjutant General is also concerned with a technician's personal behavior if his actions interfere with the efficient and safe performance of assigned duties, reduces dependability of the technician, reflect discredit on the National Guard, or adversely affects other technicians. It shall be the policy of the Adjutant General that:

a. **Illness.** Management officials and supervisors recognize alcoholism and drug abuse as treatable health problems.

b. **Protection for Self-Referral.** No technician will have his job security jeopardized by a request for counseling or referral assistance, except as limited by PL 91-616 and L 91-255 related to sensitive positions. Cases of absenteeism or conduct-related problems not protected by self-referral will be dealt with in accordance with TPR 752.

c. **Sick Leave for Treatment.** Sick leave (or advance sick leave) will be granted for the purpose of treatment or rehabilitation as in any other illness or health problem.

d. **Information.** Upon determination that a technician may need assistance, inform him of the availability of counseling services at HRO (TAP Coordinator). If TAP is offered to a technician, and he (or she) refuses this help, the supervisor will provide a firm choice between cooperation and the consequences resulting from unacceptable performance.

e. **Initiation of Sanctions.** If poor performance is caused by a health problem, the supervisor may still initiate sanctions. The decision for a penalty will be prepared in writing and proposed to the technician with the intent to execute it if he (or she) has refused to participate in TAP. If he (or she) accepts TAP, the punishment may be held in abeyance subject to successful progress and completion of the program. If the program is successful, all sanctions and records of adverse action will be removed and eliminated. If the program is unsuccessful, any punishments held in abeyance will be implemented.

f. **Criminal Conduct.** TAP may not be applicable if the technician is guilty of criminal conduct in connection with use or abuse. If a technician has been caught through screening programs, this process will operate separately from TAP and will not be delayed by TAP application. No technician actions will interfere with the efforts of law enforcement authorities.

11-4. RESPONSIBILITIES. Responsibilities of the following personnel are outlined in TPR 792-2:

a. **The Adjutant General.** Every occupational group, including military technicians, is subject to problems at all levels of responsibility that may significantly impair job performance, but are of such an intimate nature that the technician may feel reluctant in seeking assistance or counseling. In-house Occupational Health Programs have proven to be effective in dealing with job impairments or medical problems, as well as legal, financial, marital and family crisis conditions. Alcoholism and drug abuse are included in health programs because studies have indicated that they are conditions that can be treated in the same manner as any other condition that impairs job performance. PL 91-616 and PL 92-255 charge Federal agencies with the responsibilities for developing counseling services and maintaining preventive treatment and rehabilitation services to deal with alcohol and drug abuse among Federal

technicians. Both laws state that no person may be denied or deprived of Federal civilian employment or a Federal professional or other license solely on grounds of prior abuse of drugs or alcohol. Action may be taken when crimes have been committed in connection with the abuse. The Adjutant General enforces these provisions of law.

b. Human Resources Officer (HRO). The HRO will execute TAP on behalf of the Adjutant General offering informational programs to assist technicians who have requested such assistance. Understanding that alcoholism and drug abuse are treatable health problems, the HRO will assist in obtaining rapid resolution of such illnesses that impair a technician's job performance. The technician having either or both of these illnesses will receive the same careful consideration and offer of assistance that is presently extended to technicians having any other illnesses or health problems. The Tennessee National Guard is not concerned with the technician's use of alcohol except as it may affect his or her job performance or the efficiency of the service. The Tennessee National Guard does not condone technician drug misuse and when management has good reason to believe criminal conduct is directed towards, or potentially harmful to, the person or property of others, the first obligation is to those persons or properties and then to the technician involved.

c. Technician Assistance Program Coordinator. The TAP Coordinator for Tennessee

will also be the State Equal Employment Manager (SEEM). The TAP Coordinator may work in concert with the State Alcohol and Drug Abuse Coordinator (ADCO) to offer assistance to technicians. The TAP coordinator will implement and oversee the Technician Assistance Program. The program coordinator will:

(1) Arrange for and/or provide educational materials that can be used to prevent or discourage alcohol and drug abuse within the technician workforce and, provide information regarding the program during orientation of a newly employed technician to ensure that all technicians are aware of the services available.

(2) Arrange for and/or conduct training of managers and supervisors to ensure that they understand the program, the procedure for dealing with technicians with an alcohol or drug problem, financial difficulties, legal, family or other

personal problems, and the benefits derived upon successful rehabilitation of a technician with such problems.

(3) Establish a liaison with community education, counseling, treatment, and rehabilitation facilities.

d. Assistant TAP Coordinators (Air Base Personnel Assistants / Union Stewards) will:

(1) Assist TAP Coordinator to perform duties listed above in their area of responsibility.

(2) Refer technicians to the appropriate Helping Resource in the community.

(3) Distribute educational material when required by the TAP Coordinator.

(4) Maintain and report statistics on program to TAP Coordinator.

e. Supervisors. First line and higher-level supervisors must assist technicians in trouble in returning to a satisfactory performance status, if possible. Legitimately, supervisors have fairly explicit expectations of their technicians in terms of job performance and behavior. When technicians fail to fulfill these expectations, supervisors have both the right and the duty to confront them with the deficiencies, and to provide them with opportunities to correct the problems. Dealing with poor performance is a basic supervisory responsibility. Early intervention may also lead to early, even life-saving identification and treatment of the health problem. In summary, supervisors should:

(1) Be Alert, through continuing observation, to changes in the work or behavior, or both of assigned technicians.

(2) Document (on the Supervisor's Brief or NGB Form 904-1) specific occasions when a technician's work performance, behavior or attendance fails to meet minimum standards, or where the technician's pattern of performance appears to be deteriorating.

(3) Advise other members to refer a troubled technician to professional counselors. Supervisors must be able to describe the behavior to the counseling staff, but should not attempt to

diagnose or draw conclusions. This is a counseling responsibility.

(4) Conduct an interview with the technician specifically focusing on poor work performance, and inform the technician of available counseling services if poor performance is caused by any person or health problem.

(5) If a troubled technician refuses help and performance continues to be poor, provide a firm choice between accepting assistance through counseling or professional diagnosis of his or her problem. The technician must cooperate in treatment or accept the consequences for unacceptable performance.

f. Troubled Technicians. Technicians who suspect they may have an alcohol or drug abuse problem, even in the early stages, are encouraged to voluntarily seek counseling and information on an entirely confidential basis by contacting the persons designated to provide such services. Confidential discussions and information may also be obtained by contacting the TAP Coordinator.

11-5. PROCEDURES FOR TAP EMPLOYEE MANAGEMENT.

a. Safety. When a technician does not appear to be in full control of his or her faculties, the supervisor should immediately inquire about the technician's physical condition and determine the safety of the technician and others around him or her. Information on these cases should be relayed to the HRO or the TAP Coordinator. The technician should be referred for medical diagnosis and emergency treatment. Where indicated, the technician should be further referred to a private physician or community health services. If such cases ultimately are determined not to have stemmed from abuse of alcohol or drugs, medical personnel should discuss the facts of the situation with the technician and refer him or her for appropriate treatment.

b. Sick Leave. Sick leave will be granted for the purpose of treatment or rehabilitation as in any other health problem or illness. Doctor's statements are required only if the treatment will exceed three days.

c. Relationship to Disciplinary Actions. TAP will be carried out as a non-disciplinary procedure. Adverse action may be suspended as long as the

technician is making progress in a counseling program.

d. Criminal Conduct. When management has a good reason to believe a technician has engaged in criminal conduct, supervisors shall inform the HRO immediately. Supervisors should attempt not to extract any details regarding any illegal activity or conduct, but specific knowledge of criminal conduct must be reported to the authorities.

e. Rehabilitation Expenses. There is no provision in the law for payment of Federal employee rehabilitation costs. Technicians are responsible for the cost of treatment of alcohol, drug abuse or other personal problems. The Federal Employee Health Benefits program may provide full or partial payment of some costs. Some rehabilitation centers charge fees on a sliding scale based on the individual's ability to pay, but most centers will not refuse an individual because of an inability to pay. The individual has freedom of choice to attend the treatment center or resource he (or she) desires.

f. Confidentiality. Public Law provides for confidentiality of patient information under this program. Records on technicians who have been referred for counseling for any drug or alcohol misuse will be maintained in the strictest confidence and accorded the same security and accessibility restrictions provided for medical records. Supervisor's notes are not subject to the requirements of the confidentiality regulations since supervisors are not performing an alcohol abuse or drug abuse prevention function, but discussion of technician problems by supervisors with persons not having a need to know is strongly discouraged on the grounds of ethics and good supervisory practice. The confidentiality regulations do prohibit persons performing an alcohol abuse or drug abuse prevention function, i.e., coordinators, counselors, and their staffs, from disclosing information obtained as a result of the performance of that function to an unauthorized person (including a supervisor) without the written consent of the technician. In other words, a supervisor, after referring a technician to a program coordinator or counselor, cannot expect feedback on the technician's progress without his or her written consent. If consent is given, the supervisor may not pass on the information received as a result of that consent to any other unauthorized person (which includes his or her next-level supervisor) without the separate signed consent. More than one

consent, however, may be contained in a single consent form as long as the requirements for consent are met. Supervisors should continue to provide program personnel with information about the job performance of employees referred to the program, regardless of whether or not consent is obtained for feedback from the program. Counselors from other programs, such as Equal Employment Opportunity Counselors, who are advised by a technician of his or her alcohol or drug problem should immediately refer the technician to a Technician Assistance Program Coordinator and adhere to the confidentiality requirements, which include protection of the technician's identity.

g. Performance. Technicians with below standard performance due to drugs or alcohol will be counseled on the availability of the Technician Assistance program. If the technician refuses to seek help, there is no improvement, or there is inadequate improvement in performance, adverse action may be taken on the basis of poor job performance. Probationary employees may be separated due to drug or alcohol misuse if improvement is not shown immediately.

11-6. DISCIPLINARY ACTIONS UNDER TAP.

a. Supplementary Program. The Technician Assistance Program (alcohol and drug abuse) supplements, but does not replace, existing procedures for dealing with problem employees. Its premise is that one type of problem employee is the alcoholic or drug abuser and that with this particular kind of problem employee, a special situation exists. The drinking or drug abuse is either an illness or a symptom of an illness and, as with other types of illnesses, it is the agency's role to try to assist the person to recover his or her usefulness as an employee.

b. Below Standard Performance. In practice the alcohol or drug abuser should be dealt with little differently than other problem technicians. The supervisor identifies the aspects of job performance that are not fully acceptable, consults with the coordinator about those cases that appear to be developing a trend, discusses aspects of below standard performance with the technician, and advises him or her of availability of counseling assistance if the cause of poor performance stems from any personal problem. If the technician refuses to seek counseling or if there is no improvement or inadequate

improvement in performance, or both, disciplinary action should be taken.

c. Initially Suspended Sanctions. In relating the alcoholism and drug abuse program to disciplinary policies and practices, the program must be carried out initially as a non-disciplinary procedure aimed at rehabilitation of persons who suffer from a health problem. However, there needs to be a clear understanding that shielding problem technicians by tolerating poor performance clearly contributes to the progression of the illness by delaying a rehabilitative program. Failure on the part of the technician to accept the assistance offered through the program or otherwise correct performance should be dealt with through disciplinary procedures.

d. Patient Information Confidentiality. Once a technician is enrolled in TAP counseling or medical treatment, that medical information may be disclosed only as authorized and may not be otherwise divulged in any civil, criminal, administrative or legislative proceeding conducted by any federal, state or local authority unless subpoenaed by a court. Thus, management may not require the coordinating staff to release patient information for use in a disciplinary situation. Regulations permit the release of information in such proceedings with the patient's prior written consent and when in the judgement of the TAP Coordinator that the consent was voluntarily given. Such disclosure should not be harmful to the patient, the program or their counselor relationship. Disciplinary action should always be based on job performance or behavior problems, not progress in a rehabilitative program.

11-7. LABOR SUPPORT AND COOPERATION.

The active participation and support of labor organizations is key to the success of this program. Bargaining unit officials who represent technicians concerning working conditions and personnel policy are influential in creating employee confidence in management's policy. It is essential that labor organizations understand management's sincere commitment to assist the employee with his or her problem. Union officials should understand that the technician will be extended maximum assistance toward rehabilitation. However, it must also be understood that, if the technician is unable to raise his or her job performance to an acceptable level, appropriate action must be taken.

11-8. DISCLOSURE RULES.

a. Without Consent. Whether or not a patient gives his or her written consent, the content of the record may be disclosed when:

(1) The information is needed by medical personnel to meet a genuine medical emergency;

(2) The information is needed by qualified personnel for the purpose of conducting scientific research, management audits, financial audits or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation, or otherwise disclose patient identities in any manner;

(3) Provided an appropriate order of a court of competent jurisdiction, granted after application showing good cause. In assessing good cause, the court must weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

b. With consent. Consent to disclose patient information is subject to strict confidentiality regulations and must be in writing. Forms and information on such disclosures are available through the Technician Assistance Program Coordinators.

c. Maintenance of Records.

(1) General supervisory documentation of technician job performance and actions taken to motivate correction of job deficiencies will be maintained in a confidential manner. The responsibility for developing a responsive and useful job performance documentation system rests with management and supervisory officials.

(2) Official Personnel Folders shall not

include information concerning a technician's alcohol, or drug problems, or the efforts to rehabilitate him, except as they apply to specific charges leading to disciplinary or separation action. When this information is included due to discipline or separation, the OPF will be locked in a separate file from other OPF for increased protection.

(3) Records on technicians who have been referred for counseling for any reason will be maintained in the strictest confidence and accorded the same security and accessibility restrictions provided for medical records.

(4) Records containing medical information and reports must be kept in a separate locked cabinet during the technician's service with the Tennessee National Guard and may not be made part of the Official Personnel Folder. TAP records reflecting referral and participation in drug or alcohol treatment programs become patient medical records and are protected by law. Due to the penalties for unauthorized release, these records are extremely sensitive and must be kept confidential.

11-9. COMMUNITY RESOURCES. To encourage the most professional help for technicians, the Tennessee National Guard uses community resources in the State of Tennessee as outlined in:

a. Directory of Licensed Hospitals & Ambulatory Surgical Treatment Centers in Tennessee.

b. Directory of Drug and Alcohol Facilities (in Tennessee). Organized by area and treatment codes.

CHAPTER 12 PERFORMANCE APPRAISAL SYSTEM

12-1. GENERAL. This regulation contains the regulatory requirements of the Tennessee National Guard Technician Performance Management System. It is consistent with the requirements of the Civil Service Reform Act of 1978 (PL 95-454), Office of Personnel Management (OPM) regulations, and TPR 430. It also contains specific guidance to be used by managers, supervisors and employees in the proper use of the performance appraisal system. Any provision of this regulation that conflicts with any existing, or future, law, Federal rule or regulation, or negotiated agreement, shall be null and void.

12-2. REFERENCES. Civil Service Reform Act of 1978 (PL 95-454) and TPR 430.

12-3. DEFINITIONS.

a. **Performance Appraisal.** The continuing process by which the technician is kept informed of how his or her performance compares against the established performance standards, through progress reviews and in a final written performance appraisal at the end of the performance period. Appraisals are required annually during the technician's birth month.

b. **Appraisal Period.** The appraisal cycle is

one year for which the Technician's performance will be appraised. Performance appraisals may only be submitted within the technician appraisal cycle or for the extended period of up to 120 days approved by the HRO, but special appraisals or out-of-cycle appraisals will not be accepted. The appraisal period closes the last day of the technician's birth month, and the appraisal is to be received in the HRO by the last day of the following month. Late appraisals can affect pay or an award of a technician. Incentive awards require a current appraisal to be attached. Failure to provide one will result in disapproval of any award recommendation.

c. **Rating Official.** The individual most responsible for the technician's performance, for establishing standards, for conducting performance counseling and reviews, and for appraising a technician's performance. The rating

official is usually the technician's first-line supervisor.

d. **Approving Official.** A manager or supervisor in the technician's supervisory chain who is at a higher level than the rating official, usually the rater's supervisor. This individual is the approving official for the performance appraisal and may recommend personnel decisions and actions resulting from the report.

e. **Critical Job Element.** Any component of

a technician's job that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase and may be the basis for removing, reducing to a lower grade, or reassigning of that technician. Such actions may be taken without regard to performance on other critical job elements.

f. **Progress Review.** A discussion between the rating official and the employee, held approximately six months into the reporting period, to review the employee's progress toward achieving critical elements, make any necessary revisions and consider any developmental needs or performance improvements required.

g. **Levels of Achievement.** A written description of the level of achievement necessary for the fully acceptable performance level and the outstanding level are required, as well as a progress review for each employee of the agency.

h. **Summary Rating.** The rating (Outstanding, Fully Acceptable, Unsatisfactory) assigned to describe the employee's overall performance.

12-4. PROGRAM BASICS. The following requirements are established for the performance appraisal system.

a. **Performance Standard.** A single written performance standard, with critical job elements identified by an asterisk, will be established for each position. Performance standards are developed using the position description and the position vacancy announcement.

b. **Critical Job Elements.** Technicians will be informed of the critical job elements within 30 days of employment, reassignment, detail,

promotion, change to lower grade, position change, transfer, etc.

c. **Supervisor Feedback.** Technicians will be periodically provided feedback throughout the performance period on how well they are performing in each critical job element. Supervisors are expected to establish a suspense calendar to ensure progress reviews are accomplished annually at the end of each appraisal period. To the maximum extent possible, progress reviews shall be informative and developmental in nature and shall focus on how to improve future performance. All performance counseling sessions will be recorded on the electronic Supervisor's Brief or NGB Form 904-1.

d. **Use of Performance Appraisal Results.** The results of the performance appraisal will be used as a basis for incentive awards, within grade step increases, promotions, training, as a basis for improving unacceptable performance, reassignments, reductions in grade, reductions-in-force, and other removals.

e. **State Review and Appeals Board.** A State Review and Appeals Board will be established to review and resolve disagreements over performance appraisals, unless excluded by a negotiated agreement. Grievance procedures or alternative dispute resolution (ADR) may also be a step in the process.

f. **Thirty Day Notice Requirement.** Actions to reassign, reduce in grade, or remove based on unacceptable performance may be taken only after the technician has been provided with a performance improvement package (PIP) of 30-90 days. If there has been no improvement, the technician must then have been given a thirty day written notice of intent to terminate. A thirty day notice is not required when technicians no longer meet the conditions of employment although the Agency may elect to provide one.

12-5. RESPONSIBILITIES.

a. **The Adjutant General (TAG).** TAG is responsible to ensure that all aspects of this State's performance management system are within the guidelines of OPM, National Guard Bureau (NGB), and Department of Defense (DOD). The Adjutant General has delegated the responsibility to manage the program to the HRO.

b. **The Human Resources Officer (HRO).** The HRO is responsible for:

(1) Administering the appraisal report system within the State;

(2) Providing advice and assistance to supervisors, managers, and employees.

(3) Ensuring that all supervisors of National Guard Technicians complete and forward performance standards (with critical elements identified with an asterisk) for all employees to the Human Resources Office (HRO).

(4) Ensuring that all supervisors of National Guard Technicians complete and forward a performance appraisal at least annually on each employee.

(5) Reviewing completed reports for timeliness, completeness, and conformance with regulatory requirements of this system.

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

(7) Having a State Review and Appeals Board appointed.

c. **Rating Officials.** Rating Officials, normally the first-line supervisor, will:

(1) In cooperation with their employees, establish written critical job elements for each position they supervise. These standards and critical elements should be consistent with the duties and responsibilities covered in the technician's position description. A copy of the established critical job elements and performance standards will be provided to the Technician and the Human Resource Office whenever changes are made.

(2) Personally inform the technician of the level of performance required for a Fully Acceptable performance appraisal.

(3) Appraise performance on a continuing basis and keep each technician informed as to how his or her performance compares to the established performance standards.

(4) Give guidance and assistance to each technician, when required, on how performance can be improved.

(5) Ensure that each technician receives a performance appraisal annually, and in a timely manner.

(6) Coordinate the appraisal with the approving official for signature.

(7) Ensure that employees are informed of their appeal, or grievance, rights and the process for filing an appeal based on a performance appraisal. Also, ensure that each employee receives a copy of the critical job elements/performance standards and the performance appraisal.

d. Approving Officials. Approving officials are responsible for:

(1) Making a comprehensive review of the technician's performance standards, and discussing with the supervisor (rating official);

(2) Approving or recommending personnel actions and decisions resulting from performance appraisals in accordance with established procedures.

e. Technicians. Technicians are responsible for:

(1) Participating in the development of critical job elements and performance standards.

(2) Advising their supervisors of the need, if necessary, to revise performance standards and critical job elements during the appraisal period.

(3) Requesting clarification of any element or performance standard of the job if not clearly understood.

(4) Identifying work problems and cooperating with the supervisor in resolving any problems, advising the supervisor on special factors and circumstances that should be considered in the appraisal process, and discussing objectives for improving job performance.

(5) Explaining to the supervisor why a given standard or element cannot be met or should be changed and offering a counterproposal for the standard or element.

(6) Participating actively with the supervisor during discussions of performance throughout the appraisal period.

12-6. PERFORMANCE STANDARD.

a. Performance Standards and Critical Job Elements. Identification of the job performance standard and its critical elements is accomplished through an analysis of the duties and responsibilities of each technician's job, its position description and the vacancy announcement. Organizational goals and objectives are first identified, then specific duties and responsibilities are selected. Important project assignments that contribute to the goals and objectives for which the technician will be held responsible should be included. Critical elements are bullet headings descriptive of the area and support the grade level of the position. Concise sentences are written to support the critical elements that establish the standards. Other sources of information that may be helpful in identifying critical elements are mission and function statements, military duty position descriptions, mission essential task lists, training assessment models, inspection reports and locally developed performance requirements. At the beginning of the report period, each supervisor and the technician will focus on and reemphasize the critical job elements. Although technicians will participate in this process, the immediate supervisor will make the final determination. The approving official must have approved the critical elements by signature on the Performance Standard. Critical job elements will be updated to reflect changes in the job at any time during the report period, but appraisals may be accomplished only for standards that have been in place and approved a minimum of 120 days. A completed copy of the performance standard (and its critical and non-critical elements) will be given to the technician at the beginning of the initial report period, and as changes occur. A copy of the Performance Standard will also be sent to the HRO for the Employee Performance File.

b. Requirements for Supervisors and Managers. Performance Standards for supervisors and managers should reflect

organizational as well as individual duties and responsibilities. Ensuring the implementation of equal employment opportunity (EEO) will be identified as a critical element for all supervisory technicians responsible for appraising the performance of one or more technicians. See Appendix J for the EEO element that should appear as the critical element. There are additional elements, that are required for some management positions in the Army and Air National Guard. Supervisors and managers will also include the requirement for internal management controls and safety included as a job element.

12-7. PERFORMANCE APPRAISAL.

a. Performance Ratings. At the end of the rating period, the supervisor will review the technician's performance in relation to the job elements and progress reviews. In Part I of HRO Form 430-1, Technician Standards and Appraisal, after each element place an O for Outstanding, F for Fully Satisfactory, or U for Unsatisfactory for that element. In the event the employee did not have an opportunity to perform an element, no rating should be assigned, and NR for Not Rated should be entered. An individual element rating of Unsatisfactory or U on any critical element will require a narrative explanation justifying the rating and will result in the overall appraisal rating being made Unsatisfactory or U. Remedial action will be required for this level of appraisal, to include the preparation of a Performance Improvement Plan (PIP). Once elements are rated, complete Part III of HRO Form 430-1 by assigning the overall rating. The summary rating will be the lowest of critical elements ratings in Part I. If an Outstanding or O summary rating is given, a justification as to how the employee exceeded the minimum required standard for his or her position is required. No narrative will be required for Fully Satisfactory ratings.

b. Trial or Probationary Period Appraisal. New technicians will be carefully observed during the trial or probationary period, the first 12 months of employment, to determine whether they have the qualities needed for permanent employment status with the Tennessee National Guard. Conversion to permanent status (or retention) will be automatically accomplished at HRO unless the first-line supervisor formally requests non-retention with appropriate justification. Copies of the Supervisor's Brief, NGB Form 904-1, or other

record of counseling (or reprimand) must accompany a request to HRO to non-retain a probationary employee. Note: There are no appeal rights for the probationary period. A removal action can be initiated any time during the first 12 months of employment.

c. Indefinite Employees. Indefinite employees receive a performance appraisal and performance counseling in the same cycle as permanent employees.

d. Submission of Performance Appraisal. All National Guard technicians will receive an annual performance appraisal. This is an entitlement and is not at the discretion of the supervisor. Performance appraisals will be closed out as of the last day of the birth month of the technician and due to HRO the last day of the following month. If an extension is necessary, the supervisor will contact HRO-CS to coordinate approval of an extension.

e. Performance Appraisals While on Detail.

When a technician is officially detailed to another position for a period covering 120 days or more, written performance standards will be established for the detailed position, and the technician's performance will be appraised by the detail supervisor when the detail ends. Details may be to accomplish an entirely different job with different critical elements. Details should not be extended beyond one year.

f. Postponement of Annual Performance Appraisals. Annual performance appraisals may be postponed for up to 120 days in circumstances when the immediate supervisor has not had enough time to observe the technician's performance in his or her present assignment because (1) the supervisor or the technician is newly assigned; (2) the technician has not been performing regularly assigned work because of extended details or absences; or (3) the technician's performance is temporarily unacceptable because of illness, alcoholism, or drug abuse rehabilitation. This 120-day postponement may be extended by HRO if circumstances warrant.

g. Records. Official performance records are available for review by the technician concerned. These include, but are not limited to, performance standards, performance appraisals, certifications in connection with within-grade

increases, incentive awards determinations, merit promotion material, trial/probationary period certification, and other related personnel management documents. Only individuals directly in the technician's chain of supervision and those with an official need to know will be permitted to review performance appraisals.

12-8. APPRAISAL PREPARATION.

a. **Continuous Process.** Preparation of performance appraisals is a continual process. Supervisors may keep memory-jogger notes that show how the employee is functioning. Employees should keep records of special achievements or other actions that clearly show their level of performance during the current rating period.

b. **Summary Rating Level.** The rating official assigns a summary rating level of Outstanding, Fully Acceptable, or Unacceptable. A summary rating of Fully Acceptable means that the employee has met the performance expectations for each element. Narrative comments are not required for this rating, but may be included in the space provided on the form.

(1) A summary rating of Outstanding means that the employee has exceeded the expectations of ALL identified critical elements. A narrative paragraph is required for each critical element at this level to justify the rating.

(2) A summary rating of Unacceptable means that the employee has not met the performance expectations of at least one critical element of their position. Summary ratings of Unacceptable require a written explanation for each element specifically describing the performance deficiencies. If more space is needed, attach a sheet of plain paper to the performance appraisals.

c. **Signature.** The appraisal will be signed and dated at the conclusion of the appraisal period. The rating official will coordinate and acquire the approving official's signature on the appraisal after presenting it to the employee, and obtaining their signature.

d. **Technician Signature.** The employee's signature does not indicate concurrence with the summary rating, it only verifies that the employee has received a copy of the appraisal. If an

employee declines to sign and date an appraisal, that fact will be noted in the signature block by the rating official and a witness statement will be required. This action does not delay the submission or placement of the appraisal rating in the employee's official records.

12-9. PERFORMANCE COUNSELING.

a. **Reasonable Counseling Site.** Supervisors will select a location for the performance counseling that is reasonable and suitable to the employee.

b. **Procedures for Appraisal Counseling.** The following procedures will be used when presenting an employee with their annual performance appraisal:

(1) Discuss the employee's general performance for the rating period;

(2) Allow the employee time to read the appraisal;

(3) Discuss the specific issues covered by the performance appraisal as it relates to the critical and non-critical elements;

(4) Allow the employee an opportunity to ask questions.

c. **Signature.** When all issues are reviewed, the employee should sign the report. The technician and supervisor will review the Standards and Critical Elements and make any revisions that may be necessary. If changes are made to the Standards and Critical Elements, a signed copy will be forwarded to the HRO.

d. **Refusal to Sign.** If an employee refuses to sign the performance appraisal, supervisors will

explain to the technician that the signature on the form acknowledges receipt of the appraisal only. The signature does not indicate concurrence with the appraisal rating. Supervisors will explain the appeal process to all employees during the performance counseling session. If the employee continues to refuse to sign the appraisal, the supervisor will suspend the discussion until a witness to the presentation of the appraisal can be summoned. Once a witness selected by the supervisor is present, the supervisor will:

(1) Indicate to the employee that the

person present is there only to witness the presentation of the performance appraisal. The witness will not be allowed to view the appraisal itself;

(2) State that a discussion took place between themselves and the employee regarding the performance appraisal;

(3) Ask the employee to sign the performance appraisal;

(4) If the employee refuses to sign, explain the appeal process indicated in this regulation;

(5) Conclude the session and prepare a statement showing that the supervisor presented the performance appraisal and the employee refused to sign. This statement should be signed and dated by both the supervisor and the witness. The following is an example:

EXAMPLE STATEMENT AFTER REFUSAL TO SIGN APPRAISAL

"I presented Sergeant John Q. Public, XXX-XX-XXXX, his performance appraisal for the period of 01 May XXXX through 30 April XXXX, on ___(date)____. Sergeant Public refused to sign the appraisal. We the undersigned made and witnessed the presentation of this Appraisal and an explanation of the witnessed presentation of this appraisal and an explanation of the appeal process.

Issuing Supervisor:

Jesse M. James
Master Sergeant, TNARNG

Shop Foreman

Witnessed by:

Jane L. Doe
Sergeant First Class, TNARNG

Electronics Foreman

12-10. UNACCEPTABLE RATING.

a. Unacceptable Performance Rating. Technicians will be periodically reminded that critical job elements for their positions must be maintained at a Fully Satisfactory level. As soon as a technician's performance is considered unacceptable in any critical element of their job, they must be informed. Technicians will be assisted in improving unacceptable areas of performance by counseling, and an established Performance Improvement Plan (PIP) which will include increased supervisory assistance and additional training. These efforts will be documented on the Supervisory Brief or NGB

Form 904-1 during a performance counseling session. However, if the Technician's

performance in any critical element continues to be rated Unacceptable in spite of efforts by the supervisor or manager to improve performance, the supervisor should, in coordination with his position management officer, initiate a performance based action (i.e., reassignment, reduction to lower grade, or removal) to resolve the matter. No personnel action based on an Unacceptable performance rating may be initiated until Standards and Critical elements have been established in writing, the employee has received a copy, and been given an opportunity to meet the Standards.

b. Performance Improvement Plans (PIP's),

at a minimum must identify:

(1) How the present performance fails to meet the established standards;

(2) What improvement must be observed to raise the appraisal rating to a Fully Acceptable level;

(3) What assistance to improve the employee's performance to a Fully Acceptable level will be provided, to include:

- On-the-job training;
- Increased supervisory assistance, review, and performance counseling;
- Formal training;

(4) The period of time during which the technician will be provided the opportunity to improve (referred to as the "opportunity period"). This period will be no less than 30 days, and no more than 90 days in length. The time allotted should be fair, and be sufficient to give the employee an unquestionable opportunity to show improvement if they diligently apply themselves;

(5) An offer for the Technician to contact the TAP coordinator for assistance dealing with any personal problems that might be impacting upon the performance of the employee;

(6) A description of the types of personnel actions that will result if performance is not improved to better than Unacceptable during the "opportunity period";

(7) A statement that this notice actually constitutes a rating of Unacceptable for pay purposes, and HRO notified to suspend Within Grade Increases for the employee, until performance improves. This is not a judgment call, it is absolute.

(8) PIP's will be coordinated through, and a copy forwarded to, the Customer Services Branch of the HRO.

c. Requirements. An action to reassign,

reduce in grade or remove from employment may be initiated by the Technician's supervisor if the Technician's performance continues to be rated Unacceptable in one or more critical job elements. The supervisor does not need to wait until the end of the appraisal period to initiate these actions. A Technician against whom such an action has been initiated is entitled to:

(1) A minimum 30 day advance written

notice of the action to be taken (reduction in grade, reassignment or removal), which identifies the critical job element(s) and specific instances of Unacceptable performance on which the action is based. This 30 day notice is after the Performance Improvement Plan "opportunity period" has expired. An official in the immediate supervisor's chain of supervision must concur with the 30 day written notice. This is not a proposed action notice, but is to be considered as a final notice of the action to be taken.

(2) Technician's are entitled to respond to the notice either orally or in writing to the Supervisor, or appeal to the State Review and Appeals Board. At the discretion of the Adjutant General, the effective date of the performance based action may be extended, pending the final decision of the Board.

(3) If a technician submits a request to his/her supervisor to change an Unacceptable performance appraisal, the supervisor will carefully review this request and the surrounding circumstances and advise the technician in writing whether the Unacceptable performance appraisal is sustained or will be changed. A request submitted to the State Review and Appeals Board will be handled in accordance with the instructions in paragraph 12-10c of this regulation.

c. Records. When an action is not initiated, all documentation relating to the Unacceptable performance appraisal will be assembled and placed in the Technician's Employee Performance File, maintained by the HRO.

12-11. APPRAISAL APPEALS.

a. Bargaining Unit Grievance Procedures. For technicians covered by a negotiated grievance procedure that does not specifically exclude performance appraisals from

its coverage, the State grievance appeal system should not be used. The negotiated grievance appeal process in the bargaining unit contract should be used where applicable. When a bargaining unit contract has expired and a new one has not been ratified, the agency will normally use the previous contract as a guide.

b. State Review and Appeals Board.

A technician desiring to file an appeal of a performance appraisal of other than Unacceptable performance may file an appeal to the State Review and Appeals Board not later than 30 calendar days after the technician receives the performance appraisal. An appeal based on Unacceptable performance will be filed within 15 calendar days of the technician's receipt of their appraisal. The filing on an appeal of an Unacceptable appraisal will not delay the establishment and implementation of a Performance Improvement Plan (PIP).

c. Appeal Format. An appeal of a Performance Appraisal, to include one for Unacceptable performance, will be submitted through the HRO Employee Relations Section, which will coordinate the composition, time and place of the Board, and inform all pertinent parties. The written request for appeal should be in a military letter format, and should contain the following information:

- (1) Name of Technician appealing;
- (2) Organization at which employed;
- (3) The report being appealed (dates of the appraisal);
- (4) Why and how the appraisal should be changed (if necessary address each job element and indicate what the discrepancies are);
- (5) Date the technician received the appraisal;
- (6) A copy of the performance appraisal being appealed.

d. Appeal Review. The Employee Relations Specialist (or higher) will review appeals before presentation to the Review and Appeals Board. If there is a possibility for an informal resolution to the appeal, an informal meeting,

between the Employee Relations Specialist (or higher), supervisor and the employee may be held. Adjustments may be made in the overall appraisal as recommended by this meeting. Management and the employee will agree to any resolution of an appeal decided at this meeting. Changes will be implemented and will require the technician to withdraw their appeal. If a resolution cannot be achieved, valid appeals will be forwarded to the Review and Appeals Board.

e. Review and Appeals Board Establishment. A Review and Appeals Board will be appointed by the Adjutant General and will consist of at least three members. No member of the Board will be in the appellant's chain of supervision. No member of the board will be in a lower graded position than the appellant, either civilian grade or military grade. The senior ranking member, military and civilian, of the Board will act as the President of the Board. A member of the HRO staff will be appointed as the recorder for the Board.

f. Board Procedures. During the proceedings, the Board may admit oral evidence from the technician or the technician's supervisor. The technician may select a representative (at their own discretion and cost if any) to present their appeal for them. The technician may present evidence orally through witnesses or in writing. Both parties must be given the opportunity to hear, examine, and reply to any evidence submitted by the other party, and must have an opportunity to question the witnesses. If any of these individuals are absent during the oral presentation, the absentee(s) will be furnished, in writing, any evidence admitted during their absence. The Board may not use any written information to render a recommendation until the technician, his or her representative (if any), and the supervisor have had an opportunity to examine and reply to it. Board members will serve as impartial judges and review each case objectively. They will give consideration to the merits of each case and secure all necessary information. The Board may not receive or consider information not directly related to the matter being considered. All members of the Board, selected to hear an appeal, will be present at all times during the hearings and will participate in deciding on a recommendation. The board, by majority vote, will recommend to the Adjutant General within 15 calendar days of convening to change the appraisal as requested by the technician or sustain the appraisal without

change. The Adjutant General is the final appeal authority, and will make the final decision. A technician has no appeal rights beyond the Adjutant General. The technician and the supervisor will be notified by mail of the final decision.

CHAPTER 13 MOBILIZATION OR ACTIVATION

13-1. GENERAL. Mobilization of the Army National Guard will require rapid reaction by the technician and by HRO to ensure that transition from technician status to the activated status is accomplished smoothly and efficiently. Technicians who fail to process out may lose benefits and experience problems in restoring to technician status upon release from active duty. Although HRO will attempt to be proactive in assisting technicians to enter active duty, the technician is ultimately responsible in ensuring he (or she) coordinates with HRO to process out of technician status.

13-2. REFERENCES. State Mobilization Plan.

13-3. PAY STATUS. Military technicians who have been activated or mobilized must have their civilian personnel status changed from dual status to LWOP or LWOP-US. The technician's supervisor will submit SF 52 to HRO as soon as possible with a copy of the individual's (or unit's) mobilization or activation order. There may be a few days between notice and activation for the technician to decide how he (or she) would prefer to use any accrued leave.

13-4. INSURANCE. When a technician enters active duty positive steps must be taken to change the status of any Federal Employee's Health Benefits (FEHB) since the employee must pay his (or her) part of the FEHB payments for one year. After one year the employee must pay both the government share and the employee share of FEHB premiums plus 2% service costs (102%). When the President of the U.S. initiates the callup, the agency will pay both the employee's and the agency's premiums for up to 18 months. The government pays for Federal Employees Group Life Insurance (FEGLI) for one year.

13-5. BENEFITS AUTHORIZED BY LAW. Military Technicians being mobilized should be briefed on subjects such as FEGLI reinstatement or conversion to another group policy, the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA), the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), options of using Leave Without Pay (LWOP) status, military benefits and enrollment procedures. Some of the benefits include reserve

component contingency pay and benefits: full basic allowance for housing immediately upon call-up; and contiguous U.S. cost-of-living allowance regardless of the period of call-up when in support of a contingency operation. Active and reserve members on contingency deployments receive a family separation allowance of \$100 a month for members with dependents; quality of life hardship pay of \$50, \$100 or \$150 a month, depending on location; imminent danger pay of \$150 each month if deployed in an area designated as such; event-based hostile fire pay of \$150 a month (cannot receive both imminent danger and hostile fire pay); \$150 monthly for up to three months while hospitalized because of hostile fire; storage of personal vehicles; and an additional \$3.50 a day (\$105 a month) allowance for incidental expenses if provided quarters and meals while deployed. Upon release from active duty, reserve component members and their dependents retain military medical and dental benefits for 30 days or until they are covered by a civilian employer's health plan, whichever is earlier.

13-6. ALLOTMENTS. Allotments from civilian pay must be stopped by completion of the appropriate technician pay forms. See Appendix M.

13-7. RESTORATION INFORMATION. See Paragraph 4-12 for USERRA rights. Emphasis should be placed on the period of time a technician has to request reinstatement since a member loses the rights to reemployment if he (or she) does not apply within the required period of time designated by law.

13-8. HUMAN RESOURCES BRIEFING TEAM. If a commander desires a Human Resources briefing team for technicians after notification of mobilization, the request should be made to the HRO.

13-9. CONTINUATION OF HUMAN RESOURCES MISSION. Mission essential vacancies required to support vacancies created by mobilization may be requested from the HRO. Mobilization will eliminate or reduce the requirement for many positions, so commanders should not request fill of SPMD positions that support a mobilized unit when the entire unit has been activated. Commanders should increase communication with their technician work force during national emergencies to ensure that they are informed of additional duties, responsibilities,

and working conditions that may be changed (i.e., 60-hour work week, extra details, etc.). See Appendix M.

13-10. MOBILIZATION ACTIONS. Upon mobilization of units in the state the HRO would have a new set of requirements, depending upon the size of the activation. Mobilization missions for the HRO would include:

a. HRO. The HRO would always be required to keep the Adjutant General and available Position Management Officers (PMO) informed of the status of civilian mobilization planning throughout the state. The HRO would establish liaison with the Civilian Personnel Office (CPO) at Fort Campbell, Kentucky. Planning would begin immediately to realign HRO functions and to reassign and detail technicians to recruiting and processing functions, as needed. The HRO would be closely involved in the recall and utilization of DoD retired assets.

b. Personnel Management Branch.

(1) Ensure preparation and maintain file of job descriptions for all expansion requirements.

(2) Review military positions in coordination with manpower officials and annotate those that could be changed to civilian positions if the need arises. The 60 day limit stated in TPR 312.4 on the use of additional identical (overhire) positions has been waived by NGB-PR. To facilitate the recruitment of temporary help, NGB-PR has waived the compatibility requirements stated in TPR 316.4 for temporary limited employment. Temporary promotions over 120 days must be competitive.

(3) Develop and maintain a list of retired Federal civilian re-employment eligibles as a recruitment source.

(4) Process LWOP Personnel Actions on SF 50.

(5) Publish open announcements for positions needed to perform essential work.

(6) Establish an applicant supply file from civilian sources.

13-11. POST-MOBILIZATION ACTIONS

a. The Human Resources Officer (HRO) will—

(1) Activate processing Teams, when requested by the commander.

(2) Review beneficiaries designated with elections in OPF.

b. Personnel Management Branch Chief will—

(1) Cancel scheduled classification surveys and position audits.

(2) Identify primary, secondary, and third level skills of current employees. Be prepared to assign or detail them to higher priority position.

(3) Develop a mobilization-staffing plan to fill priority positions. Make maximum use of in-service personnel as a primary recruitment source including retirees from personnel listing provided by DoD.

(4) Process military furlough/LWOP Personnel Actions on SF 50 as appropriate.

c. Customer Services Branch Chief will—

(1) Resolve problems starting at lowest organizational level.

(2) Assist management in day-to-day relations with employees to help provide a positive work atmosphere leading to optimum productivity and employee satisfaction.

(3) Begin processing of SF 2810's to terminate health insurance, if employee elected.

(4) Assist technicians in processing out of technician status by SF 52 and SF 50 and into active duty.

(5) Provide briefings regarding benefit options upon return to duty as a technician.

CHAPTER 14 SPECIAL PROGRAMS

14-1. GENERAL. In every administration there are special programs which are developed as an interest of the President of the United States or other key members of the Executive Branch or from Congress when events or budget issues are brought to national attention. These special programs will be implemented by the Customer Service Branch. Usually, such programs last the length of the administration and are changed or modified by the succeeding administration.

14-2. REFERENCES. 5 USC 7106, 18 USC 922 (Gun Control Act of 1968), Title 39, Tennessee Code Annotated, Title 58, Tennessee Code Annotated, 28 USC 2671-2680, DODI 5145.5-D, AR 19-14, AFI 31-207, NGR 27-1, TPR 900 (937).

14-3. TELECOMMUTING. Selected positions of the National Guard will be identified as telecommuter-authorized. Such identification is intended to enhance work from the home by computer, but due to inadequate provision of fulltime manning in the National Guard and the requirement for those assigned to perform multiple duties, much of the telecommuting requirement cannot yet be implemented. Many jobs in the Tennessee National Guard are not practical selections for this option due to sensitivity of security and type of information handled (Privacy Act materials to classified), due to lack of firewall availability in many computer systems in the field or at home, the lack of funding for computers, telephone lines, or funding for telecommunications from home to work, the inability to apply appropriate rules for workmen's compensation and safety in the workplace requirements, and the difficulty in the appropriate management of work schedules, time cards and leave. Employees allowed to telecommute cannot provide many on-call services to the public or customer services to soldiers from home. This area will grown as resources are made available to achieve its implementation.

14-4. PUBLIC TRANSPORTATION

VOUCHERS. The use of public transportation vouchers will be encouraged in communities or areas where this alternate form of transportation is available. Federal funds are provided to diminish the reliance upon privately owned vehicles that would increase pollution, increase traffic volume,

and create greater parking problems for employees.

14-5. ALTERNATIVE DISPUTE RESOLUTION.

The voluntary use of alternative dispute resolution will be encouraged to reduce the need for administrative proceedings and litigation, to review existing approaches to dispute resolution, and to eliminate barriers to its use. Requirements and measurement tools are established by DODI 5145.5-D and NGR 27-1. A State ADR Advocate will be appointed within the HRO to submit information and reports, to educate, assist and coordinate with commanders and to provide advice to implement the ADR plan.

14-6. ARMING TECHNICIANS FOR PURPOSES OF SECURITY.

a. General. Only in dire emergencies will technicians be armed for the purposes of security and then only with the express approval in advance of the Adjutant General. Most duties requiring arms and issuance of ammunition are performed in active duty status, either state or federal, and commanders are encouraged to use this status first if armed security is necessary.

b. Emergency Utilization. Under 5 USC 7106(a)(2)(a) and 5 USC 7106(a)(2)(b) management may order technicians to perform installation, facility or aircraft security duties as a function of the right to assign work. Carrying a weapon must be consistent with the installation duties assigned. These duties can include the carrying of a weapon or firearm provided the individual is qualified to use the military-issued weapon. When an operational emergency occurs that demands immediate security, the commander may waive training for as long as needed to establish emergency protection. When possible, the commander should begin training those persons who are armed, but as a minimum ensure the rules of engagement are issued as soon as possible. Supervisors or sergeants-of-the-guard will brief the tenets of responsibility to reinforce proper responses to situations. Persons who misuse weapons may be subject to liability under state law.

c. Length of Assignment. For a period of up to 120 days, an established position description is not required to detail a technician to a group of duties that meet this criteria. If the technician is required to perform duties different from his or her

position description for a longer period, the detail will be accomplished by SF 52 and SF 50 using Nature of Action Code 930 and Authority Code V8K for dual status technicians.

d. Authority for Utilization. Armed technicians will not be utilized in a location other than a federally owned or leased facility or property or a state-owned National Guard armory or training site under control of the State of Tennessee, except for anti-hijacking requirements established for protection of federal aircraft. If the Governor of Tennessee requires use of armed National Guard members on other than these locations, that person will be placed on SAD. Care should be taken to ensure that the technician remains on state or federal property or property leased to the Army National Guard when executing physical security duties.

e. Rules of Engagement. Military technicians will use the following rules of engagement when armed:

(1) Force may be used, including deadly force, when a technician reasonably believes he (or she) or others may be in imminent danger of death or serious bodily harm. This authorizes the use of force to prevent the commission of a serious offense involving violence.

(2) Force may be used, including deadly force, to protect Department of Defense or other National Guard assets which would present a substantial danger of death or serious bodily harm to others. This includes the theft or potential loss of control of weapons, ammunition, missiles, rockets, explosives, chemical agents, special nuclear material, weapon systems such as tanks, fighting vehicles, and aircraft whether armed or not.

(3) Force may be used, to include deadly force, to detain, apprehend, or prevent the escape of a person suspected of committing an offense, and it reasonably appears that the suspect presents an immediate danger to yourself or others.

(4) Force may be used, to include deadly force, to prevent the escape of a prisoner who threatens bodily harm or death to escorting personnel or others. There must be probable cause to believe there is a threat of bodily harm.

(5) The weapon may be used as a signaling device as a last resort when all other means of communication have failed and there is a life-threatening situation. This is done by firing three rounds in rapid succession straight into the air away from resources or populated areas.

f. Prohibitions.

(1) The amount of physical force used will not exceed that force that is reasonably necessary to prevent death, serious injury or theft of DoD or National Guard assets that could be used for harm.

(2) Deadly force will not be used when the risk of death or bodily harm to innocent persons is significantly increased. Shots may be fired only with due regard to safety to innocent bystanders. When possible, an order to "HALT" will be given before discharging a firearm used in applying deadly force.

(3) Deadly force in technician status will NOT be used to protect highly sensitive or critical assets of the United States when there is no threat of death or serious injury present. This invokes paragraph 1.5 of AFI 31-207.

(4) Concealed weapons, private weapons, and unauthorized military weapons for which a person has received no training are prohibited. Personal ammunition is prohibited.

(5) Non-dual status technicians will not be armed or issued ammunition.

(6) Commanders may not issue arms to people who are:

(a) Identified substance abusers or alcohol abusers.

(b) Emotionally unstable or whose behavior suggests they would not use firearms safely or with maturity.

(c) Taking prescription medication that could impair their ability to use firearms safely. The commander will discuss the merits of trust before issuing arms or ammunition to persons who are prescribed Prozac.

(d) Relieved of duty for disciplinary reasons.

(e) Have been convicted of a misdemeanor crime of domestic violence. The Gun Control Act of 1968 (18 USC 922) makes it a felony to sell or otherwise dispose of or provide a firearm to persons convicted of domestic violence.

(7) Attempt not to fire rounds that would not stay on state or federal property or leased property to the National Guard except when such action is a must to prevent death or injury to another person.

(8) These prohibitions take into consideration the provisions of Section 58-1-105, 58-1-106 and 58-1-514, Tennessee Code Annotated; Sections 39-17-1302, 39-17-1306, 39-17-1309, and 39-17-134, Tennessee Code Annotated; 28 United States Code 2671-2680 (Federal Tort Claims Act); Army Regulation 190-14 and Air Force Instruction 31-207. Although covered under Federal Tort Claims, willful or grossly negligent acts may not provide a person protection from individual civil liability.

g. Training Requirements. Unit commanders must ensure the provision of use of force training to any person who is to be issued a firearm or ammunition. A briefing on the rules of engagement for deadly force will be performed. A briefing on firearms safety will be included in the training with emphasis on safe loading and unloading, rules regarding the prohibition of alcohol, drugs or medications while on duty and eight hours prior to issue, how to handle firearms and ammunition in given circumstances, rules on chambering rounds, rules on where firearms cannot be carried, emphasis on not engaging when innocent people could be harmed, and rules on reporting accidental discharges. Other training may be included, but should not be so protracted as to diminish the importance of the above issues.

h. Uniform Required. National Guard technicians will be in a duty uniform when armed.

i. Not Applicable to Active Duty. This policy does not apply to any form of active duty, either federal or state. Each active status, Army, Air Force, and State, has its own requirements and rules of engagement regarding arms and ammunition.

CHAPTER 15 RETIREMENT

15-1. GENERAL. Federal employees serve our country, state and communities with great pride, but one day will reach enough years in service or age when the employee will be ready to retire. The Thrift Savings Plan (TSP) is the key retirement savings and investment plan for Federal employee retirement. Congress established the TSP in the Federal Employees' Retirement System (FERS) Act of 1986. The purpose of the TSP is to provide retirement income that offers former Federal civilian employees the same type of savings and tax benefits that many private corporations offer their employees under "401K" plans. Some employees are still covered by the Civil Service Retirement System (CSRS) that establishes a fixed retirement income paid by the U.S. Government based upon a table of age, years of service, and highest consecutive three salary years. Technicians should understand their increasing need for continuing health and life insurance into retirement. A decision must be made whether or not deposits or redeposit should be made to count certain periods of service for retirement. Other transition problems or options should be known early, such as how social security will affect them at age 62, how options for TriCare for Life may be open for certain employees instead of FEHB, etc. When employees plan and begin the application process early, problems are less likely to occur and better understand their benefits and how to apply for them. Technicians who expect to receive an immediate annuity are encouraged to plan for a period of 4-8 weeks after retirement without annuity income since retirement processing can be delayed for any number of reasons.

15-2. REFERENCES. TPR 831-1.

15-3. FEDERAL EMPLOYEE RETIREMENT SYSTEM (FERS). Employees who were first hired on or after January 1, 1987 are automatically covered by FERS, unless they were specifically excluded by law or regulation. This is the official retirement system which will be offered to federal employees. The FERS general formula is $1\% \times \text{consecutive HI-3} \times \text{Length of Service}$.

a. Immediate Retirement. Immediate retirement eligibility for FERS is at 20 or more years of service and mandatory retirement age

(MRA)/age 60 with 30 years of service. (see FERS Handbook for mandatory removal date Chart). A pension begins immediately upon retirement for technicians eligible for this option.

b. Involuntary Retirement. Technicians who have at least 20 years of service and who attain age 50 or any age with 25 years of service and are separated from military service due to a mandatory removal date or any involuntary separation may be paid a full annuity without a reduction for age. A pension begins immediately upon retirement for technicians eligible for this option.

c. MRA + 10. Technicians who have 10 years of civilian service may retire with full benefits (health, life, survivor annuity). However, there is a reduction of 5/12 of 1% for each month (5% per year) the employee is under age 62 for his (or her) Basic FERS Annuity. MRA +10 is not eligible for the retiree annuity supplement. A pension begins immediately upon retirement for technicians eligible for this option.

d. Postponed Annuity. FERS employees who have 10 years of service and leave federal service may postpone their retirement. This decision has to be made at the time of termination, at that time they will need to consult with the Customer Service Branch before leaving federal service. FEHB and FEGLI benefits may be

reinstated if retirement is postponed until age 62. The amount paid in the pension would not be reduced and would begin at age 62 for technicians eligible for this option.

e. Retiree Annuity Supplement. The supplement is a benefit paid to certain FERS employees who retire before age 62. Technicians who have at least 20 years of service would meet this requirement. The payable supplement is an estimate of the amount of Social Security benefits earned during FERS service.

15-4. THRIFT SAVINGS PROGRAM. The TSP is a defined contribution plan providing the largest pillar of support to the FERS system. The retirement income received from a TSP account depends upon how much the employee (and the agency that matches the contributions) have contributed during the employee's working years and the earnings on those contributions. Contributions and earnings are an integral part of

the retirement package and dictate the retirement benefit later on. FERS is a shared retirement system – with the government matching contributions. Contributions are voluntary, but if the employee makes no contributions, the government does not make any matching contributions.

a. FERS Basic Annuity. The top of the pyramid (and smallest level) is the FERS basic annuity, approximately 1.8%.

b. Social Security. The middle level of the pyramid is Social Security, approximately 7.65%. Social Security (and FERS) is automatically deducted from the employee's paycheck as mandated by law.

c. Thrift Savings Program (TSP). The bottom level of the pyramid, TSP, can be the largest and most important part of the employee's retirement planning. The government matches dollar for dollar the amount elected to be placed in the technician's TSP account up to a predetermined percentage. This amount can grow significantly over the years.

15-5. INVESTMENT FUNDS. TSP has five investment funds in which retirement contributions and matching amounts are invested. These funds offer investment opportunities to increase the withholdings and matching amounts for employee retirement accounts and earn amounts based upon market decisions and fluctuations. These funds include:

a. Common Stock Index Investment Fund (C Fund).

b. Fixed Income Index Investment Fund (F Fund).

c. Government Securities Investment Fund (G Fund).

d. International Stock Index Investment Fund (I Fund).

e. Small Capitalization Stock Index (S Fund).

15-6. TSP CONTRIBUTION RULES. Contributions to TSP may begin upon employment. Once eligible for agency contributions, the second open season after being hired, Agency Automatic (1%) Contributions begin

whether or not the employee contributes to an account. If the employee contributes, the agency matches the contribution in accordance with the matching tables. The agency matching contributions is the principal benefit of the TSP, but there are others. Federal income taxes are deferred on all contributions to the account. FERS employees can contribute up to 12% of gross income and receive matching contributions on the first 3%, and 50% percent matching contributions on the next 2% with an additional 1% automatic agency contribution. Each year beginning in 2002 the maximum contribution rate will increase 1% every year until it reaches a total of 15%. TSP benefits significantly increase retirement income, but starting early with high contributions is important! TSP may be used by CSRS employees, too. CSRS employees do not receive agency contributions, though. The CSRS retirement system is a stand-alone retirement system. CSRS employees are allowed to 7% in 2002 and an additional 1% every year until reaching a total of 10%.

15-7. TSP LOAN PROGRAM AND WITHDRAWALS. TSP has a loan program available to active employees of the Federal Government that offers access to contribute funds in the TSP account and the earnings on that money. Employees must be in a pay status to obtain a loan, because repayment must be made through payroll allotments. A technician may not borrow agency contributions in the account or any earnings attributable to those contributions. When the loan application is submitted, processing time is approximately 6-8 weeks before a check will be mailed. Contact Customer Services Branch of the Human Resources Office for a loan program booklet (or download it from the TSP web site at www.tsp.gov). The booklet explains loan requirements and obligations of taking a loan.

a. Withdrawal Options. TSP provides three basic ways to withdraw account funds.

(1) Receive the account balance in a single payment.

(2) Receive the account in a series of monthly payments.

(3) Purchase a life annuity with the account balance. There is a choice of many different annuities.

b. Tax Penalties. Tax penalties may apply if a technician separates or retires before the year in which he (or she) turns age 55 or if funds are withdrawn before age 59 ½. Age-based and financial hardship in-service withdrawal payments are considered "eligible rollover distributions" for Federal income tax purposes and, as such, are subject to mandatory 20 percent Federal income tax withholding.

15-8. THRIFTLINE. The ThrifLine is an automated telephone service for TSP and is available 24 hours a day, 7 days a week, from a touch-tone telephone. The telephone is (504) 255-8777 (not a toll-free number). ThriftLine will provide plan news, monthly rates of return for the TSP investment funds, the most recent 12-month rates of return, the current loan interest rate, and the current annuity interest rate index. It will also provide a technician's account balance, the amount available that may be borrowed, and the status of a loan or withdrawal request. Interfund transfers may also be made. If a Personnel Identification Number (PIN) has been lost or forgotten, ThriftLine may be used to request a new one be mailed.

15-9. CREDITABLE MILITARY SERVICE FOR RETIREMENT.

a. Calculating Active Duty Service. Title 10

active duty service may be credited as service time for federal civilian employment. A DD Form 214 serves as the resource document and includes honorable service in the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service after 30 June 1960. Title 10 service as a commissioned officer of the National Oceanic and Atmospheric Administration (NOAA) after 30 June 1971 is also creditable. Title 32 military service is not creditable for federal retirement unless it is covered by USERRA.

b. Resource Documents. The military technician is responsible for supplying the Customer Service Branch with the documentation needed to properly credit his or her Service Computation Date (SCD). Military service is creditable for leave, and RIF and is indicated in block number 31 on the SF 50.

c. Military Deposit.

(1) For CSRS employees who were employed prior to October 1, 1982, military service

will be used to determine the service computation date for retirement eligibility regardless of whether or not a deposit is made. The payment of military service is forwarded to DFAS and takes 6-8 weeks to process, therefore the employee should pay the deposit 2 months before retiring so that the retirement annuity will not be delayed. The service will also be used in the annuity computation; however, if the employee elects not to make the military deposit and the employee is eligible for social security benefits at age 62 (or retirement, if later), the CSRS annuity will be recomputed without that military service. This is known as "catch-62" and will result in a permanent reduction in the annuity. Only one data match for SSA occurs; the match occurs at age 62 if the employee retired prior to age 62. The reduction is permanent and will occur regardless of whether or not the employee actually applies for social security benefits. The deposit required is seven percent of base pay earned during military service. CSRS law provides a 2-year interest-free grace period on military deposits from the date the employee was hired in a covered position (retirement benefits). After that 2-year interest is accrued and compounded annually. Crediting military service before 1 January 1957 is cost-free and no deposit is required.

(2) For FERS employees, post-1956 service will only be creditable for retirement if a deposit is paid for that service. In cases where the employee has a CSRS component (at least 5 years of CSRS and/or FICA service before becoming FERS), military service performed prior to electing FERS will be treated under CSRS rules. To compute the amount of a military deposit due under CSRS or FERS the employee should contact the customer service office and request military earning for the post-56 service. This usually takes 2-3 weeks for determination of the deposit requirement. The technician can chose a minimum payment of \$25.00 per pay period or a lump sum payment – payroll deduction, or a lump sum cash payment. The deposit required is three percent of base pay earned during military service. FERS law provides a 2-year interest free grace period on military deposits from the date the employee was hired in a covered position (retirement benefits). After that 2-years interest is accrued and compounded annually. Crediting military service before 1 January 1957 is cost-free and no deposit is required.

15-10. CIVIL SERVICE RETIREMENT SYSTEM (CSRS).

CSRS voluntary retirement is referred to as an immediate or optional retirement. The actual annuity is determined by a formula, but the approximate annuity may be 36% of pay for 20 years of service to a maximum of 80% of basic pay for 42 years or more years roughly calculated on the average base pay of the highest three consecutive earnings years. Roughly, the percentage can be calculated as the total years of service minus 2 years; then multiply that figure by two. When the annuitant becomes eligible for social security at age 62, a government pension offset applies, and the social security annuity is reduced. The annuity may be reduced significantly (by 20% or more) for CSRS retirees, but the overall benefit of both the CSRS and social security annuity should be greater than either by itself. Mixed years of service must be calculated under CSRS and FERS and applied to separate tables for the combined annuity. In order to be eligible for an immediate (voluntary) retirement, CSRS employees must be age 55 with 30 years of service, age 60 with 20 years of service, or age 62 with 5 years of service and must also meet the "one out of two" requirement, meaning an employee must be covered under CSRS for at least one year out of the last two years immediately preceding retirement. All creditable civilian service, creditable military service and unused sick leave will be used to determine the length of service. See official OPM retirement tables for precise rules, percentages and amount calculations.

15-11. EARLY RETIREMENT.

a. Special Authority. Early retirement must be authorized by a special announcement elected by the Agency (or federal government). Early retirement authorized by DA or DAF, DoD, or Congress programs, sometimes including RIF and force shaping boards, will be accomplished as stated in the announcement of the program. The Voluntary Early Retirement Authority (VERA) allows eligible employees to retire early. Occasionally, management utilizes early retirements to reduce the impact of downsizing or personnel reductions and to keep disruption of the workforce at a minimum. Employees covered by CSRS and who meet all eligibility requirements may volunteer for an early retirement. VERA applicants will have their annuities reduced by one-sixth of one percent for each full month they are under age 55 (2 percent per year). This is a permanent reduction.

a. CSRS Employee. CSRS technicians who have at least 20 years of service, attain age 55, and are separated from military service due to a mandatory removal date may be paid a full annuity based upon the years of service in CSRS that they have accrued. There is no penalty for early retirement in this event. When a CSRS employee is separated earlier than age 55 due to a mandatory removal date from military service or due to a termination other than for cause may receive the same retirement benefits as calculated in paragraph 15-7 except that a 2 percent penalty will be applied for each CSRS year under the 55 years of age.

b. FERS Employee. FERS employees are vested with a deferred annuity after 10 years of service and may receive a full annuity after 20 years of service. FERS employees meeting all eligibility requirements who volunteer for an authorized early retirement will not have a reduction in their annuities, except those FERS employees with CSRS years of service too. If a FERS employee has a CSRS component and retires before age 55, the CSRS age reduction rules will apply only to the CSRS component. FERS annuitants retiring under an early retirement option are not eligible for a FERS Supplemental Annuity. VERA may or may not be accompanied by a Voluntary Separation Incentive Payment (VSIP). Requirements for VERA is minimum age 50 with 20 years or any age with 25 years of service.

15-12. DISCONTINUED SERVICE BEFORE ATTAINING RETIREMENT ELIGIBILITY.

a. Deferred Retirement. When a vested technician is required to separate earlier than eligibility for an immediate annuity, the retirement is deferred. Former employees who choose not to withdraw their retirement deduction and were not eligible for any type of voluntary retirement upon separation from their CSRS accounts may take a deferred retirement beginning at age 62. Former FERS employees may take advantage of deferred retirement at age 62 or upon attaining their minimum retirement age (MRA) if they had at least 10 years of service before the date of separation. Former employees who desire to begin an annuity at their MRA will have a reduction of five-twelfths of 1 percent for each full month by which the commencing date of annuity precedes their 62nd birthday, or 5 percent for each full year they are under age 62. The reduction at MRA+10 is

permanent. There is no reduction for former CSRS or FERS employees taking a deferred retirement at age 62. The annuity will be computed using the employee's hi-3 and the number of years of creditable service at the time of separation. Annuity recipients with a deferred retirement may retain FEHB after the 31-day extension period for 18 months (must pay both the employee and agency premium plus 2% administrative fee). FEGLI terminates within 31 days, but it may be converted to another policy. Once terminated a retiree is not eligible to resume FEHB or FEGLI benefits. If the employee has less than the required number of years for a deferred retirement, the total withholdings and matching amounts may be withdrawn (removing any future eligibility of counting these years toward a retirement unless the amounts are paid back). Survivor benefits are not available for non-retired CSRS employees other than lump sum of the retirement fund without interest. A survivor annuity is generally payable to the spouse of a deceased former employee (with over 10 years of creditable service) even if the former employee did not apply for retirement. A lump sum payment of the retirement fund with interest would be payable if the former employee had less than 10 years creditable service.

b. Persons Not Eligible for Retirement.

Gross misconduct terminations eliminate retirement options for FERS or CSRS employees and terminates any FEHB or FEGLI benefits. Persons with a discontinued service retirement are not eligible for a Voluntary Separation Incentive Payment (VSIP) since it is allowable only for voluntary separations. If a CSRS employee is terminated due to gross misconduct, he (or she) may receive only the contributions he (or she) has paid into the retirement account.

15-13. DISABILITY RETIREMENT.

a. CSRS Employees. Disability retirement under CSRS requires at least 5 years of CSRS service. Technicians who are discharged from the National Guard because of physical disqualification are eligible for a disability retirement under Public Law 97-253 (Special Provisions). Under special provisions of law for CSRS military technicians, employees are administratively granted disability retirement if they are separated from employment (under Section 709 9e)(1) of Title 32) for a disability that disqualifies them from membership in the National Guard. They must not have accepted other

federal employment. Persons separating with a disability retirement receive an immediate annuity.

b. FERS Employees. Disability retirement under FERS requires a minimum of 18 months of service. Technicians who are discharged from the National Guard because of physical disqualification are eligible for a disability retirement under Public Law 97-253 (Special Provisions). Under special provisions of law for FERS military technicians, employees are administratively granted disability retirement if they (1) are separated from employment (under Section 709 9e)(1) of Title 32) for a disability that disqualifies them from membership in the National Guard. FERS retirees may not receive a disability pension until they have applied for a disability through the Social Security Administration (SSA). They must not have accepted other federal employment. FERS disability benefits are 60% of the employee's consecutive HI-3 average salary for the first year, forty (40%) of his consecutive HI-3 after the first year until the employee reaches 62. At that time the benefits will revert to his regular FERS retirement. Persons separating with a disability retirement receive an immediate annuity.

c. Disability Retirement Processing. The technician who has been discharged due to physical disqualification or who is being submitted for a Fitness for Duty Evaluation (FFDE) that may lead to discharge should call the Customer Service Representative in the HRO office as soon as possible to prepare for the start of retirement actions. The FERS technician must include evidence of having filed for disability with the SSA before being processed for OPM retirement. Proof of SSA filing is also required with the application packet after any adjustment of the disability. Retirement processing will begin with counseling of benefits, explanation of the application process, and filing the application when the discharge order is received. The application must be sent to the Office of Personnel Management (OPM) for approval (6-8 weeks to approve, longer than a routine retirement). The technician, if able to perform the full parameters of the position description, may stay in duty status until the claim has been approved. If he (or she) is unable to work the technician will remain in a leave status and will be separated when OPM approval for disability retirement is received.

APPENDIX A-1

POSITION VACANCY FORMAT



Tennessee Army National Guard
DUAL STATUS
TECHNICIAN VACANCY
Announcement 01-327



Office of the Adjutant General of Tennessee
Human Resources Office (HRO)-Staffing
Houston Barracks, 3041 Sidco Drive
Nashville, TN 37204-1502
www.tn.ngb.army.mil/hro

ANNOUNCEMENT: 01-327
OPENING DATE: 21 Sep 01
CLOSING DATE: 15 Oct 01
CLEARANCE: NACI

LOCATION	CITY	STATE
OMS 3	Athens	TN

POSITION TITLE	PAY PLAN	SERIES	GRADE	PD NUMBER(S)
Heavy Mobile Equipment Repairer	WG	5803	08	R70236000

APPOINTMENT TYPE	SALARY RANGE (S)	MILITARY COMPATIBILITY
Enlisted	\$14.77 - \$17.24 \$0.00 - \$0.00	CMF 14,19K,31,33,35, 51,63,67,77,92,88H, M, N

AREAS OF CONSIDERATION

- FIRST:** Permanently employed Army technicians statewide.
- SECOND:** Qualified members of the TN Army National Guard
- THIRD:** All others eligible for membership in the Tennessee Army National Guard
- FOURTH:**

PERMANENT CHANGE OF STATION

Not Authorized

INTRODUCTION, DUTIES, AND RESPONSIBILITIES

This position is located in a surface maintenance facility. Its purpose is to perform organizational maintenance and repair on equipment supported by the facility.

Duties & responsibilities included, but are not limited to: (1) performs organizational maintenance and repair on heavy duty mobile equipment and vehicles, such as road graders, conveyers, bulldozers, power shovels, heavy duty compressors, large generators, tractors, tanks, tracked combat vehicles, cranes, and accessory equipment. (2) performs organization maintenance and repair of multi-purpose generators, heating and air conditioning units, compressors, and pumps. (3) inspects equipment (tanks, personnel carriers, howitzers, recovery vehicles, etc.) prior to use during inactive duty training (IDT) and annual training (AT), to ensure that it is operating properly. (4) may perform minor body and fender or other metal repairs using peening hammers, dollies, welding, and paint spray equipment. (5) assist in the maintenance of production reports and records, and makes recommendation to the supervisor. (6) in conjunction with or in the absence of the tools and parts attendant, may be responsible for the operation, storage, and issue of tools and parts used in the trades operation. (7) performs periodic inventory and determines the basis for malfunction in class IX requirements. (8) performs other duties as assigned

REQUIRED SPECIALIZED EXPERIENCE

Applicant must have at least 12 months experience in the following areas:

1. Skill in servicing, repairing and maintaining heavy mobile equipment.
2. Ability to troubleshoot malfunctions and determine causes of mechanical problems.
3. Ability to use hand tools and precision measuring equipment.
4. Skill in the use of diagnostic and test equipment.
5. Ability to interpret technical manuals, illustrations, specifications, diagrams, and schematics to make repairs and modifications.

REQUIRED EDUCATION / SUBSTITUTION FOR SPECIALIZED EXPERIENCE

Study successfully completed in a college, university, technical or vocational school may be substituted for experience at the rate of one year of study (30 semester hours) for 6 months of experience. Courses must be directly related to the work of the position. Transcript must be provided for credit.

REQUIRED CERTIFICATION

1. Tennessee Driver's License
2. College Transcripts (If substituting for specialized experience)
3. Trade School Certificates (If substituting for specialized experience)

TNNG HRO DSV A-02

HEALTH AND FITNESS STATEMENT

Employees must meet the physical conditions for employment and must be able to perform duties as described. An employment physical will be required and prospective employees must be approved by occupational health.

SELECTIVE SERVICE STATEMENT

Males born after 31 December 1959 must be registered with the selective service system to be employed by the federal government.

DEFINITION OF "DUAL STATUS" VERSUS "NON-DUAL STATUS"

If marked "dual status", this position is in the excepted federal civil service under the authority of 32 U.S.C. 709 and is open to members of the Tennessee National Guard and persons who are eligible to become members of the Tennessee National Guard. This type of position is sometimes referred to as "excepted" and "military technician." Wear of the uniform after employment is mandatory.

If marked "non-dual status", this position is open to any person who meets the requirements for membership in the federal civil service. This type of position is also referred to as "competitive."

HOW TO APPLY

Persons meeting the requirements or qualifications for this position must submit a complete application packet to the address listed in the "MAIL TO:" section of this announcement. The application packet must arrive in HRO no later than the close of business on the closing date indicated on this announcement. Application packets received after the closing date will not be considered unless specified differently by regulation or labor organization agreement.

THE APPLICATION PACKET

Complete, assemble, sign and send the following:

- (1) A resume with the information requested on TNNG HRO Pamphlet 02, or an SF 171, or an OF 612.
 - (2) Military Qualification Information (DA Form 2-1) or equivalent.
 - (3) On-board Technicians must complete TNNG HRO ASE Form 02 or the information requested on TNNG HRO ASE Form 02 in order to compete for rating and ranking of qualified applicants. Both on-board and new applicants should use the form to address the Required Specialized Experience section of this vacancy announcement.
 - (4) Applicable Certificates requested in the Certification Requirements section of this vacancy announcement.
-

APPLICATION EVALUATION

Qualifications will be based solely upon information supplied in the application packet. (Described in depth, in the applicant's own words, and signed to verify accuracy.) Experience will be evaluated based upon relevance to the position for which the application is made. [Including job titles, starting and ending dates (DD/MM/YY), hours per week, duties, accomplishments, rewards, awards, employers' name and address, supervisor's name, and phone number, and if we may contact him/her]. If requesting qualifying credit for military experience, list experience, in detail, in narrative form on the TNNG HRO ASE Form 02 or resume, to include grade at the end of that period. Also, list current unit of military assignment and current grade.

MAIL TO:

Human Resource Office
Houston Barracks
3041 Sidco Drive
Nashville, TN 37204-1502

EQUAL OPPORTUNITY STATEMENT

The Tennessee National Guard is an Equal Employment Opportunity Employer. Soldiers and Airmen will not be assessed, classified, trained, promoted, or otherwise managed on the basis of race, color, religion, age, gender, national origin, reprisal, or non-disqualifying handicap. Discrimination due to age or disability are prohibited where not a factor of employment due to the military nature of the position. 29 CFR PART 1614. Discrimination due to gender is prohibited except as the direct combat probability coding policy applies to women.



APPENDIX A-2

**Tennessee Air National Guard
DUAL STATUS
TECHNICIAN VACANCY
Announcement 01-327**



Office of the Adjutant General of Tennessee
Human Resources Office (HRO)-Staffing
Houston Barracks, 3041 Sidco Drive
Nashville, TN 37204-1502
www.tn.ngb.army.mil/hro

ANNOUNCEMENT: 01-327
OPENING DATE: 21 Sep 01
CLOSING DATE: 15 Oct 01
CLEARANCE: NACI

LOCATION 118 th Air Wing	CITY Nashville	STATE TN
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POSITION TITLE Production Controller Aircraft	PAY PLAN GS	SERIES 1152	GRADE 09	PD NUMBER(S) F50016000
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APPOINTMENT TYPE Enlisted	SALARY RANGE (S) \$35,808 - \$46,546 \$0.00 - \$0.00	MILITARY COMPATIBILITY 2RXXX, 2AXXX, 2WXXX
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AREAS OF CONSIDERATION

- FIRST:** Permanently employed Air Technicians located in Nashville, TN
- SECOND:** Permanently employed Air Technicians statewide
- THIRD:** Qualified members of the TN Air National Guard.
- FOURTH:** Applicants eligible for membership in the TN Air National Guard.

PERMANENT CHANGE OF STATION

Not Authorized

INTRODUCTION, DUTIES, AND RESPONSIBILITIES

This position is located in the job control section of the acft generation squadron. The purpose of this position is to provide planning, scheduling and control of aircraft maintenance through a variety of support maintenance shops.

- (1) Assists shop supervisors with the preparation of plans for the use of manpower, shop facilities and supplies in the maintenance, modification and repair of aircraft and their major systems and subsystems.
- (2) Assists supervisors with scheduling aircraft and related systems for maintenance and repair.
- (3) Monitors the status of work to locate delays or deviations from schedules.
- (4) Prepares periodic feeder reports regarding status of operations.
- (5) Performs a variety of general office clerical tasks in support of the shop such as receiving and distributing mail, preparing routine replies, and maintaining office files and records relating to shop personnel.
- (6) Performs other duties as assigned.

REQUIRED SPECIALIZED EXPERIENCE

Must have 18 months experience in the following four areas:

1. Ability to correlate and analyze production data.
2. Knowledge of functions, procedures, and records related to production control.
3. Ability to ascertain the causes for delays in completion of work orders.
4. Knowledge of the organization and work procedures of the production activity.

REQUIRED EDUCATION / SUBSTITUTION FOR SPECIALIZED EXPERIENCE

Two full academic years of graduate education which in production management, industrial management, or any other branch of engineering or other closely related specialization is qualifying for the GS-09 level.

REQUIRED CERTIFICATION

1. College Transcripts (Substitution for experience if applicable)

HEALTH AND FITNESS STATEMENT

Employees must meet the physical conditions for employment and must be able to perform duties as described. An employment physical will be required and prospective employees must be approved by occupational health.

SELECTIVE SERVICE STATEMENT

Males born after 31 December 1959 must be registered with the selective service system to be employed by the federal government.

DEFINITION OF "DUAL STATUS" VERSUS "NON-DUAL STATUS"

If marked "dual status", this position is in the excepted federal civil service under the authority of 32 U.S.C. 709 and is open to members of the Tennessee National Guard and persons who are eligible to become members of the Tennessee National Guard. This type of position is sometimes referred to as "excepted" and "military technician." Wear of the uniform after employment is mandatory.

If marked "non-dual status", this position is open to any person who meets the requirements for membership in the federal civil service. This type of position is also referred to as "competitive."

HOW TO APPLY

Persons meeting the requirements or qualifications for this position must submit a complete application packet to the address listed in the "MAIL TO:" section of this announcement. The application packet must arrive in HRO no later than the close of business on the closing date indicated on this announcement. Application packets received after the closing date will not be considered unless specified differently by regulation or labor organization agreement.

THE APPLICATION PACKET

Complete, assemble, sign and send the following:

- (1) A resume with the information requested on TNG HRO Pamphlet 02, or an SF 171, or an OF 612.
- (2) Military Qualification Information (ML 0183) or equivalent.
- (3) On-board Technicians must complete TNG HRO ASE Form 02 or the information requested on TNG HRO ASE Form 02 in order to compete for rating and ranking of qualified applicants. Both on-board and new applicants should use the form to address the Required Specialized Experience section of this vacancy announcement.
- (4) Applicable Certificates requested in the Certification Requirements section of this vacancy announcement.

APPLICATION EVALUATION

Qualifications will be based solely upon information supplied in the application packet. (Described in depth, in the applicant's own words, and signed to verify accuracy.) Experience will be evaluated based upon relevance to the position for which the application is made. [Including job titles, starting and ending dates (DD/MM/YY), hours per week, duties, accomplishments, rewards, awards, employers' name and address, supervisor's name, and phone number, and if we may contact him/her]. If requesting qualifying credit for military experience, list experience, in detail, in narrative form on the TNG HRO ASE Form 02 or resume, to include grade at the end of that period. Also, list current unit of military assignment and current grade.

MAIL TO:

Human Resource Office
Houston Barracks
3041 Sidco Drive
Nashville, TN 37204-1502

EQUAL OPPORTUNITY STATEMENT

The Tennessee National Guard is an Equal Employment Opportunity Employer. Soldiers and Airmen will not be assessed, classified, trained, promoted, or otherwise managed on the basis of race, color, religion, age, gender, national origin, reprisal, or non-disqualifying handicap. Discrimination due to age or disability are prohibited where not a factor of employment due to the military nature of the position. 29 CFR PART 1614. Discrimination due to gender is prohibited except as the direct combat probability coding policy applies to women.

APPENDIX A-3



**Tennessee Army National Guard
DUAL STATUS
TECHNICIAN VACANCY
Announcement 01-001**



Office of the Adjutant General of Tennessee
Human Resources Office (HRO)-Staffing
Houston Barracks, 3041 Sidco Drive
Nashville, TN 37204-1502
www.tn.ngb.army.mil/hro

ANNOUNCEMENT: 01-001
OPENING DATE: 03 Jan 01
CLOSING DATE: 16 Jan 01
CLEARANCE: NACI

LOCATION	CITY	STATE
HRO	Nashville	TN

POSITION TITLE	PAY PLAN	SERIES	GRADE	PD NUMBER(S)
Personnel Classification Specialist	GS	0221	09/11	WA9038000 WA9133000

APPOINTMENT TYPE	SALARY RANGE (S)	MILITARY COMPATIBILITY
Enlisted	\$36,808.00 - \$46,546.00 \$0.00 - \$0.00	O:BR Immaterial,WO:420A, Air: O: 36PX

AREAS OF CONSIDERATION

- FIRST:** Permanently employed Tennessee Army or Air Guard Technicians
- SECOND:** Members of the Tennessee Army or Air National Guard
- THIRD:** All others eligible for membership in the Tennessee Army National Guard
- FOURTH:**

PERMANENT CHANGE OF STATION

Not Authorized

INTRODUCTION, DUTIES, AND RESPONSIBILITIES

This position is located in the Human Resource Office (HRO) servicing Army and Air National Guard Positions. The purpose of this position is to perform position classification and provide position management advisory services within delegated authority to both Army and Air National Guard organizations and technicians within the state. May accomplish work through the use of an automated personnel system.

Duties and responsibilities include but are not limited to: (1) Administers Position Management and Classification Actions for Army and Air National Guard Technicians. (2) Provides broad management advisory services. (3) Conducts continuing review of the state's position management and actions. (5) Provides assistance/guidance to managers and supervisors regarding environmental differential pay (EDP) and hazardous duty pay (HDP). (6) May be required to supervise or plan work assignments and provide guidance and technical assistance to personnel clerk/assistant. (7) Performs other duties as assigned.

REQUIRED SPECIALIZED EXPERIENCE

To qualify at the GS-11 level, applicant must have 36 months experience in the following 5 areas:
To qualify at the GS-09 level, applicant must have 24 months in the following 5 areas:

1. Knowledge of National Guard Full Time Support Classification and Position Management Policies and Procedures.
2. Ability to communicate orally and in writing.
3. Ability to read, interpret, and communicate classification regulatory materials.
4. Skill in making sound decisions and to justify and gain acceptance of those decisions.
5. Ability to plan survey and develop subsequent reports.

REQUIRED EDUCATION / SUBSTITUTION FOR SPECIALIZED EXPERIENCE

A maximum of 12 months of the required experience may be substituted by successful completion of undergraduate study in an accredited college or university at the rate of 30 semester hours for 12 months of experience. Education must be directly related to the position (i.e. Public Administration, Political Science, Business Administration, Psychology, Labor Relations, Education).

REQUIRED CERTIFICATION

1. College Transcripts (Substitution for experience if applicable)

HEALTH AND FITNESS STATEMENT

Employees must meet the physical conditions for employment and must be able to perform duties as described. An employment physical will be required and prospective employees must be approved by occupational health.

SELECTIVE SERVICE STATEMENT

Males born after 31 December 1959 must be registered with the selective service system to be employed by the federal government.

DEFINITION OF "DUAL STATUS" VERSUS "NON-DUAL STATUS"

If marked "dual status", this position is in the excepted federal civil service under the authority of 32 U.S.C. 709 and is open to members of the Tennessee National Guard and persons who are eligible to become members of the Tennessee National Guard. This type of position is sometimes referred to as "excepted" and "military technician." Wear of the uniform after employment is mandatory.

If marked "non-dual status", this position is open to any person who meets the requirements for membership in the federal civil service. This type of position is also referred to as "competitive."

HOW TO APPLY

Persons meeting the requirements or qualifications for this position must submit a complete application packet to the address listed in the "MAIL TO:" section of this announcement. The application packet must arrive in HRO no later than the close of business on the closing date indicated on this announcement. Application packets received after the closing date will not be considered unless specified differently by regulation or labor organization agreement.

THE APPLICATION PACKET

Complete, assemble, sign and send the following:

- (1) A resume with the information requested on TNG HRO Pamphlet 02, or an SF 171, or an OF 612.
 - (2) Military Qualification Information (DA Form 2-1) or equivalent.
 - (3) On-board Technicians must complete TNG HRO ASE Form 02 or the information requested on TNG HRO ASE Form 02 in order to compete for rating and ranking of qualified applicants. Both on-board and new applicants should use the form to address the Required Specialized Experience section of this vacancy announcement.
 - (4) Applicable Certificates requested in the Certification Requirements section of this vacancy announcement.
-

APPLICATION EVALUATION

Qualifications will be based solely upon information supplied in the application packet. (Described in depth, in the applicant's own words, and signed to verify accuracy.) Experience will be evaluated based upon relevance to the position for which the application is made. [Including job titles, starting and ending dates (DD/MM/YY), hours per week, duties, accomplishments, rewards, awards, employers' name and address, supervisor's name, and phone number, and if we may contact him/her]. If requesting qualifying credit for military experience, list experience, in detail, in narrative form on the TNG HRO ASE Form 02 or resume, to include grade at the end of that period. Also, list current unit of military assignment and current grade.

MAIL TO:

Human Resource Office
Houston Barracks
3041 Sidco Drive
Nashville, TN 37204-1502

EQUAL OPPORTUNITY STATEMENT

The Tennessee National Guard is an Equal Employment Opportunity Employer. Soldiers and Airmen will not be assessed, classified, trained, promoted, or otherwise managed on the basis of race, color, religion, age, gender, national origin, reprisal, or non-disqualifying handicap. Discrimination due to age or disability are prohibited where not a factor of employment due to the military nature of the position. 29 CFR PART 1614. Discrimination due to gender is prohibited except as the direct combat probability coding policy applies to women.

**APPENDIX B
POSITION MANAGEMENT OFFICER (PMO)
DESIGNATIONS**

POSITION MANAGEMENT OFFICERS (PMO) ARE DESIGNATED BY A BULLET. PMO'S HAVE RESPONSIBILITY TO SUPERVISE AND MANAGE ALL FTM AND POSITIONS ASSIGNED UNDER THEM. THIS GUIDANCE ESTABLISHES THE CHAIN FOR ORGANIZATIONAL CHARTS AND POSITION MANAGEMENT AND THE REQUIREMENT FOR STANDARDS AND APPRAISALS. PMO'S WILL BE THE SIGNATURE AUTHORITY IN BLOCK FOR ACTIONS REQUESTED BY SF 52—DELEGATION OF SIGNATURE IS NOT AUTHORIZED.

TENNESSEE NATIONAL GUARD

- THE ADJUTANT GENERAL 615-313-3001 / DSN 683-3001

ASSISTANT ADJUTANT GENERAL FOR AIR (NASHVILLE)
 ASSISTANT ADJUTANT GENERAL FOR ARMY (NASHVILLE)
 PERSONNEL OFFICER (HRO) (NASHVILLE)
 COMMAND STAFF JUDGE ADVOCATE (NASHVILLE)
 THE INSPECTOR GENERAL (NASHVILLE)
 PUBLIC AFFAIRS SPECIALIST (NASHVILLE)
 SENIOR ENLISTED ADVISOR (CSM) (NASHVILLE)
 OPNS OFF/CDR, 117 REGIMENT (REGIONAL TRAINING INSTITUTE) (SMYRNA)

HQ, TENNESSEE AIR NATIONAL GUARD

- ASSISTANT ADJUTANT GENERAL FOR AIR 615-313-3014 / DSN 683-3014

EXECUTIVE SUPPORT STAFF OFFICER (NASHVILLE)
 AIR COMMANDER, 118 AIRLIFT WING (NASHVILLE)
 AIR COMMANDER, 134 AIR REFUELING WING (KNOXVILLE)
 AIR COMMANDER, 164 AIRLIFT WING (MEMPHIS)

HQ, 118 AIRLIFT WING (NASHVILLE)

- AIR COMMANDER 615-399-5400 / DSN 778-6200
 NASHVILLE BASE

HQ, 134 AIR REFUELING WING (KNOXVILLE)

- AIR COMMANDER 865-985-3201 / DSN 266-3201
 KNOXVILLE BASE

HQ, 164 AIRLIFT WING (MEMPHIS)

- AIR COMMANDER 901-541-7120 / DSN 966-8120
 MEMPHIS BASE

HQ, 119 TACTICAL COMMUNICATIONS FLIGHT (ALCOA)

- COMMANDER

HQ, 228 COMBAT COMMUNICATIONS SQUADRON (KNOXVILLE)

- COMMANDER

HQ, 241 ELECTRONICS INSTALLATION SQUADRON (CHATTANOOGA)

- COMMANDER

HQ, TENNESSEE ARMY NATIONAL GUARD

- ASSISTANT ADJUTANT GENERAL FOR ARMY 615-313-3002 / DSN 683-3002

COMMAND ADMINISTRATIVE OFFICER (CAO) (CHIEF OF STAFF) (NASHVILLE)

HQ, STATE AREA COMMAND (STARC), TNARNG

- CAO (CHIEF OF STAFF) (NASHVILLE) 615-313-3007 / DSN 683-3007

ADMINISTRATIVE OFFICER (AO), 278 ARMORED CAVALRY REGIMENT (KNOXVILLE)

AO, 196 FIELD ARTILLERY BRIGADE (CHATTANOOGA)

AO, 194 ENGINEER BRIGADE (JACKSON)

AO, 230 AREA SUPPORT GROUP (DYERSBURG)

AO, 30 TROOP COMMAND (SMYRNA)

HUMAN RESOURCES OFFICER (RCTG & RET MGR) (NASHVILLE)

DEPUTY UNITED STATES PROPERTY & FISCAL OFFICER (DEP USPFO) (NASHVILLE)

DEPUTY CHIEF OF STAFF FOR OPERATIONS & TRAINING (DCSOPS) (NASHVILLE)

DEPUTY CHIEF OF STAFF FOR AVIATION (DCSAV) (NASHVILLE)

DEPUTY CHIEF OF STAFF FOR PERSONNEL (DCSPER) (NASHVILLE)

DEPUTY CHIEF OF STAFF FOR LOGISTICS (DCSLOG) (NASHVILLE)

DEPUTY CHIEF OF STAFF FOR ENGINEERING (DCSEN) (NASHVILLE)

DEPUTY CHIEF OF STAFF FOR INFORMATION MANAGEMENT (DCSIM) (NASHVILLE)

SAFETY & OCCUPATIONAL HEALTH OFFICER (NASHVILLE)

ASSISTANT PROFESSOR OF MILITARY SCIENCE (APMS) – UNIVERSITY OF TENNESSEE,
MARTIN (UTM) (MARTIN)

APMS – MIDDLE TENNESSEE STATE UNIVERSITY (MTSU) (MURFREESBORO)

APMS – TENNESSEE TECHNOLOGICAL UNIVERSITY (TTU) (COOKEVILLE)

HEADQUARTERS & HEADQUARTERS DETACHMENT, STATE AREA COMMAND (NASHVILLE)

278 ARMORED CAVALRY REGIMENT

- AO, 278 ACR (KNOXVILLE) 865-582-3204

HHT, 278 ACR (KNOXVILLE)

1/278 ACR (ALCOA)

2/278 ACR (KINGSPORT)

3/278 ACR (COOKEVILLE)

4/278 ACR (SMYRNA)

SUPPORT SQUADRON, 278 ACR (KNOXVILLE)

190 ENGR CO (MORRISTOWN)

278 AIR DEFENSE ARTILLERY BATTERY (CLARKSVILLE)

278 CHEMICAL COMPANY (OAK RIDGE)

278 MILITARY INTELLIGENCE COMPANY (NASHVILLE)

COMPANY A-107 AVIATION (JACKSON)

COMPANY E-107 AVIATION (SMYRNA)

ORGANIZATIONAL MAINTENANCE SHOP (OMS) # 3 (ATHENS)

OMS # 4 (COOKEVILLE)

OMS # 17 (KINGSPORT)

196 FIELD ARTILLERY BRIGADE

- AO, 196 FA BDE (CHATTANOOGA) 423-634-3805

HHB, 196 FIELD ARTILLERY BRIGADE (CHATTANOOGA)

1-181 FIELD ARTILLERY BATTALION (CHATTANOOGA)

1-115 FIELD ARTILLERY BATTALION (WINCHESTER)

2-115 FIELD ARTILLERY BATTALION (HENDERSON)

3-115 FIELD ARTILLERY BATTALION (MEMPHIS)

731 ORDNANCE DETACHMENT (CHATTANOOGA)

1115 ORDNANCE DETACHMENT (WINCHESTER)
2115 ORDNANCE DETACHMENT (HENDERSON)
3115 ORDNANCE DETACHMENT (MEMPHIS)
OMS # 5 (CHATTANOOGA)
OMS # 8 (WINCHESTER)
OMS # 14 (HENDERSON)
OMS # 15 (MEMPHIS)

194 ENGINEER BRIGADE

- AO, 194 ENGR BDE (JACKSON) 901-421-8601

HHC, 194 ENGINEER BRIGADE (JACKSON)
230 ENGINEER BATTALION (TRENTON)
CO C-46 ENGINEER BATTALION (PARIS)
155 ENGINEER COMPANY (WAVERLY)
212 ENGINEER COMPANY (DUNLAP)
913 ENGINEER COMPANY (PARIS)
775 ENGINEER DETACHMENT (JACKSON)
OMS # 11 (MARTIN)
OMS # 12 (TRENTON)
OMS # 13 (JACKSON)
OMS # 18 (CAMDEN)

230 AREA SUPPORT GROUP

- AO, 230 ASG (DYERSBURG) 901-288-8010

230 ASG (DYERSBURG)
130 SUPPORT CENTER (TULLAHOMA)
230 SIGNAL BATTALION (HUMBOLDT)
1171 TRANSPORTATION COMPANY (TIPTONVILLE)
1174 TRANSPORTATION COMPANY (DRESDEN)
1-30 TROOP COMMAND (COLUMBIA)
771 MAINTENANCE COMPANY (COLUMBIA)
1175 TRANSPORTATION COMPANY (TULLAHOMA)
779 MAINTENANCE COMPANY (CENTERVILLE)
OMS # 10 (COLUMBIA)

30 TROOP COMMAND

- AO, 30 TC (SMYRNA) 615-355-3649

30 TC (SMYRNA)
30 FINANCE BATTALION (SMYRNA)
1128 FINANCE DETACHMENT (SMYRNA)
1129 FINANCE DETACHMENT (SMYRNA)
1130 FINANCE DETACHMENT (SMYRNA)
105 PERSONNEL SERVICES BATTALION (NASHVILLE)
173 PERSONNEL SERVICES DETACHMENT (NASHVILLE)
568 PERSONNEL SERVICES DETACHMENT (NASHVILLE)
129 ARMY BAND (NASHVILLE)
DETACHMENT 1-133 PUBLIC AFFAIRS (NASHVILLE)
168 MILITARY POLICE BATTALION (LEBANON)
267 MILITARY POLICE COMPANY (DICKSON)
268 MILITARY POLICE COMPANY (RIPLEY)
269 MILITARY POLICE COMPANY (MURFREESBORO)
176 MAINTENANCE BATTALION (JOHNSON CITY)
730 QUARTERMASTER COMPANY (JOHNSON CITY)

776 MAINTENANCE COMPANY (ELIZABETHTON)
777 MAINTENANCE COMPANY (NASHVILLE)
230 ARMY LIAISON TEAM (SMYRNA)
TNARNG MEDICAL CECAT (KNOXVILLE)
OMS # 1 (JOHNSON CITY)
OMS # 6 (LEBANON)

RECRUITING & RETENTION COMMAND

- HUMAN RESOURCES OFFICER (RCTG & RET MGR) (NASHVILLE) 615-355-3932

UNITED STATES PROPERTY AND FISCAL OFFICE

- DEPUTY USPFO (NASHVILLE)

615-313-2625 / DSN 683-2625

OFFICE OF THE USPFO
ANALYSIS & INTERNAL REVIEW BR
DATA PROCESSING BR
RESOURCE MGT BR
FISCAL ACCOUNTING BR
PAY & EXAMINATION BR
LOGISTICS BR
STOCK CONTROL BR
SUPPLY BR
TRAFFIC BR
CONTRACTING BR
PROPERTY ASSISTANCE MGT BR

OPERATIONS AND TRAINING DIVISION

- DEPUTY CHIEF OF STAFF FOR OPERATIONS & TRAINING (DCSOPS) (NASHVILLE)
615-313-3071 / DSN 683-3071

OFFICE OF OPERATIONS & TRAINING
TRAINING BR
MILITARY SUPPORT BR
MOBILIZATION READINESS BR
TRAINING SITES
45 CIVIL SUPPORT DETACHMENT (WEAPONS OF MASS DESTRUCTION) (NASHVILLE)

AVIATION DIVISION

- DEPUTY CHIEF OF STAFF FOR AVIATION (DCSAV) (NASHVILLE) 615-313-3735

OFFICE OF STATE AVIATION
ARMY AVIATION SUPPORT FACILITY (AASF) # 1 (SMYRNA)
AASF # 2 (KNOXVILLE)
AASF # 3 (JACKSON)
TNARNG LAASF (CECAT)
DET 25, OSA COMMAND

MILITARY PERSONNEL DIVISION

- DEPUTY CHIEF OF STAFF FOR PERSONNEL (DCSPER) (NASHVILLE)
615-313-3125 / DSN 683-3125

OFFICE OF MILITARY PERSONNEL MANAGEMENT
PLANS & ACTIONS BR
SIDPERS BR
PERSONNEL SERVICES BR
FAMILY READINESS BR
MEDICAL ADMINISTRATION BR
STARC MEDDAC (SMYRNA)
PHYSICAL EXAM CLINIC WESTERN (MILAN)
PHYSICAL EXAM CLINIC SOUTHERN (CHATTANOOGA)
PHYSICAL EXAM CLINIC EASTERN (JOHNSON CITY)

LOGISTICS DIVISION

- DEPUTY CHIEF OF STAFF FOR LOGISTICS (DCSLOG) (NASHVILLE)
615-313-0644 / DSN 683-0644

OFFICE OF LOGISTICS SUPPORT
LOGISTICS SUPPORT OPERATIONS BR

MAINTENANCE BRANCH (LOGISTICS DIVISION)

- SURFACE MAINTENANCE MANAGER
615-313-3055 / DSN 683-3055

MAINTENANCE BRANCH (NASHVILLE)
CSMS # 1 (MIDDLE) (INCL OM SHOP #16)(SMYRNA)
CSMS # 2 (WEST)(JACKSON)
CSMS # 3 (EAST) (INCL OM SHOP #2)(KNOXVILLE)
UNIT TRAINING EQUIPMENT SITE (UTES) (FORT CAMPBELL)
OMS # 7 (TULLAHOMA)
OMS # 9 (NASHVILLE)

CONSTRUCTION & FACILITIES MANAGEMENT DIVISION

- DEPUTY CHIEF OF STAFF FOR ENGINEERING (DCSEN) (NASHVILLE)
615-313-2620 / DSN 683-2620

OFFICE OF CONSTRUCTION & FACILITIES MANAGEMENT
ENGR SUPPORT BR
ENVIRONMENTAL BR

INFORMATION MANAGEMENT DIVISION

- DEPUTY CHIEF OF STAFF FOR INFORMATION MANAGEMENT (DCSIM)
(NASHVILLE) 615-313-3053 / DSN 683-3053

OFFICE OF INFORMATION MANAGEMENT
AUTOMATION MANAGEMENT BR
TELECOMMUNICATIONS BR
INFORMATION SYSTEMS SUPPORT BR
INFORMATION SERVICES BR

VISUAL INFORMATION SUPPORT CENTER (VISC) (SMYRNA)

- DIRECTOR 615-355-7100

COUNTERDRUGS DIVISION

- DEPUTY CHIEF OF STAFF FOR COUNTERDRUGS (DCSCD)615-355-3901

THE ADJUTANT GENERAL

HUMAN RESOURCES DIVISION

- PERSONNEL OFFICER (HRO) (NASHVILLE)615-313-3010 / DSN 683-3010

OFFICE OF HUMAN RESOURCES
PERSONNEL MANAGEMENT BR
MILITARY DUTY MANAGEMENT BR
LABOR RELATIONS BR
EQUAL EMPLOYMENT OPPORTUNITY BR
CUSTOMER SERVICES BR

APPENDIX C
NEW TECHNICIAN ORIENTATION (NTO) CHECKLIST

NAME: _____ DATE OF HIRE: _____

PROBATIONARY PERIOD: ENDS ONE YEAR FROM DATE OF HIRE

PHASE I HRO Orientation

- Eligibility Verification (I-9 Form)
Selective Service Status
W-4 / Direct Deposit / Mailing Address
Type of Appointment
FERS / Thrift Savings / Social Security
Statement of Prior Federal Service
Post-1956 Active Military Service
Right to Bargaining Unit Representation
Federal Employee Health Benefits
Federal Employee Insurance Program
VULCAN Insurance Options
US Savings Bond Deduction
Credit Union
Occupational Injury (OWCP)
Appointment Affidavit
Required Tech Training
Privacy Act
Merit Placement / Promotion Plan
Standards of Conduct & Discipline
Enlistment Bonus Issues
Employment Development Program
Equal Employment Opportunity Program
Technician Assistance Program (TAP)
Physical Survey
Military Courtesy & Wear of Uniform
Maintenance of Good Health / Physical

I understand this briefing is an overview and does not suffice for all required training.
Signature of New Employee / Date

PHASE 2 Supervisor (Formal Meeting Orientation)

- Introduction
Home Address & Telephone Number
Who to Notify in Emergency
Hours of Work & Punctuality
Lunch & Rest Breaks
Lunch & Break Facilities
Telephone Use
Bulletin Boards
Military Requirements / Expectations
Neatness & Housekeeping
Bargaining Unit Activities & contracts
Safety
SF 52 / Personnel Actions
Trial / Probationary Period
Standards of Performance
Annual Performance Rating / Appraisal
Position Description Review
Incentive Awards Program
Policy for Leave and Absences
Employee Development
Security
Occupational Injury (OWCP)
Standards of Conduct & Discipline
Required Supervisor Training
Grievance System (State and Union)
Management of AGR soldiers

I understand this briefing is an overview and does not suffice for all required training.
Signature of Supervisor / Date

Original copy of completed form will be returned to HRO for inclusion in employee's OPF.
HRO FORM 32 (1 Jan 02)

APPENDIX D**REQUEST FOR PERSONNEL ACTION (RFPA)
STANDARD FORM 52 (SF 52)**

1. The Request for Personnel Action (RFPA), Standard Form 52 (SF 52), is used by the Human Resources Office to make decisions regarding personnel and position actions for National Guard technicians. Some commands are not providing enough information for us to make an informed decision, so the following guidance is provided to request personnel and position actions. Commands not providing this information may have the RFPA returned without action. Underlined items must be completed.

SF 52 ITEM INSTRUCTIONS**Front Side – REQUEST FOR PERSONNEL ACTION*****PART A. REQUESTING OFFICE.***1. ACTIONS REQUESTED

MUST be filled in. Options for entries include, but are not limited to;

- FILL POSITION
- FILL POSITION (INDEFINITE)
- FILL POSITION (ON BOARD ONLY)
- FILL POSITION (DEVELOPMENTAL)
- CANCEL FILL
- FILL TEMPORARY TECH (NTE date)
- EXTENSION OF TEMP APPT (NTE date)
- PROMOTE
- TERMINATE
- REASSIGN
- MANAGEMENT-DIRECTED REASSIGNMENT
- LWOP (Attach orders, if applicable)
- DETAIL (NTE date)
- RETIRE
- CONVERSION
- REQUEST TO CHANGE TO LOWER GRADE
- ABOLISH POSITION
- ESTABLISH POSITION
- TIME OFF AWARD
- NAME CHANGE (Attach copy of marriage or divorce decree or court order)

2. REQUEST NUMBER.

HRO use only. Leave blank.

3. FOR ADDITIONAL
INFORMATION CALL.

Enter the person most knowledgeable of this action if there are any questions from HRO.

4. PROPOSED EFFECTIVE DATE.

HRO use only. Leave blank. This block will be used for the HRO-approved effective date.

5. ACTION REQUESTED BY. Type name, title, telephone number, and request date of individual initiating the request along the bottom of the block (usually the first-line supervisor and the same entry as Block 3). Enter original signature above the typed entry.

6. ACTION AUTHORIZED BY. Type name, title, telephone number, and concur date of the Position Management Officer along the bottom of the block (as designated by TAG announcement: Memo, AGTN-HR, this headquarters, Position Management Officer (PMO) Designation, dated 1 Jul 01. Enter original signature above the typed entry. Delegation of PMO signature authority is not authorized and will not be recognized.

PART B. For Preparation of SF 50.

- 1. NAME Enter name in the following order: Last, First, Middle. If name change, also include former name in Part D. Leave blank if the RFPA is for FILL POSITION.
- 2. SOCIAL SECURITY NUMBER. Enter SSN. Leave blank if RFPA is for FILL POSITION.
- 3. DATE OF BIRTH. Enter date (dd/mmm/yy). Leave blank if RFPA is for FILL POSITION.
- 4. EFFECTIVE DATE. Enter requested effective date for the action. Enter the date desired by the requestor (may be entered in military format [dd/mmm/yy]; however, the SF 50 will be printed out in month-day-year format separated by dashes, e.g., 12-13-2001). This block may not be left blank.

FIRST ACTION

- 5A. CODE. HRO use only. Leave blank.
- 5B. NATURE OF ACTION. “
- 5C. LEGAL AUTHORITY. “
- 5D. CODE. “
- 5E. NATURE OF ACTION. “
- 5F. LEGAL AUTHORITY. “

SECOND ACTION

- 6A. CODE. HRO use only. Leave blank.
- 6B. NATURE OF ACTION. “
- 6C. LEGAL AUTHORITY. “
- 6D. CODE. “
- 6E. NATURE OF ACTION. “
- 6F. LEGAL AUTHORITY. “

7. **FROM:** POSITION TITLE
AND NUMBER.

Enter the FTM position title and number from the position description (PD) or the Support Personnel Manning Document (SPMD). Enter SPMD paragraph and line under position and number (not the MTOE/TDA/UMD para/line). Only use the FROM: portion (left side) of SF 52 when the requested action moves the employee from the position to another position, e.g., separation, reassignment, promotion, etc.) Complete the TO: portion (right side) [block 15] for all other actions. If this block does not apply, leave blank (and blocks 8-14 would also be left blank).

8. PAY PLAN.

Enter the pay plan, e.g., GS (as found in GS-0201-07).

9. OCCUPATIONAL CODE.

Enter the occupational code, e.g., 0201 (as found in GS-0201-07).

10. GRADE OR LEVEL.

Enter the grade or level, e.g., 07 (as found in GS-0201-07. If on grade retention, enter the grade of the position actually occupied.

11. STEP OR RATE.

Enter the step or rate of the position. If on grade retention, enter "00." This code identifies the employee as being on grade retention.

12. TOTAL SALARY.

Normally not a required entry. For a promotion, separation (or retirement), termination, leave without pay (LWOP), or an action which moves the employee to a different salary level (including promotions).

12A. BASIC PAY.

HRO use only. Leave blank.

12B. LOCALITY ADJUSTMENT.

"

12C. ADJUSTED BASIC PAY.

"

12D. OTHER PAY.

"

13. PAY BASIS.

"

14. NAME AND LOCATION OF
POSITION'S ORGANIZATION.

Enter name of the lowest subdivision of the organization to which an employee is assigned (detachment, unit, or branch and division in the HQ, STARC. Location is the duty station city or town and state. Leave blank if there is no entry in Block 7.

15. **TO:** POSITION TITLE
AND NUMBER.

Enter position and number shown on the position description. When placed in grade retention, enter the title and position of the position the employee will actually occupy. Enter SPMD paragraph and line under position and number (not MTOE/TDA/UMD para/line). See item 7 above.

16. PAY PLAN.

Enter the pay plan, e.g., GS (as found in GS-0201-07).

17. OCCUPATIONAL CODE.

Enter the occupational code, e.g., 0201 (as found in GS-0201-07). If on grade retention, enter the occupational code of the position actually occupied.

- 18. GRADE OR LEVEL. Enter the grade or level, e.g., 07
(as found in GS-0201-07. If on grade retention, enter
the grade of the position actually occupied.

- 19. STEP OR RATE. Enter the step or rate of the position. If on grade
retention, enter "00." This code identifies the employee
as being on grade retention.

- 20. TOTAL SALARY/AWARD. Show salary in terms of the pay system under which the
employee is actually paid.

- 20A. BASIC PAY. HRO use only. Leave blank.
- 20B. LOCALITY ADJUSTMENT. "
- 20C. ADJUSTED BASIC PAY. "
- 20D. OTHER PAY. "
- 21. PAY BASIS. "

- 22. NAME AND LOCATION OF POSITION'S ORGANIZATION. Enter name of the lowest subdivision of the organization
to which an employee is assigned (detachment, unit, or
branch and division in the HQ, STARC. Location is the duty station
city or town and state.

EMPLOYEE DATA

- 23. VETERAN'S PREFERENCE. Leave blank. HRO use only.
- 24. TENURE. "
- 25. AGENCY USE. "
- 26. VETERAN'S PREFERENCE. "
- 27. FEGLI. "
- 28. ANNUITANT INDICATOR. "
- 29. PAY RATE DETERMINANT. "
- 30. RETIREMENT PLAN. "
- 31. SERVICE COMPUTATION DATE. "
- 32. WORK SCHEDULE. "
- 33. PART TIME HOURS PER BIWEEKLY PAY PERIOD. "

POSITION DATA

- 34. POSITION OCCUPIED. HRO use only. Leave blank.
- 35. FLSA CATEGORY. "
- 36. APPROPRIATION CODE. "
- 37. BARGAINING UNIT STATUS. Enter 1200 for Association of Civilian
Technicians (ACT), Chapter 103, (Army
National Guard Ground). Enter 1210 for ACT,
Chapter 110, (Army National Guard Aviation).
Enter 1185 for ACT (Air National Guard). Enter
7777 for a temporary appointment not
represented by a bargaining unit. Enter 8888
when an employee is not eligible for bargaining
unit status (includes managers, supervisors,

professionals, personnelists, and other exempt status employees).

- 38. DUTY STATION CODE. Leave blank. For HRO use only.
 - 39. DUTY STATION. Enter city, county and state. For Army National Guard, the duty station is the station identified for the unit in Enclosure 1 (TNARNG Task Organization) to TARNGR 10-1. For Air National Guard, the duty station is the base to which assigned.
 - 40. AGENCY DATA. Enter TNARNG for Army National Guard or TANG for Air National Guard.
 - 41. (UIC) For Army National Guard, enter UIC in this block.
- [Leave Blocks 42-47 blank if RFPA is for FILL POSITION]
- 42. (MILITARY RANK & GRADE) Enter military rank and grade of employee, e.g., 1LT/O2, MSG/E8.
 - 43. (UNIT) Enter the military unit being supported (if applicable). Enter agency being supported, e.g., CSMS, OMS 9, etc., if not a military unit.
 - 44. (MOS / AFSC) Enter MOS or AFSC required for the target position.
 - 45. EDUCATIONAL LEVEL. Leave blank.
 - 46. YEAR DEGREE ATTAINED. Leave blank.
 - 47. ACADEMIC DISCIPLINE. Leave blank.
 - 48. FUNCTIONAL CLASS. Leave blank.
 - 49. CITIZENSHIP. “
 - 50. VETERAN'S STATUS. “
 - 51. SUPERVISORY STATUS. “

PART C – Reviews and Approvals:

- 1A – 1F. For HRO use only. Leave blank.
- 2. For HRO use only. Leave blank.

NOTE: Personnel who are being employed must not be allowed to begin work until the position management officer (HRO) approves funding. This is especially critical for new employees, to include temporaries. Telephonic approvals are not appropriate employment authority—only a signature by the HRO or Support Personnel Management Specialist on the original SF 52 meets the requirements of law. Personnel actions are always executed at the start of a pay period. Exceptions are for the benefit of the agency only.

Reverse Side – REQUEST FOR PERSONNEL ACTION**PART D – Remarks by Requesting Office.**

Do you know of additional or conflicting reasons for the employee's resignation or retirement?
Enter **X** in Yes block or No block.

- **FILL POSITION (Advertise Vacancy)**

Enter remarks to explain why the position is required. Use enough justification to allow decisions to be made regarding the situation. If a memorandum is required due to space, state that.

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promoted, reassigned, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired. When a technician is being promoted or reassigned, more explanation is required to backfill a vacancy. If a technician vacates a position for an "on board only" promotion or an internal reassignment, a backfill will not be available unless HRO grants the section an additional manyear. Any fill request without the additional manyear being approved will be disapproved.

Enter explanation whether a manyear is available or if an additional manyear is being requested to support this position. Example: **Manyear Available** or **New Manyear Requested**. When a new manyear has been authorized by DCSHR, state **New Manyear**. If this is a new position previously not built, state **New Position-New Manyear**.

If the position is being converted from AGR to technician, state this fact and where the AGR manyear is to be applied. Example: *AGR to technician, AGR manyear moved to 117th Regiment.*

Enter special requirements, i.e., schools, licenses, certifications, security clearance level, etc. If a security clearance is required, enter the level of clearance required, or enter the comment **POSITION SENSITIVITY TO BE DETERMINED BY MANAGEMENT** (and HRO will determine the security clearance required).

Enter grade required for the position to prevent grade inversion, e.g., **E6 AND BELOW TO PREVENT GRADE INVERSION.**

- **FILL POSITION (INDEFINITE)**

Enter remarks to explain why the position is required. Use enough justification to allow decisions to be made regarding the situation. If a memorandum is required due to space, state that.

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promoted, reassigned, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired. When a technician is being promoted or reassigned, more explanation is required to backfill a vacancy. If a technician vacates a position for an "on board only" promotion or an internal reassignment, a backfill will not be available unless HRO grants the section an additional manyear. Any fill request without the additional manyear being approved will be disapproved.

When other funding authorities than technician funds are to be used, enter the cite, e.g., **TAACOM, NETT**, etc.

- **FILL POSITION (ON BOARD ONLY)**

Enter remarks to explain why the position is required. Use enough justification to allow decisions to be made regarding the situation. If a memorandum is required due to space, state that.

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promoted, reassigned, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired.

Enter grade required for the position to prevent grade inversion, e.g., **E6 AND BELOW TO PREVENT GRADE INVERSION.**

- **FILL POSITION (DEVELOPMENTAL)**

Enter remarks to explain why the position is required. Use enough justification to allow decisions to be made regarding the situation. If a memorandum is required due to space, state that.

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promoted, reassigned, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired. When a technician is being promoted or reassigned, more explanation is required to backfill a vacancy. If a technician vacates a position for an "on board only" promotion or an internal reassignment, a backfill will not be available unless HRO grants the section an additional manyear. Any fill request without the additional manyear being approved will be disapproved.

Enter the requested levels of development to include the target grade.

State whether a manyear is available or if an additional manyear is being requested to support this position. Example: **Manyear Available** or **New Manyear Requested**.

- **CANCEL FILL**

- **FILL TEMPORARY TECH (Enter Not-to-Exceed Date)**

When funding authorities other than technician funds are to be used, enter the cite, e.g., **TACOM, NET**, etc.

- **EXTENSION OF TEMP APPT (Enter Not-to-Exceed Date)**

- **PROMOTE**

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promoted, reassigned, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired.

State whether a manyear is available or if an additional manyear is being requested to support this position. Example: **Manyear Available** or **New Manyear Requested**.

- **TERMINATE**

Enter reason for termination, i.e., **Resignation, Gross Misconduct**, etc.

- **REASSIGN**

Part E must be completed and signed by requesting technician.

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promotion, reassignment, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired.

State whether the position is temporary, indefinite or permanent.

Example: **TEMP, INDEF** or **PERM**.

- **MANAGEMENT DIRECTED REASSIGNMENT**

State reason for MDR rather than request from individual; technician must acknowledge (signature does not indicate concurrence) this reassignment in Part E by signature (and enter any applicable comment).

Enter the word **VICE:**, followed by the name of the incumbent of the position prior to the requirement for this fill. If individual has military rank, enter the rank following the name. Explain in one word or two why the incumbent is no longer in the position, e.g., **promotion, reassignment, retired**, etc. Example: VICE: Jones, Arthur A., LTC, retired.

State whether the position is temporary, indefinite or permanent.

Example: **TEMP, INDEF** or **PERM**.

- **LWOP (or LWOP-US)**

Attach orders if leave without pay is a military-related requirement. Attach mobilization orders to validate LWOP-US status.

- **DETAIL (Enter Not-to-Exceed Date)**

Give reason for detail and expected length of the assignment

- **RETIRE**

- **CONVERSION**

- **REQUEST TO CHANGE TO LOWER GRADE**

- **ABOLISH POSITION**

Justify reasons for abolishing the position. State what will occur to the incumbent, if applicable (NOTE: Another SF 52 will be required to reassign the incumbent, if applicable).

- **ESTABLISH POSITION**

Justify reasons for establishing the position. (NOTE: Another SF 52 will be required to advertise the position, with justification, or to reassign a technician.)

- **TIME OFF AWARD**

- **NAME CHANGE**

Attach copy of marriage or divorce decree or court order.

PART E – Employee Resignation/Retirement.

1. REASON FOR RESIGNATION/
RETIREMENT.

Remarks by employee regarding the request.
(NOTE 1: Remember that the remarks will probably be entered word for word on the official SF 50 Personnel Action. An entry is required when the requested action changes the status of the employee, and the employee must enter a statement indicating that he or she requests the change and recognizes that he or she may be giving up benefits or certain locality pay, etc.)
(NOTE 2: For employees transferring to another federal agency, HRO needs the following information in this block: Name of agency, division, and department. Duty Station. Proposed date of transfer. Mailing address of the agency, to include zip code. POC and telephone number of the gaining HRO or name of the gaining supervisor. Failure to provide this information may delay your pay!)

2. EFFECTIVE DATE.

Date requested for the action to be effective. Effective date of a resignation, retirement, LWOP, etc. will be at the end of the day – midnight – unless specified otherwise.

3. EMPLOYEE SIGNATURE.

Must be an original signature.

4. DATE SIGNED.

Enter date (dd/mmm/yy).

5. FORWARDING ADDRESS.

Use mailing address to include zip code. This is the address to which any last personnel actions or other late-arriving personnel actions will be mailed.

PART 5 – Remarks for SF 50.

Leave blank. HRO use only.

APPENDIX E

ORDER OF PRECEDENCE FOR UTILIZATION OF LEAVE

If a technician requests leave and there is no leave of the type requested or not enough to fulfill the entire request, the leave request will be processed as close as possible to the request, then the remaining balance of the request will be processed in the priority established by this table. Priority starts with 1, then 2, etc. When all leave options are used, leave without pay (LWOP) is used.

TYPE OF HOURS USED OR REQUESTED	COMP TIME OR TIME OFF AWARD	ANNUAL LEAVE WITH USE OR LOSE	ANNUAL LEAVE WITH NO USE OR LOSE	RESTORED LEAVE (OLDEST ACCOUNT FIRST)	LEAVE WITHOUT PAY	DONATED LEAVE FOR FAMILY	DONATED LEAVE FOR TECHNICIAN	REINSTATED LEAVE
ANNUAL LEAVE	1			2	5	4		3
SICK LEAVE	2	1	5	3	7		6	4
COMP TIME		1	4	2	5			3
MILITARY LEAVE	2	1	5	3	6			4
RESTORED LEAVE *	2	1	4		5			3
TRAUMATIC INJURY (COP)					1			
LAW ENFORCEMENT LEAVE	2	1	5	3	6			4
REINSTATED LEAVE	2	1	4	3	5			
* All restored leave account balances will be used prior to converting to annual leave.								
** Reinstated leave is that leave granted by the agency based upon correction of an error or replacement of leave improperly taken from an employee.								

APPENDIX F

LEAVE PRO-RATION EARNINGS FOR FRACTIONAL PAY PERIODS

Biweekly Pay Period	Hourly Accrual Rate		
	Workdays	Category 4*	Category 6
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8

*This column may be applied for sick leave purposes.

This chart is extracted from the DOD Financial Management Regulation, Volume 8, Chapter 5 and represents the accrued leave for an employee if only a portion of a bi-weekly pay period is worked.

Column 1 Represents the workday in a bi-weekly period.

Category 4 Employees with 1-3 Years of Service: Represents employees who earn 4 hours leave for a bi-weekly pay period.

Sick Leave: This category may also be used to determine Sick Leave accrual for all categories of employee since 4 hours is the maximum amount of time that may be accrued for anyone.

Category 6 Employees with 3-14 Years of Service: Represents employees who earn 6 hours leave for a bi-weekly pay period.

Category 8 Employees with 15 or More Years of Service: Represents employees who earn 8 hours of leave for a bi-weekly pay period.

APPENDIX G

SAMPLE LETTERS OF CORRECTION

G-1. EXAMPLE OF LETTER OF REPRIMAND

SUBJECT: Letter of Reprimand (LOR), RE: (Name)

1. On (date) at approximately (time) I was engaged in a conversation with (name) and (name) concerning unit and facility property. You walked up and started making comments without an invitation to our conversation. I told you that you were not part of this conversation to which you replied in a derogatory manner, "well, excuse me." I then stated to you that you were excused. At this time you became angry and said an obscenity and called me an offensive name. I replied to you that I would not tolerate being talked to in this manner, but you insisted that you could say whatever you wanted because it was after normal duty hours and you were not on the clock. However, you were in uniform and on government property, both of which add to the weight of the charges but are not necessary to substantiate them. This letter of reprimand (LOR) is to notify you of your misconduct and to formally chastise you for these acts.
2. Due to your rude interruption of my conversation and the insulting and obscene remarks that followed, you are charged with discourtesy to a supervisor for which you could receive a suspension without pay for up to 10 or more days. This action is taken in accordance with TPR 752, paragraph 1-3 and Appendix A, Offense 10 in the Table of Penalties.
3. Since this is your first offense, I have decided to issue a letter of reprimand for your actions. This LOR explains what you did wrong and is meant to inform you that such behavior and acts of misconduct cannot be condoned. You must correct your language and ensure that you treat all supervisors with courtesy and respect. If this conduct is repeated before the expiration of this letter, the sanctions that are applied may include a 5-30 day suspension without pay, change to lower grade, or removal.
4. An LOR may be grievable in accordance with your collective bargaining unit agreement. If you desire to grieve the LOR you must do using the guidelines of the negotiated procedure or the agency grievance system, whichever is applicable. If this conduct is caused by reasons related to a medical condition or causation beyond your control, you are encouraged to call CW2 William Rice, Technician Assistance Program Coordinator, at (615) 313-3041. This letter of reprimand will be forwarded to the Office of Human Resources (HRO) and entered in your Official Personnel Folder (OPF) for a period of one year and is to be removed on (enter a date not to exceed one year from issue).

G-2. EXAMPLE OF CHRONIC SICK LEAVE MISUSE COUNSELING LETTER

SUBJECT: Chronic Absence

Within the past three months, you have used a total of 94 hours of unscheduled sick leave (not including medical appointments). On eight occasions you called in sick for one day only, on six occasions you called in sick for a half day in the morning, and on three occasions, you took two hours of sick leave each time to leave work early. You could not support these absences with a doctor's statement. These instances all add up to a disturbing pattern of attendance that you must immediately correct.

Sick leave is a qualified right. You do not have an absolute and unqualified right to use sick leave at any time for personal reasons. Our agency guidance states that sick leave requests must be supported by evidence that is administratively acceptable to prove that the technician qualifies for one of the following categories.

- a. For medical appointments for the technician.
- b. When caring for family members because of illness, injury, and pregnancy.
- c. When remaining at home due to exposure to a contagious disease.
- d. For adopting a child.
- e. For the funeral of a family member.

Earlier I accepted your assertions that you were incapacitated, but then after I suspected you were misusing this leave I requested you provide a medical certificate as evidence of your illness. I am now requiring that every instance of sick leave regardless of length be supported by a statement from a physician or other medical professional. If you do not provide this evidence which must be on official business stationery telling me why you are ill and what physical limitation you have due to the ailment, I will report you as absent without leave (AWOL).

Charges of AWOL are the basis for disciplinary actions ranging from a letter of reprimand to removal depending upon the seriousness of each instance and the past record of the technician. Each instance of AWOL will be accompanied by counseling and appropriate sanctions.

This requirement will remain in effect for six months. At that time, if your attendance and sick leave usage has improved, I will meet with you to discuss your improvement (or not) and decide whether to retain or rescind the stricter requirements for documentation of sick leave.

I am temporarily maintaining this letter in your work folder until your attendance and performance improves.

G-3. EXAMPLE OF LETTER OF INTENT TO TERMINATE

(Civilian letter format)

This is notice that I intend to remove you from your position as (enter position title and pay plan-occupational code-grade). After an Army Regulation (AR) 15-6 investigation by an impartial investigating officer, I have determined that you have embarrassed the Tennessee Army National Guard by (enter serious offense) (see enclosed investigation findings). On or about (enter date), you (enter the acts leading to the charge). This action was inappropriate, unprofessional, and disgraceful, and especially so by a National Guard technician who is expected to remain above reproach. You have violated Offense 22 (or proper number for another offense), Conduct Unbecoming a National Guard Technician (enter title of offense) from Appendix A-5, Table of Penalties, Technician Personnel Regulation (TPR) 752.

My reason for this action is that your behavior cannot be condoned. Since these actions may be (are) violations of law, I have requested our legal counsel to determine whether to report the incident to the District Attorney or (police or sheriff's office).

The penalty I am imposing, termination, is the normally-imposed sanction for such offensive conduct. You have the right to review the investigation and any other material upon which I have relied to reach this decision. You have the right to reply to this decision and must do so within 15 days. You may submit any evidence in your defense to the deciding official, (name of the Assistant Adjutant General, Army or Air). He will review any comments or evidence you wish to submit in your defense. I am authorizing an excused absence of at least 24 hours for you to prepare a reply, and you may contact your first-line supervisor to ensure this time is recorded properly.

The deciding official will make a decision at the earliest practical date after the receipt of replies or after the reply period has ended. If the proposed action is upheld, it will be effected 30 days after the original decision is issued, unless appealed.

You may also contact (enter HRO point of contact for technical assistance), Military Department of Tennessee, Human Resources Office, 3041 Sidco Drive, Nashville, Tennessee at (615) 313-3027 for procedural assistance. This staff officer will make available any applicable regulations or guidelines and will answer questions you may have relative to your rights.

APPENDIX H

Instructions for completing
DD FORM 1556
 ALL DD FORM 1556'S MUST BE TYPED

IN ADDITION TO THE INFORMATION REQUESTED ON THE 10 PART CARBON SET VERSION OF THE DD FORM 1556, INCLUDE THE FOLLOWING:

Item A	ANG-TN OR ARNG-TN
Item B	Leave Blank
Item C	"X" beside initial (unless re-submitting)
Item D	Leave Blank

SECTION A - APPLICANT INFORMATION

Item 1	Last name, first name, middle initial
Item 2	First five letters of last name
Item 3	Social Security Number
Item 4	Education level (Code from front sheet)
Item 5	Years and months of continuous federal service
Item 6	Home Address (optional)
Item 7a	Home telephone number (optional)
Item 7b(1)	Commercial work telephone number (include area code)
Item 7b(2)	Enter DSN, if applicable
Item 8	Duty Position Title
Item 9	Choose which category matches your position (GS-12 and above are considered managers)
Item 10	Pay plan/Series/Grade/Step (i.e., GS-0203-05-04); enter military rank in parentheses
	NOTE: AGR use military rank (SGT/AGR)
Item	Unit of assignment
Item 12	Unit address (include zip code)
Item 13	Organization UIC (Army) or PAS (air)
Item 14	Technician - Use E-3 (Dual-status National Guard) AGR use "3" (National Guard)
Item 15	Leave Blank
Item 16	Check as appropriate

SECTION B - TRAINING COURSE DATA

Item 17	Title of the course
Item 18	Supervisors must show reason for training
Item 19a	Name of vendor or office sponsoring the course
Item 19b	Mailing address of the vendor or sponsor of the course
Item 19c	City/State/Post if different from 19b Item 20a through d., g., j., and i - Choose appropriate code from instruction sheet
Item 20e	Use NA
Item 20f	Security clearance of the course - (type "U" for unclassified in most instances)
Item 20h	Priority - 1 or 2 1 - If not accomplished will have direct adverse effect on the mission. 2 - required to replace skilled technician
Item 20i	Use #3 for all training instances
Item 20k	Use "N" (means other) for all training instances
Item 21a	Number of duty hours in a training status
Item 21b	Number of non-duty hours in a training status

Item 21c Total of a and b
 Item 22a, b, c Optional
 Item 23a Enter year, month, day of actual course dates, e.g., 1 Oct 92 entered as: 921001

SECTION C - COST INFORMATION

Item 24 Check if there is no travel, per diem or tuition
 Item 25 Direct costs
 a. Tuition cost - if applicable, enter amount
 b. Books, material, other cost - If applicable, enter the amount
 c. Total of a and b
 d. Funding Source - Leave blank
 Item 26 Indirect cost (if known)
 Item 27 Accounting Classification
 ARMY GUARD: If applicable, enter fund cite
 AIR GUARD: If applicable, resource advisor initials and affixes fund cite
 Item 28 Leave blank
 Item 29 AIR GUARD - If applicable, comptroller must sign
 ARMY GUARD - Leave blank
 Item 30 AIR GUARD: Comptroller will complete
 ARMY GUARD: Leave blank
 Item 31 Leave blank

SECTION D - APPROVAL/CONCURRENCE/CERTIFICATION

Item 32a Typed name of applicants supervisor
 Item 32b Telephone number of applicants supervisor
 Item 32c Title and signature of applicants supervisor
 Item 32d Date supervisor recommends training
 Item 33a Enter - Name of current EDS
 Item 33b Enter - 615-313-3028
 Item 33c Leave blank
 Item 33d Leave blank
 Item 34a Leave blank
 Item 34b Enter - Name of current DCSHR and enter DCSHR to far right of the block
 Item 34c Enter - 615-313-3010
 Item 34d Leave blank
 Item 34e Leave blank
 Item 35 Leave blank
 Item 36 Leave blank
 Item 37 ARMY - The Adjutant General, Mil Dept of TN
 ATTN: AGTN-HR-EDS
 PO Box 41502, Sidco Drive
 Nashville, TN 37204-1501

AIR - Enter comptroller address of the air base

DD FORM 1556 PROCESSING INSTRUCTIONS

1. The supervisor initiates the DD Form 1556 and certifies that the training is job related and is in accordance with identified training needs.
2. The DD Form 1556 is forwarded to the Employee Development Specialist (HR-EDS) who will validate and approve or disapprove the training request. If approved, copies of the DD Form 1556 will be forwarded to the trainee's supervisor.

APPENDIX I

PERFORMANCE STANDARDS AND COUNSELING

I-1. SETTING THE PERFORMANCE STANDARDS

a. Gathering Information. The technician's position description should be the basic source of information for identifying critical elements of the job. From this and the supervisor's knowledge of workload priorities and mission requirements, the elements of the job can be identified. Job elements are the observable results or end products of the job, not the steps or activities taken to achieve them.

b. Listing the critical elements of the job. After the technician's significant areas of responsibility have been identified, they should be written in Part I of HRO Form 430-1. Those significant areas that, if not performed satisfactorily, would negatively impact, severely, the accomplishment of the mission will be designated as critical element.

c. Assuring suitability of job elements. To assure that job elements are suitable, supervisors should be able to answer yes to the following questions:

- (1) Are the elements all inclusive and understandable? Is the job covered?
- (2) Do the elements refer to work activity under the technician's control?
- (3) Are the elements appropriate for the technician's series and grade?
- (4) Are the elements clear and specific?

(5) Are the elements derived from the overall mission of the organization? Were the elements taken from the Position Description and the Vacancy Announcement? Are they compatible with and supportive of results assigned to other organizations in your division or branch?

d. Assuring critical elements are critical. As a means of checking whether critical elements are really critical, supervisors should be able to answer yes to the following questions:

- (1) Are you willing to recommend the removal or demotion of the technician if the performance standard for this element is not met?
- (2) Will substandard performance of this element severely affect mission accomplishment?
- (3) Is there at least one critical element established for this job?

e. Assuring Completeness of the Performance Standards. To assure completeness of the performance standards, supervisors should be able to answer yes to the following questions:

- (1) Are tasks clearly and simply stated and do they cover all major duties?
- (2) Does the performance standard clearly state how well (quality), how soon (timeliness), and in what manner each task should be accomplished? Where feasible, are work units used, and do they allow a reasonable margin or tolerance?

(3) Does the performance standard truly reflect successful performance? Are they attainable? Can they be exceeded?

(4) Will adequate performance, as shown in the performance standard, produce the required results?

(5) Does the performance standard clearly reflect management's requirements in terms of observance of rules, regulations and safety responsibilities?

(6) Is the performance standard written so that unacceptable performance can be identified and remedial action justified?

(7) Is the performance standard written so that Outstanding can be clearly distinguished from Fully Successful performance and an incentive award nomination be substantiated?

(8) Were all tasks discussed with the technician before arriving at a decision? Has the performance standard been discussed with the next level of supervision to ensure that they are in line with other offices or units in the organization?

I-2. CONDUCTING PERFORMANCE COUNSELING

a. Performance Counseling. Supervisors should frequently praise and encourage technicians who are meeting objectives and assist technicians who are not. Supervisors should never wait until the formal performance appraisal (end of appraisal period) to inform a technician that performance is Unsatisfactory. The technician should be told of a problem as soon as the supervisor is aware there is one.

b. Performance counseling should:

(1) Focus discussion on behavior rather than the person. It is important that supervisors discuss what the technician does rather than what the supervisor perceives the technician to be.

(2) Focus discussion on observations rather than on opinions. Observations should refer to what you can see or hear in the behavior of the technician ("You hesitated for several minutes before making your presentation" as compared to the opinion "You don't seem to know your subject"). Opinions or conclusions about a technician may cloud observations, thereby distorting the feedback.

(3) Focus discussions on behavior related to a specific situation, rather than generalities. Everything people do is related in some way to time and place. Discussion will be most meaningful if you give feedback as soon as the performance is observed, and tie it to the specific situation observed.

(4) Focus discussion on the sharing of ideas and Information. By sharing ideas and information, the supervisor leaves the technician free to decide how to use the ideas in light of his or her own objectives. On the other hand, when the supervisor gives advice, the technician is told what to do with the information. In effect, the technician's freedom to determine the right or appropriate course of action is taken away. If the technician is able to choose his or her own proper course of action, they develop a greater sense of "ownership", and more commitment to achieving success will usually result.

c. Performance Appraisal Counseling. The goal of the performance appraisal counseling is mutual understanding of actual performance results by the technician (in comparison with the supervisor's expectations as stated in the established performance standard) and future actions for future improvement. These include: specific efforts to improve performance in areas of identified weakness; identification of training and developmental activities, both short-term and long-term, to remedy deficiencies and/or expand skills and knowledge for career growth. Review of job elements to ensure currency and to establish performance goals for the next year. There are four basic requirements for a successful performance appraisal discussion:

- (1) Adequate Preparation. This should be a natural result of the performance appraisal process and the establishment of a record of performance history throughout the appraisal period;
- (2) Adequate Time. The discussion should be scheduled far enough in advance to enable the employee to be adequately prepared for the discussion. Also, there should be enough time allotted for the meeting so that an unhurried discussion can take place.
- (3) Privacy. The only persons present at the discussion should be the supervisor and the technician being rated. The supervisor should ensure that the meeting is not interrupted by visitors or telephone calls.
- (4) Objectivity. Clearly, no one is or can be absolutely objective - but the use of well developed Standards and Critical Elements should greatly aid the supervisor in this regard. The greater the objectivity, the less chance of disagreement.

APPENDIX J

GUIDELINES FOR APPRAISING SUPERVISORS AND MANAGERS ON THEIR PERFORMANCE IN EEO

J-1. PERFORMANCE STANDARDS. Performance standards for furthering equal employment opportunity (EEO) will be appropriate to the technician's position and should be stated in terms of visible affirmative efforts. Therefore, the following guidelines should be used when appraising managers and supervisors on their performance in EEO:

- a. Has the manager/supervisor communicated to all subordinates his/her commitment to EEO and what is expected from each member of the work force?
- b. Has the manager/supervisor discussed the State EEO affirmative employment plan with subordinates and solicited recommendations for implementation, modification, or improvements?
- c. What specific actions has the manager/supervisor taken to identify and eliminate any barriers to the employment and advancement of minorities and women?
- d. Does the manager/supervisor support the State's plan, including goals and timetables, to address identified problem areas within the work force?
- e. Does a review of the manager's/supervisor's decisions relative to selection, training, and awards indicate that full consideration is being given to all employees?
- f. What actions has the manager/supervisor taken to provide upward mobility opportunities for eligible technicians in the work force?
- g. Has the manager/supervisor ensured that the complaints processing poster is posted on the bulletin board?
- h. What specific affirmative steps, including setting a personal example, has the manager/supervisor taken to assure the acceptance of all technicians
- i. Does the manager/supervisor maintain records that show formal EEO training of all subordinate managers/supervisors including both initial and updated orientation?
- j. Does the record indicate that the manager/supervisor assigns like penalties for like offenses regardless of race, color, religion, sex, national origin, age, or other non-merit factors?

J-2. REQUIRED CRITICAL ELEMENT. The EEO task for managers and supervisors Performance Standards has been written by the State Equal Employment Manager and will appear in Part 1 of the HRO Form 430-1 as a critical element.

Critical Element: * Equal Opportunity Implementation

Task: "Communicates to subordinates the commitment to EEO and identifies what is expected of each employee in support of equal opportunities. Avoids creating and solves problems that may create discrimination complaints. Eliminates barriers to the advancement of minorities and women."

APPENDIX K

TECHNICIAN ASSISTANCE PROGRAM

K-1. CATEGORIES OF POSSIBLE EMPLOYEE PROBLEM AREAS

1. Addiction Problems
 - Alcohol
 - Other drugs
2. Medical problems
 - Smoking
 - Food
 - Illnesses
3. Family Problems
 - Husband-wife conflicts
 - In-law problems
 - Children
 - Financial
4. On the Job Problems
 - Supervision
 - Discrimination
 - Career
 - Occupational discontent
 - Morale
 - Work environment
 - Personality conflicts
 - Recruitment
 - Retention
 - Security clearance
 - Organization
 - Transfer
 - AFSC/MOS Qualification
 - Advancement
 - Promotion
 - Location
 - Retirement
5. Emotional Problems
 - Grief
 - Poor self-concept
 - Behavioral
 - Various crisis
6. Civilian Life Problems of Military personnel
 - Education
 - Employment
7. Other Problems
 - Spiritual
 - Conscientious Objection

K-2. SUPERVISOR'S REQUEST FOR TAP COUNSELING

SUBJECT: Supervisor's Request for a Civilian Counseling Service Interview

1. On this date I am officially requesting that you see the Technicians Assistance Program Coordinator to arrange counseling regarding your problem of alcohol (drug) misuse which makes you miss work, report to work late, and be unreliable when you are at work. This request is made because of a marked deterioration in your conduct and courtesy as well.

2. I believe that you may be experiencing medical problems or have developed habits that cause or compound job performance difficulties. Without help, you will not be able to continue your employment. If you have significant medical or personal problems, the Technician Assistance Program Coordinator will assist you in finding help for them. This requires your complete cooperation and a sincere effort to change.

4. (OPTIONAL) I will defer disciplinary action until the interview is completed. If the interview results in your volunteering for and being accepted into the treatment for alcohol or drug related problems, I will defer adverse action until you have the opportunity to seek assistance and demonstrate satisfactory job performance or conduct. The exact duration of this treatment will be determined upon your enrollment and satisfactory completion.

Supervisor's Signature Date

Employee's Signature Date

CF: TAP Coordinator, HRO

K-3. CONSENT FOR RELEASE OF PATIENT INFORMATION

TO: _____
(Name of the program making disclosure)

1. Patient's Name:

2. Name or Title of the person or organization to which disclosure is to be made:

3. Purpose or need for the disclosure:

4. Extent or nature of information to be disclosed:

5. I understand that this consent is subject to revocation at any time, except that approval for actions already accomplished cannot be revoked. This release covers Privacy Act information and Patient Health information as well. I desire this approval to expire on:

(Patient Signature)

(Date on which consent is signed)

SUBJECT: NOTICE OF RELEASE OF PATIENT INFORMATION

FROM: _____
(PROGRAM MAKING THE DISCLOSURE)

TO: _____
(NAME OR TITLE OF THE PERSON OR ORGANIZATION TO WHICH THE DISCLOSURE IS TO BE MADE)

In accordance with the attached " Consent for the Release of Patient Information," we have released information to you on

This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal Regulation (42 CFR part 2) prohibits you from further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose.

K-4. SUPERVISOR DO's AND DON'T's IN THE TECHNICIAN ASSISTANCE PROGRAM.

DO:

- Be alert to changes in work and behavior patterns.
- Document all specific instances where an employee's work performance fails to meet established standards or where patterns of performance appear to be deteriorating.
- Make a confidential call to the TAPC or HRO if an employee's behavior is questionable.
- Make it clear that your primary concern is with job performance. Unless job performance improves the job may be in jeopardy.
- Point out that TAP is available for assistance to any employee who wants to resolve a personal problem that may be affecting job performance.
- Explain that all aspects of TAP counseling are completely confidential.
- Remember that the problem will probably get worse, not better, without attention and professional assistance.
- Explain that this counseling is not connected to any military duty performance or any actions relating to military counseling.

DON'T:

- Don't diagnose. Stick to job performance.
- Don't moralize. Restrict comment to job performance or specific job related difficulty.
- Don't ignore the problem in hopes that it will be resolved with time. This can only delay the employee receiving effective help, as the problem gets worse.
- Don't hesitate to contact the TAP Coordinator for information regarding the program or any question you may have concerning help for the troubled employee.
- Don't fail to offer assistance to a troubled employee. The TAP is action-oriented and helps people.

K-5. PATTERNS OF JOB PERFORMANCE DETERIORATION.

The key words in relation to the job performance problems noted below are continuing and repeated. When a pattern of job performance deterioration begins to appear, it requires documentation.

1. Absenteeism The patterns of absenteeism vary from person to person, whether the problem is alcoholism, marital, financial, etc. Generally, any excess absenteeism and increases in absenteeism should be noted. The following are some general patterns:
 - a. Unauthorized leave
 - b. Excessive sick leave
 - c. Monday absences, Friday absences, or Monday and Friday absences.
 - d. Repeated absences of two to four days
 - e. Repeated absences of one to two weeks (five to ten days)
 - f. Excessive tardiness, especially on Monday mornings or in returning from lunch.
 - g. Leaving work early
 - h. Peculiar and increasingly improbable excuses for absences
 - i. Higher absenteeism rate than other employees for colds, flu, gastritis, etc (and, consequently, more claims on company health insurance)
 - j. Frequent unscheduled short-term absences (with or without medical explanation)
2. On-the Job Absenteeism
 - a. Continued absences from post more than the job requires
 - b. Frequent trips to the water fountain or bathroom
 - c. Long coffee breaks
 - d. Physical illness on the job
3. High Accident Rate (and, consequently, more accident claims)
 - a. Accidents on the job
 - b. Frequent trips to the nurses office
 - c. Accidents off the job (but affecting job performance)
4. Difficulty in Concentrating
 - a. Work requires great effort
 - b. Jobs take more time
 - c. There may be a hand tremor when concentrating
5. Confusion
 - a. Difficulty in recalling instructions, details, etc.
 - b. Increasing difficulty in handling complex assignments
 - c. Difficulty in recalling own mistakes
6. Spasmodic work patterns _Alternate periods of very high and very low productivity. Differential increases
7. Tenacity to job – doesn't change easily This may present a threat because his control of present job allows home to hide low job performance.
8. Coming to/returning to work in an obviously abnormal condition

9. Generally lowered job efficiency

- a. Misses deadlines
- b. Makes mistakes due to inattention or poor judgement
- c. Wastes more material
- d. Makes bad decisions
- e. Complaints from customers
- f. Improbable excuses for poor job performance

10. Employee relations on the job Friction in employee relationships, including supervisor-employee relationships, usually results in decreased job performance and efficiency. The following is indicative of behavior that affects job performance and may be indicative of some sort of problem, possibly alcoholism.

- a. Over-reacts to real or imagined criticism
- b. Wide swings in morale
- c. Borrows money from co-workers
- d. Complaints from co-workers
- e. Unreasonable resentments
- f. Begins to avoid associates

11. These patterns apply to all employees in general. In specific relation to management personnel, however, there are other key indicators, which are largely dependent on the level and type or management position involved. On the first management level, a foreman may begin to let safety standards slip, begin to issue conflicting instructions to employees, use employee time and skills inefficiently, submit incomplete reports and data, become lax in his supervisory duties, etc. On higher management levels, patterns of declining job performance are more subtle. Budgets may begin to be mismanaged, production schedules fail to be coordinated, customers fail to receive proper service, and so on. The decision-making aspect of higher management positions is crucial in this regard. Managers who begin to make decisions on the basis of insufficient data and poor judgment approaches can significantly impair the efficiency of the organization.

REMEMBER: All employees, including yourself, exhibit some of these job performance problems occasionally. It is a pattern of job performance problems over a period of time (several weeks or months) that you should note and document. The supervisor is not expected to be a diagnostician. Identification and referral is to be based strictly on deficient job performance.

TIME IS IMPORTANT

- 1. As a factor in establishing job performance standards;
- 2. As a factor in observing deteriorating job performance;
- 3. As a factor in the evaluation of improving job performance.

K-6. UNOFFICIAL PERFORMANCE RECORD

In order to confront an employee with a decline in performance you need facts.

The following is an example of an unofficial performance record. It should be used solely to document the extent of an employee's job performance deterioration for the purpose of a constructive confrontation interview, not for adverse action.

IDENTIFYING DATA OBSERVATION PERIOD

I. ATTENDANCE

a. DATES/TIMES/DAY OF WK ABSENTTYPE OF LEAVEREASON GIVEN
DOCUMENTED BY

II. CONDUCT/APPEARANCE

Behavior towards superiors, fellow employees, "customers."

Physical signs (unexplained injuries/bruises, drowsiness/smell of alcohol/breath purifiers/perfume/shaving lotion/change in grooming habits, excessive health problems)

Coming to or returning to work in an abnormal condition.

III. PERFORMANCE

Sporadic performance (sluggishness, spurts) /quality and quantity of work/mistakes/missed deadlines/accidents.

Conduct or performance deficiencies will be entered in remarks on the Supervisor's Brief or NGB Form 904-1 and will be accompanied by counseling. See Chapter 3 for issues relating to conduct and Chapter 12 for performance problems. Chapter 7 identifies requirements for training.

APPENDIX M**MOBILIZATION OF TECHNICIANS**

M-1. PURPOSE OF HUMAN RESOURCES OFFICE. PEACETIME MISSION: To administer the National Guard Fulltime Support Personnel Program.

- a. The HRO acts for the Adjutant General in administering the Tennessee National Guard's fulltime manning and is a key advisor regarding employee relations. The supervisory functions include, but are not limited to equal employment employee development, labor relations, position management, recruiting placement, employee counseling, job classification technical services, and incentives awards for personnel affecting full-time employees.
- b. Determines manpower requirements and utilization. Evaluates requirements for military and civilian personnel pertaining to full-time personnel, organizational changes, functions, and workload to ensure their proper utilization. Advises on the assignment of duties to provide economical and efficient position structure.
- c. Recommends the allocation of full-time manning resources for the command and subordinate units/ activities within established ceilings and guidance. First priority in the allocation of full-time personnel is to subordinate MTOE units to assist them in preparing for their operational and mobilization missions.
- d. Maintains official personnel folders, reference library, records, reports, strength accounting, and automated systems required by civilian personnel regulations.
- e. Assists the EEO officer in directing an effective EEO program, to insure fair, equitable, and nondiscriminatory treatment of all members and employees of the National Guard. Also, to provide equal opportunity for National Guard technician personnel or applicants for technician employment so they will not be subjected to illegal discrimination because of race, color, religion, gender, or national origin.
- f. Develops, in coordination with other staff officers concerned, plans and standby directives for procurement, use and administration of civilian labor force during and after a mobilization of the National Guard.
- g. Exercises operational responsibility for the administration of laws and regulations concerning military and civilian full-time manning personnel management. Classifies positions according to applicable law, regulation, and directions, and implements Army and state policies governing pay and other compensation. Supervises the administration and promotion of the DA Incentive Award Program.
- h. Administers requirements, placement, assignment/reassignment, merit promotion, career planning, and separation of full-time employees. Carries out Army policies governing qualifications, placement and other employment matters. Conducts training and development programs regarding employment conditions, policies and facilities within the command.
- i. Advises on supervisor/employees relations, disciplinary actions and grievances; maintains contact with organized employee groups; undertakes the resolution of labor problems' and evaluates employee services, facilities and working conditions in coordination with other staff sections.
- j. Establishes procedures for the management of resources. Provides input to the Resource Management Officer for the Command Operating Budget (COB).

k. Responsible for the conduct of training within the HRO and planning and/ or providing assistance or training as directed for other units within command.

M-2. DEPUTY CHIEF OF STAFF FOR HUMAN RESOURCES. ACTIVE DUTY MISSION. Upon mobilization, manage the orderly transition of the full time force, both Army and Air; to the appropriate post mobilization duty station and the recruitment and placement of additional civilian personnel as required.

a. Human Resources Officer will-

- (1) Keep the Adjutant General and top managers informed of the status of civilian mobilization and retained un-mobilized fulltime support.
- (2) Fill mission-essential civilian vacancies created by the call-up
- (3) Ensure that full time support mobilization planning is adequate to support the wartime mission of the Army and Air National Guard.
- (4) Establish priorities to ensure that managers and supervisors have the resources needed to carry out their mobilization responsibilities.
- (5) Ensure that employees in organizations whose functions are eliminated or drastically curtailed during an emergency are earmarked for assignment to other organizations such as the USPFO/POSTMOB HQ.
- (6) Determine, in coordination with managers and HRO staff, methods for filling SPIMS/SPMD positions that are likely to develop because of mobilizations.
- (7) Ensure that full time support personnel are aware of any changes that would occur in their duties, responsibilities and working conditions in a national emergency (i.e., 60-hour work week, extra details etc.)
- (8) Establish liaison and MOU's with Civilian Personnel Office (CPO) at support installations.
- (9) Coordinate continuation of civilian personnel office support to maintain records of activated personnel.
- (10) Ensure support of units or personnel who have not been activated.
- (11) Prepare plan for restoration following military duty.

b. Management Relations and Services Branch:

- (1) Mobilization will require a recruitment effort to temporarily fill positions encumbered by Guardsman who are called up and no longer available for technician assignment in essential support activities such as personnel actions, payroll actions, non-activated unit maintenance support, etc.
- (2) Develop a mobilization-staffing plan covering all recruitment needs. Make maximum use of prior employed personnel listing provided by DoD.
- (3) Identify those individuals who are eligible and qualified to fill temporary positions vacated by Military Technicians at the USPFO, CSMS and Aviation Facilities, etc. using a current DoD personnel roster of retirees.

- (4) Hire those individuals identified for temporary positions.
- c. Human Relations and Equal Opportunity Branch. Continue the peacetime mission into an active duty mission without change in focus.
- d. Military Duty Management Branch. This branch will be integrated into the Management Relations and Services Branch upon activation of the Human Resources Division to ensure accomplishment of tasks shown in paragraph b above.

M-3. MOBILIZATION TEAM TASK LIST.

1. Present technician mobilization briefing.
2. Update records (especially to capture address and phone changes and other OPF data).
3. Obtain activation order and determine actual termination date (date called to active duty PLUS military leave balance and any discretionary leave balance).
4. Obtain election for military furlough (LWOP) or separation (complete and process SF 52 with activation orders attached).
5. Obtain election for retirement, process calculation of payment, and execute termination (if applicable).
6. Terminate allotments.
7. Obtain Federal Employee Group Life Insurance (FEGLI) and Federal Employee Health Benefits (FEHB) elections and ensure beneficiaries are correct for policies retained. Complete SF 2823 to designate FEGLI proceeds. Complete (if applicable) SF 2818, Continuation of Life Insurance Coverage as an Annuitant or Compensation, and SF 2823, Designation of Beneficiary, of the Federal Employees Group Life Insurance Program. FEHB is good for 18 months after activation, but costs change. FEGLI is good for 12 months at no cost.
8. Obtain election for unpaid compensation payments, e.g., unpaid salary, unpaid annual leave, in event-of-death (SF 1152).
9. Obtain suspension or close-out of the Thrift Savings Plan (TSP). Complete TSP 3 to designate payment of proceeds in event-of-death. Complete SF 2808 for CSRS or SF 3102 for FERS employees to designate a retirement contributions lump sum payment when no survivor annuity is payable. The original copy of the SF 2808 is filed with the Office of Personnel Management (OPM) and the original copy of the TSP 3 is filed with the Thrift Savings Plan Service Office. Employees should be advised to keep copies of their beneficiary forms in a safe and accessible place for family members who will need them in event of your death.
10. Close OPF (if applicable) and forward to National Personnel Records Center (NPRC).
11. Advise technician regarding necessity to go through M-day mobilization process and active duty enrollment in TRICARE and family in DEERS. Answer individual questions.

M-4. TECHNICIAN PERSONNEL MOBILIZATION BRIEFING

1. SITUATION. Brief plans, policies, and rules of operation during the call-up.

2. STATUS. Brief options of separation.
 - a. Leave without Pay (LWOP).
 - (1) Execute SF 52, RFPA, from technician supervisor with copy of Active Duty (AD) orders attached
 - (2) Use compensatory leave.
 - (3) Use any military leave (if possible) prior to end of technician status.
 - (4) Use (if leave is allowed) or be paid for annual leave.
 - b. Separation-Military (if technician desires to resign).
 - (1) Execute SF 52, RFPA, from technician with copy of AD orders attached.
 - (2) Initiate termination procedure.
 - c. Publish SF 50, Personnel Order.
3. MEDICAL BENEFITS. Family members: Enroll in TRICARE before terminating FEHB. Current FEHB for 12 months with government-side paid, then pay 102% of the cost for 6 months or convert to individual plan.
4. LIFE INSURANCE:
 - a. Check Beneficiary TODAY.
 - b. FEGLI continues for 12 months free. Basic: Salary rounded up plus \$2,000. (Technicians under 45 add extra benefit multiples).
 - Option A: \$ 10,000.
 - Option B: Multiples 1-5.
 - Option C: Family Coverage. To increase coverage you must provide proof of insurability on SF 2822.
 - c. Serviceman's Group Life Insurance (SGLI), \$200,000. Premium deducted from military pay. CHECK BENEFICIARY ON FORM 41 TODAY.
 - d. Family Group Life Insurance (FGLI), \$100,000 for spouse and \$10,000 for each dependent. Premium deducted from military pay. CHECK BENEFICIARY ON FORM 41 TODAY.
 - e. Other Insurance Programs (NGAT-Vulcan).
5. THRIFT SAVINGS PLAN. Make changes to convert to military Thrift Savings Plan and close out the technician TSP or place in abeyance. If a TSP loan has been made, TSP must be notified of LWOP status to protect the employee from being charged with an early withdrawal.
6. MISCELLANEOUS. Advise technician to establish new allotments in active status, and arrange for fulfillment of any legal requirements, i.e., loans, garnishments, child support, etc.
7. ADVANCE INFORMATION ON RESTORATION.
 - a. Returning to Work. USERRA Rights. There is no limit to the USERRA period of restoration when the President or Congress orders units of the Ready Reserve or members to

active duty. National Guard technicians who voluntarily enter on full-time military duty are entitled to restoration as long as voluntary military duty does not exceed a total of 5 years; the entitlement period begins the first day of continuous full-time military duty.

b. Applying for Restoration. USERRA requires that members of the Reserve Components who serve on periods of active duty be re-instated in their previous position or its equivalent (without loss of benefits) without delay. Technicians seeking restoration do so within the time frame shown in the following table.

<u>Active Duty Length</u>	<u>Must apply to HRO by:</u>
Less than 30 days	REFRAD plus 8 hours; then next work day
30-179 days	Two weeks after REFRAD
180 days or more	90 days after REFRAD

Technicians seeking restoration after release from active duty (REFRAD) must request it by forwarding SF 52 or request restoration in writing to HRO, 3041 Sidco Drive, Nashville, TN 37204-1502.

c. Reapplying for FEHB and FEGLI. Technicians who have terminated FEHB should apply for coverage. A change to the payment schedule may be required if the technician has been on active duty for over a year. Technicians who have been on active duty over a year would also have to reapply for FEGLI if coverage is desired.

M-5. RESTORATION TEAM TASK LIST.

1. Present technician restoration briefing. Establish report-to-work date.
2. Update records (especially to capture address and phone changes and other OPF data).
3. Obtain separation order and determine actual termination date.
4. Obtain election for restoration in writing, either SF 52 or letter. Convert from LWOP if military furlough.
5. Process request for allotments.
6. Obtain Federal Employee Group Life Insurance (FEGLI) and Federal Employee Health Benefits (FEHB) elections and ensure beneficiaries are correct for policies retained. Complete SF 2823 to designate FEGLI proceeds. Complete (if applicable) SF 2823, Designation of Beneficiary, of the Federal Employees Group Life Insurance Program.
7. Apply for reinstatement of the Thrift Savings Plan (TSP) and establish contribution amounts.
8. Previously terminated employees being reinstated under USERRA will be processed as a new employee.

APPENDIX N**CHECKLIST FOR WEINGARTEN INVESTIGATION**

N-1. PART ONE. DETERMINATION OF REQUIREMENT. If all three of the following conditions apply, the investigation is a Weingarten-covered discussion, and you should proceed to Part II of this checklist. If any of the three conditions are not checked, management has no obligation under Section 7114(a)(2)(A) of the Civil Service Reform Act of 1978. You should review the negotiated agreement of the bargaining unit representing the employee to determine if there are any other obligations.

- A bargaining unit employee has requested representation by an exclusive labor organization (LO).
- The examination of the employee is in connection with an investigation.
- The employee believes that disciplinary action may result from the investigation.

N-2. PART TWO. DISCHARGING THE OBLIGATION. Ensure the following steps are followed.

- Stop the examination of the employee, but proceed with the investigation. If management is certain there will be no discipline, the meeting can continue without LO representation.
- Contact the recognized labor organization (or allow the employee to contact the LO) to establish a time when a representative can attend the employee examination meeting.
- When a representative from the labor organization is present, continue the examination of the employee.
- The labor organization representative may assist the employee to present information, may ask questions or provide relevant questions to be asked, and may make relative comments. LO representatives may not be disruptive and may not be discourteous. If this occurs, terminate the meeting and call DCSHR or the Labor Relations Specialist in HRO.

APPENDIX O**BARGAINING UNIT REPRESENTATION AT A FORMAL MEETING**

O-1. DETERMINATION OF A FORMAL DISCUSSION. Exclusive labor organizations are entitled to send a representative to any meeting between management and bargaining unit members when a change in policy, a change in working conditions is contemplated or resolution of a grievance is being formally discussed. Before holding a meeting, determine if it is a formal discussion requiring an invitation to the exclusive bargaining unit for a representative to attend.

- The formal discussion is between one or more management representatives of the agency AND one or more bargaining unit employees or their representatives,

AND

- The discussion will concern a grievance of a bargaining unit employee, or—
- The discussion will concern any personnel policy, practice, or matter affecting working conditions of bargaining unit employees.

O-2. DISCHARGING THE OBLIGATION.

Federal law (5 USC 7114(a)(2)(A)) requires that management allow the exclusively recognized union to be represented by:

- Notifying the labor organization reasonably in advance of the meeting, giving the LO time, date, place, and general subject of the discussion, AND
- If a union representative attends, allow the representative to ask relevant questions and make relevant comments on behalf of the bargaining unit.

APPENDIX P
MISSION ESSENTIAL TASK LIST (METL)
for
Human Resources

WARTIME TASKS:

1-1 MOBILIZE SUBORDINATE UNITS.

Provide manpower and personnel support for operation of the EOC in peak periods of mobilization or preparation for activation.

1-4 SUPPORT FEDERALIZED SUBORDINATE UNITS.

Provide briefing and assistance teams to mobilizing units to assist in the conversion of M-Day soldiers to active duty status.

1-5 COORDINATE DOD MOBILIZATION AND WAR-RELATED ACTIVITIES WITH FEDERAL, STATE AND LOCAL AGENCIES AND DEPARTMENTS.

1-7 ESTABLISH FAMILY ASSISTANCE CENTERS.

Provide coordination and assistance to military family members.

1-8 PROVIDE OR REQUEST ADMINISTRATIVE SUPPORT FOR STARC OPERATIONS AND SUSTAINMENT.

- Provide personnel services for acquisition and management of manpower in supports of mobilization subsequent war-related activities.
- Perform personnel actions and staffing to include acquisition, separation, promotion, reduction, transfer, discipline, etc.
- Provide personnel services, to include processing actions on causality, insurance, retirement, medical care, separation, promotion, appraisals, awards, pay actions, and leave.
- Provide human relations/ equal opportunity administration.

1-9 DEFEND STARC

Provide personnel as required to assist in security of the STARC.

PEACETIME TASKS (FEDERAL):

- 2-1 PROVIDE STAFF SUPERVISION.**
- 2-2 PREPARE UNITS FOR MOBILIZATION AND DEPLOYMENT EXECUTION.**
 - Perform preparation for mobilization tasks to prepare units for call-up.
 - Participate in exercises to improve unit abilities to activate rapidly and effectively.
- 2-3 PREPARE STARC FOR MOBILIZATION AND POST-MOBILIZATION MISSIONS.**
- 2-4 PROVIDE OR REQUEST ADMINISTRATIVE SUPPORT FOR STARC OPERATION AND SUSTAINMENT.**
 - Provide personnel services, for acquisition and management of manpower in support of mobilization and subsequent war-related activities. Perform personnel actions and staffing to include acquisition, separation, promotion, reduction, transfers, discipline, etc.
 - Provide personnel services, to include processing actions on casualty, insurance, retirement, medical care, separation, promotion, appraisals, awards, pay actions, and leave.
 - Provide human relations/equal opportunity administration.
- 2-7 PROVIDE ADVICE, REPORTS AND OTHER INFORMATION TO FUSA.**

PEACETIME TASKS (STATE):

- 3-1 PERFORM SUPPORT OF CIVIL AUTHORITIES ESPECIALLY DURING CIVIL DISTURBANCES AND NATURAL DISASTERS.**
- 3-2 PROVIDE PERSONNEL TO SUPPORT STARC OPERATIONS.**
- 3-3 PREPARE AND PROVIDE TRAINING FOR STATE MILITARY FORCES.**

APPENDIX Q**KEY STAFF POSITIONS**

Q-1. PURPOSE. TAG has the authority to select members of the key staff due to the “over-arching military consideration” for qualified, able, and confident officers in positions of the highest responsibility. These positions are exempt from the normal merit promotion announcement procedures due to the unique military qualification requirements and needs for their abilities.

Q-2. PROCEDURES.

a. Merit Selection Process. TAG may require that a key staff position be filled by referral of all qualified candidates or by use of a vacancy announcement. If he (or she) chooses referral, he (or she) will identify those uniquely military traits he (or she) desires the candidates to possess to the Deputy Chief of Staff for Human Resources (DCSHR). Although not restricted to merit promotion procedures, these options provide a form of merit selection for key staff selection while still meeting the needs of the service. Qualifications considered will include more than just education, experience, and awards, but will also include potential for excellence, ability to influence people, ability to respond to emergencies in a calm and professional manner, ability to inspire confidence and loyalty in him (her) self, and ability to display leadership and management abilities.

b. Candidate Listing. The DCSHR will have the personnel folders (technician and military) screened to determine the list of basically eligible personnel. This list will then be provided to the selecting official for selection.

c. Selection. Best qualified person for the position is selected by TAG.

d. Validation of Best Qualified. TAG will provide a written statement for the record to state why the person selected was considered the best qualified.

Q-3. KEY STAFF POSITION IDENTIFICATION. The following positions are identified as Key Staff Positions in the Tennessee National Guard. In the event of title change, these titles identify the positions that most closely correspond to these key officials.

a. Army National Guard.

- (1) Chief of Staff.
- (2) Deputy Chief of Staff for Personnel (DCSPER).
- (3) Deputy Chief of Staff for Operations (DCSOPS).
- (4) Deputy Chief of Staff for Logistics (DCSLOG).
- (5) Assistant Chief of Staff for Logistics-Maintenance (ACSLOG).
- (6) Deputy Chief of Staff for Information Management (DCSIM).
- (7) Deputy Chief of Staff for Engineers (DCSEN).
- (8) Deputy Chief of Staff for Aviation (DCSAV).
- (9) Army Aviation Flight Facility (AASF) Commander.
- (10) Supervisor Logistics Management Specialist (SLMS).
- (11) Resources Management Officer (Comptroller).
- (12) Major Command Administrative Officer (AO).
- (13) Command Staff Judge Advocate (Chief Counsel).

- (14) Command Public Affairs Officer (PAO).
- (15) Command Chief Warrant Officer (CCWO).

b. Air National Guard.

- (1) Executive Support Staff Officer.
- (2) HQS Chief Counsel.
- (3) HQS Public Affairs Officer (PAO).
- (4) Air Commander of each base or separate command.

c. Joint Service. Human Resources Officer (HRO).

APPENDIX R

INDIVIDUAL DEVELOPMENT PLAN (IDP)

NAME: _____ SSN: _____

CURRENT CIVILIAN GRADE: _____ TARGET GRADE: _____

Knowledge, Skill and Abilities Required	Formal Classroom Instruction	Target Date	Date Comp.	On-The-Job Assignments	Target Date	Date Comp.	Initial

CERTIFICATION: _____

DATE: _____

TITLE: _____

Certification by Supervisor serves as validation that all elements of the IDP have been completed.

APPENDIX S
BLANK FORMS

This Appendix is a compilation of blank forms needed for leave administration as referenced in this regulation. These forms may be reproduced locally.