

AD-A242 642



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NONAPPROPRIATED FUND
PERSONNEL SYSTEM MODERNIZATION



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HQDA
WASHINGTON, DC 20310
23 SEPTEMBER 1991

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UNCLASSIFIED
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DEFENSE LOGISTICS AGENCY
HEADQUARTERS
CAMERON STATION
ALEXANDRIA, VIRGINIA 22304-6100

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24 OCT 1991



S: 1 Apr 92

IN REPLY
REFER TO

DLA-KS (Ms. Hoffheins/(DSN)284-6030/mah)

will call back 10/31/91

SUBJECT: Nonappropriated Fund (NAF) Personnel System
Modernization Implementation Instruction

TO: Commanders of DLA Primary Level Field Activities
ATTN: Civilian Personnel Officers

1. The enclosed instruction is provided as interim guidance for your implementation and administration of the modernized NAF personnel system. The new policies and procedures represent management's demand for a modernized, flexible NAF personnel system.
2. Concurrent with these new authorities and flexibilities is the accompanying requirement for accountability. Review and oversight procedures are necessary which ensure effective management of personnel costs and compliance with the statutory and regulatory requirements of the system.
3. The effective date of this instruction is 1 October 1991. Deferral of final implementation for administrative and training requirements until 1 April 1992 is authorized, with the exception of installations that require additional time to complete bargaining with labor organizations.
4. Providing information to employees and management is an essential part of introducing any new or revised system. Each manager, supervisor and employee must understand how the new system affects and benefits both the organization and the individual. To that end, I ask that you designate a single point of contact (POC) in the Office of Civilian Personnel for oversight of NAF personnel issues. As part of that oversight effort, please report to Ms. Jan Hoffheins, DLA-KS, by 1 April 1992, the name of your NAF POC and their telephone number, the steps taken to inform employees and management of the new system, and the effective date of implementation.

1 Encl

ANTHONY W. HUDSON
SAC, DLA-KS
Civilian Personnel

ERRATA SHEET

PAGE 6

Add para 6b. (19)

(19) Separation during the probationary period or separation from a flexible appointment providing all procedural requirements have been met.

Statement A per telecon Mr. Hoffheins
DLA-KS Alexandria, VA 22304-6100

NWW 10/31/91

DECLASSIFIED BY: [illegible]
ON: [illegible]
AUTHORITY: [illegible]
REASON: [illegible]
DATE: [illegible]
BY: [illegible]
A-1



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF FOR PERSONNEL
WASHINGTON, DC 20310-0300

REPLY TO
ATTENTION OF

CFSC-HRP

23 SEP 91

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Nonappropriated Fund (NAF) Personnel System
Modernization Implementation Instruction

1. The policies and procedures contained in the enclosed instruction represent a response to the Army-wide, and ultimately DOD-wide, demand of commanders and managers for a modernized, flexible NAF personnel system. Over a period of five years, the Army, and subsequently, the other military services developed and tested new authorities and flexibilities that were responsive to NAF business needs and provided maximum authority and accountability to the line manager. The concepts and policies originated with the Army's Civilian Personnel Modernization Project (CPMP), and have been modified by the consensus agreement of the major commands.
2. The objective of the many changes is to enable management to recruit and retain high quality employees at a cost which does not exceed that required to compete in the labor market. To achieve this objective, many authorities and responsibilities that were exercised previously by the civilian personnel office have been delegated to line management. Throughout this instruction commanders have been authorized to delegate authority to various management levels including the first-line supervisor. Decisions on delegation of authority remain the prerogative of the commander and there is no intention to constrain that right. Concurrent with these new authorities and flexibilities is the accompanying requirement for accountability. Commanders must establish procedures for review or oversight of management actions to insure effective management of personnel costs and compliance with the statutory and regulatory requirement of the system.
3. An essential part of introducing a new or revised system is providing information to employees and all levels of management. Each manager, supervisor and employee must be made aware of how the new system affects and benefits both the organization and the individual. A conscious effort has been made to increase management authority and flexibility without sacrificing employee rights. In the total NAF system, including pay bands, the opportunity now exists for the high performing employee to receive greater reward, both financially and professionally, more rapidly. The superior employee may advance through demonstrated performance without artificial systemic constraints.

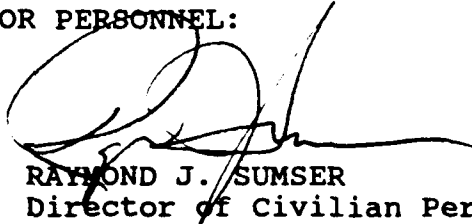
CFSC-HRP

SUBJECT: Nonappropriated Fund (NAF) Personnel System
Modernization Implementation Instruction

4. Labor organizations with national consultation rights have been advised of these changes. At installations where a labor organization has exclusive recognition rights, management must provide the opportunity to bargain impact and implementation prior to implementing.

5. Questions should be addressed to Community and Family Support Center, ATTN: CFSC-HRP, 2461 Eisenhower Ave., Alexandria, VA 22331-0523. Telephone DSN 221-7762 or Comm (703) 325-7762.

FOR THE DEPUTY CHIEF OF STAFF FOR PERSONNEL:



RAYMOND J. SUMSER
Director of Civilian Personnel

Enclosure

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Nonappropriated Fund Personnel System Modernization

Foreword

This instruction is provided as interim guidance for implementation and administration of the modernized NAF personnel system. The contents will be incorporated into AR 215-3 upon publication of the next UPDATE. This instruction should be used together with AR 215-3 and also the Army NAF Pay Band System implementation memorandum, dated 11 February 1991. If not specifically addressed in this instruction, the requirements of AR 215-3 and the NAF Pay Band System apply.

1. Applicability. This instruction applies to all employees in the United States and Puerto Rico and to US citizen employees in foreign areas. This includes employees in AS, PS, NA, NL, NS, UA, NF, AND CC positions.

2. Effective Date. 1 October 1991. Commanders may defer implementation for administrative and training requirements. Implementation must be accomplished by 1 April 1992, with the exception of installations that require additional time to complete bargaining with labor organizations.

3. Employment and Staffing.

a. Qualification requirements.

(1) Qualification requirements for positions in the pay band system are developed by supervisors and incorporated in Standard Position Guides. The use of OPM Handbook X-118 is mandatory only for positions that have a positive education requirement.

(2) Qualification requirements for crafts and trades (CT) positions are contained in AR 215-3, Appendix C. For CT positions not included in Appendix C local development of qualification standards is authorized.

(3) Qualification requirements for positions in child care are contained in the Caregiving Personnel Pay Program Implementation guidance.

b. Appointment Categories. The six appointment categories have been reduced to two:

(1) Regular. A regular employee serves in a continuing position on a scheduled basis. Regular employees are further categorized as regular full-time (RFT) if the workweek is 40 hours; or, regular part-time (RPT) if the workweek is from 20 to 39 hours. The minimum workweek for a RPT employee is 20 hours.

(2) Flexible. A flexible (FLX) employee serves in an indefinite position on either a scheduled or an as needed basis. There is no upper limit to the hours a flexible employee may work (subject to overtime obligations and work scheduling requirements).

c. Short-term requirements.

(1) To meet special work requirements that will last at least one year, but are known to be non-permanent and will cease to be needed upon completion of a project or a

projected period of time, a position may be designated as Limited Tenure. This term is added only to a regular appointment as, either RFT- Limited Tenure, or RPT- Limited Tenure. A clarifying remark as to the expected expiration of the appointment will be entered on the DA Form 3434. Limited Tenure employees have the same entitlement to leave and benefits as do all regular employees.

(2) Temporary Promotions may be effected on either a competitive or non-competitive basis. (See AR 215-3, Para 2-30,2-31). No time limitations are imposed on the length of temporary promotions.

(3) Details to positions at the same or lower grade/level may be used to meet a temporary need or to assess an employee's capability to perform, and interest in, the duties and responsibilities of the position. Although no time limitations are imposed on these actions, if the detail was for the purpose of assessing the employee's performance in the position a supervisor should normally be able to make that assessment within a 120 - day period.

d. Repromotion. An employee may be promoted to the highest grade he or she had previously held on a permanent basis, provided the employee was not demoted or separated from that grade because of deficiencies in performance or "for cause" reasons. This action may be made on a noncompetitive basis.

e. Recruitment Authority.

(1) Commanders may delegate direct recruitment authority to any management level deemed appropriate. Within the 48 contiguous United States this authority applies to positions at NF levels 1 to 3, UA grades 5 to 8, CC levels 1 and 2, all AS, PS, and crafts and trades positions. In all other areas this authority applies to all positions with the exception of NF-6.

(2) When managers and supervisors are authorized direct recruitment authority, they may use a system for publicizing vacancies that meets the local needs, such as notices on activity bulletin boards, daily bulletins and installation media. Vacancies must be publicized a minimum of three workdays. The servicing CPO may also be called upon to assist in publicizing vacancies. Prior to final selection the selecting official must determine from the CPO if Spouse Employment Preference (SEP), Involuntarily Separated Military (ISM), or veteran eligible must be considered for the position. Upon compliance with the preference requirement, the selection may be finalized and the CPO notified of the selection by DA Form 4017. The individual must be inprocessed by the CPO prior to reporting for duty.

(3) Regardless of the level to which recruitment

authority has been delegated, all of the requirements of equal employment opportunity will be met.

(4) Applications received as a result of job announcements will be retained for one year after selection is made by the office which took the recruiting action. If no complaint or grievance regarding the appointment is received, the applications may be destroyed at the end of the one year period.

f. Selection Priorities. Selection preference for all competitive recruitment actions for positions UA-8/NF-3 and below, to include all prevailing rate positions, will be given according to the following priorities -

- (1) Spouse Employment Preference (SEP)
- (2) Involuntarily Separated Military (ISM)
- (3) Current and former employees
- (4) Outside applicant - veteran
- (5) Outside applicant - non-veteran

g. Employment verification. Verification of previous employment record will be made prior to extending an offer of employment. The numbers and depth of checks to be made will be dependent upon the level and responsibilities of the position. For off duty military personnel, approval of employment from the individual's commanding officer satisfies this requirement. (Special requirements for filling Child Development and Youth Activities positions must be followed).

h. Separation.

(1) Flexible employees may be separated with an advance notice of 7 calendar days. DA Form 3434 may be used to provide notice. Such separations are not grievable, are taken without prejudice, and do not preclude reemployment.

(2) Limited Tenure employees may be separated prior to the projected expiration date with a minimum 14 calendar day advance notice. No advance notice is required upon completion of the projected period. Separations of Limited Tenure employees are not grievable.

(3) An employee who fails to report for duty and is carried in an AWOL status for three scheduled work days may be separated for abandonment of position. No advance notice of any kind is required prior to effecting the separation.

i. Probationary Period. The probationary period for all regular employees will be one year. Flexible service is creditable when the flexible appointment is converted to a regular appointment with no change in duties and with no break in service. Maximum flexible service credit may not exceed 6 months.

4. Severance Pay.

a. Entitlement. Regular employees who have completed at least 12 consecutive months of service will receive severance pay when as a result of a business based action -

(1) A regular full-time appointment is changed to regular part-time and the employee declines the part-time appointment and is separated.

(2) A regular full-time or part-time appointment is changed to flexible.

(3) An employee is separated.

(4) An employee who is to be furloughed for a period greater than 60 days resigns rather than accept the furlough.

b. Computation. The amount paid will be 2 per cent of annual salary for each year of regular NAF service. For part-time employees this will be computed on the most recent 12 months earnings as reflected in payroll records. For portions of years in excess of 1 year, the amount will be pro-rated. Periods of service for which severance pay has previously been granted will not be counted. Overseas activities that have been granted exception authority by DA may continue to make severance payment in conformance with that exception.

c. Exclusions. Severance pay will not be paid when the employee -

(1) Was separated because of misconduct, inefficiency, or delinquency.

(2) Has refused the offer of a position of equal pay and appointment category in the same commuting area, or in another commuting area if the PCS move is funded.

(3) Is employed in an appropriated fund position without a break in service of more than 3 days.

5. Discipline.

a. Policy. Guidance on the maintenance of discipline and the procedures for taking disciplinary actions are contained in AR 215-3 chapter 7.

b. Alternatives. Alternatives to these traditional processes that may provide less confrontational means of guiding or correcting an employee are currently being employed by some companies in the private sector. Since each incident requiring disciplinary action must be judged upon the circumstances involved and the record of the employee, an

alternative discipline system may be appropriate for use in some cases. Commanders are encouraged to test these alternatives. The TRADOC Directorate of Civilian Personnel has prepared a pamphlet which provides detailed instruction on implementing a cooperative discipline system which is a progressive, nonpunitive approach that emphasizes employees' responsibility for their own performance and conduct. This system provides a framework within which performance and conduct problems are identified and brought to the employee's attention in a fair and nondiscriminatory manner. Employees who accept responsibility for their performance and conduct, and correct problems brought to their attention will receive feedback and recognition for that commitment. Employees who do not accept responsibility for correcting a deficiency in either performance or conduct, once the problem has been brought to their attention, will move through a series of discipline levels that could result in their removal. Copies of the TRADOC pamphlet will be distributed to all MACOM in FY 1992.

6. Employee Grievances.

a. General. This section replaces the administrative appeals and employee grievance procedures contained in AR 215-3, chapter 8.

(1) All employees will be treated fairly and equitably in all aspects of their employment. Those who believe they have not been treated fairly have a right to present their grievances to the appropriate management officials.

(2) A grievance is a request by an employee or a group of employees for personal relief from matters of concern or dissatisfaction including requests for relief from personnel actions that have previously been administered as appeals.

(3) Where a negotiated procedure exists it will be the exclusive procedure available to employees in the Bargaining unit for resolving grievances falling within its coverage.

(4) Grievances will be resolved or decided at the lowest practicable organizational level and in the shortest time possible. A decision in favor of an employee entails the requirement that the employee be "made whole" financially for pay and restoration to duty including employment rights and benefits. (See AR 215-3 paragraph 3-24).

b. Exclusions. This grievance system may not be used to obtain consideration or decision on the following -

(1) Actions taken under the provisions of AR 215-3,

chapter 17, pertaining to the security program.

(2) Matters accepted by the Inspector General or Auditor General for review.

(3) Allegations of discrimination because of race, age, color, religion, sex, handicap, or national origin. These cases should be referred to the Equal Employment Opportunity Officer.

(4) Personnel actions voluntarily requested by the employee.

(5) Granting or not granting a performance, incentive, honorary, or any other discretionary award. Adopting or not adopting a suggestion or invention.

(6) The content of published policy applicable to NAF employees. (See also Para g, below).

(7) Position classification appeals for crafts and trades positions (NA,NL,NS) which are processed in accordance with AR 215-3, chapter 3, section II.

(8) Wage schedules established by appropriate authority.

(9) Any issue previously decided in an earlier grievance by the employee.

(10) Nonselection for appointment or promotion.

(11) Advance warning of unsatisfactory performance.

(12) Reassignment to a position at the same rate of pay and appointment category.

(13) Performance ratings other than unsatisfactory.

(14) Separation for disqualification as stated in AR 215-3, paragraph 2-12h and 2-12j.

(15) Separation for abandonment of position.

(16) Any matter which has its own review or appeal procedure stated as part of its regulatory provisions.

(17) Allegations of mismanagement when no form of personal relief to the employee is appropriate.

(18) Release of information and records from Army files (AR 340-17).

c. Representation.

(1) A grievant can be accompanied, represented, and advised by a representative of his or her own choosing. The representative's service must not result in a conflict of interest or cause unreasonable cost to the NAFI. Employees of the Civilian Personnel Office may not serve as a representative. Supervisory personnel may not be represented by a representative of a labor organization. All expenses for the grievant and representative must be borne by them.

(2) The employee will designate his or her representative in writing and submit the designation to his or her immediate supervisor for forwarding to the CPO. If the representative is an employee the CPO will provide the representative's supervisor a copy of the designation.

d. Use of official (duty) time and resources

(1) The employee and his or her designated representative may use reasonable amounts of official time, subject to supervisory approval, when a personnel action or a disciplinary action is being grieved. The time allowed depends on the facts of the specific case.

(2) Official time may be used to :

(a) Get advice on rights and privileges from official sources.

(b) Get information from witnesses.

(c) Present grievances.

(3) Official time will not be granted for preparing a grievance, organizing materials, writing or typing.

(4) Employer resources such as typing assistance, word processors, supplies and material may not be used to process a grievant's claim.

e. Procedures.

(1) Informal.

(a) The informal grievance procedure is intended to resolve grievances at the lowest organizational level at which relief can be granted and in the shortest time possible. However, when management officials and the employee agree that the informal procedure would serve no useful purpose, a formal grievance may be filed.

(b) The employee and his or her representative will, within 15 calendar days of the action's occurrence or of learning of its occurrence, present the grievance to the employee's immediate supervisor, or the lowest level of management which can grant relief. Grievances over continuing

conditions may be submitted at any time.

(c) The supervisor or official to whom the grievance is presented will make every effort to resolve the matter promptly and fairly. Every effort at resolution should be made including requesting assistance from the next level of command. A written response will be provided to the employee within 10 workdays, summarizing the issue, the consideration given, and advising of the right to file a formal grievance within 7 calendar days if he or she is not satisfied.

(2) Formal.

(a) A formal written grievance will be submitted to the commander (or equivalent civilian). At HQDA or MACOM level the grievance will be submitted to the next higher official in the chain of command over the official who considered the grievance at the informal stage. If the official to whom the grievance would ordinarily be submitted is a party to the issue, it will be submitted to the next higher level in the chain of command.

(b) Upon receipt of the grievance the deciding official will designate a disinterested third party to review the matter. The individual so designated will make a thorough review of the facts and within 7 calendar days prepare a memorandum which summarizes the grievance, the consideration given, and, a recommendation for resolution. In more complex cases the deciding official may elect to purchase the services of a professional mediator or the U.S. Army Civilian Appellate Review Agency (USACARA).

(c) The deciding official may approve and implement the recommendation, or determine his or her own resolution. If the action was removal of a regular employee for cause, the decision will be reviewed and affirmed or modified by the next higher level prior to informing the individual.

(d) The employee will be notified in writing of the decision within 10 workdays of receipt of the investigator's report. The employee will be advised that the decision is final and no further review of the same grievance is authorized.

f. Discontinuance of consideration

(1) A grievance may be cancelled at any time at the grievant's request. The request must be in writing and should briefly state the reasons for cancellation.

(2) Any unjustified delay or dilatory tactic on the part of the grievant will serve as a basis for terminating action on a grievance.

(3) Unjustified delay on the part of management will

serve as a basis to forward the grievance to the next higher level.

(4) If a pay issue is involved and the employee dies or is separated before a decision is reached, the case will be processed to conclusion.

g. Procedures involving interpretation of regulations.

(1) When a grievance is received that can be resolved by an official interpretation of a regulation or policy, management will get the employee's written concurrence that the matter can be resolved this way. A complete record of facts will be prepared citing the regulation or policy involved and including a copy of the grievance and other supporting material.

(2) The employee and his or her representative will be given 7 calendar days to review this material and submit written comments as part of the record.

(3) The entire grievance file will be sent to the proponent of the regulation or policy for the official interpretation. Within 30 calendar days after the proponent receives the grievance file, the proponent will inform the employee of the interpretation and that the decision is final.

h. Grievance file. The grievance file will be maintained by the servicing Civilian Personnel Office and must contain all documents related to the grievance. Such records shall be retained for a minimum of 2 years from the date of final resolution.

7. Incentives.

a. General. The basic Army NAF employee incentive awards program is contained in AR 215-3, chapter 9. Included are traditional elements of honorary awards, length of service awards, performance awards, and special act awards. The NAF Pay Band System introduced the authority to increase pay in addition to paying a cash bonus in recognition of performance. This represents a significant step toward establishing a pay for performance system.

b. Revenue sharing programs. Due to the wide diversity in missions of the many activities that comprise the MWR program (i.e., revenue generators, support activities, and non-revenue generators) revenue or gain sharing programs cannot be universally developed or applied. Some club activities have tested revenue sharing but there has been no widespread adoption of these plans. Commanders at all levels are encouraged to experiment with revenue sharing and to advise MACOMS of their successes so that they can be made available to all similar activities.

c. Managerial incentives. In some activities it is possible to establish quantifiable management goals to be attained in a specified period of time. In the development of performance standards specific identifiable goals can be included together with the monetary award for attainment of the goals. This procedure can be used only when the employee has both program responsibility, and authority over personnel and budget execution.

d. Non-traditional incentives. In many instances employee interest and support for incentive programs can be fostered through an imaginative approach. The traditional cash award can be converted into cash equivalents such as television sets, VCRs, jewelry or clothing. A day off with no charge to leave is also an attractive incentive.

8. Business-Based Actions.

a. General.

(1) This section provides procedures for effecting reductions and realignments that are necessary to conduct operations in an effective manner. These procedures replace the reduction-in-force procedures contained in AR 215-3, chapter 10.

(2) In no case may business-based actions be used to separate, demote, or reduce pay or hours for inadequate performance.

(3) Business-based actions are non-disciplinary, involuntary actions taken by management to adjust personnel resources with a minimum of disruption to operations. While some MWR activities are not businesses, they still must be staffed in the most economical manner consistent with maximum efficiency. Business-based actions include, but are not limited to:

- (a) Reduction in pay rate (NF employees only).
- (b) Reduction in pay level/grade.
- (c) Reduction in hours of work.
- (d) Change in employment category.
- (e) Furlough.
- (f) Separation.

b. Advance Planning.

(1) Reductions and realignments should be given top management attention to decrease adverse effects on employees and on the future effectiveness of the activity involved. Early command involvement is essential. Careful planning is necessary to lessen the impact, prepare employees, and to forestall administrative and morale problems caused by hasty

on each.

(2) Written notification will be provided to all affected employees. The notice letter will:

(a) State the action being taken, including position and rate of pay when applicable.

(b) State the reason why the action was necessary.

(c) If the action is separation, include the statement: "This action is non-prejudicial and does not preclude reemployment."

(d) Advise of severance pay entitlement when applicable.

(e) Advise of loss of retirement and insurance participation when the action being taken is a change from a regular to flexible appointment.

(f) Advise of placement on the local reemployment priority list and HQDA priority consideration system when applicable.

g. Notice Periods.

(1) Separation

(a) Regular employees will receive a minimum 30-day advance written notice. During the notice period the employee will remain in a work and pay status to the extent available work and funds will permit. In all cases, however, the employee will be in such status for not less than 2 administrative workweeks.

(b) Flexible employees will receive a minimum 1 week advance written notice all of which will be in a work and pay status.

(2) Reduction in Pay Rate. This action may only be taken on NF employees and requires a minimum 1 week advance written notice for both regular and flexible employees. Reduction in pay rate does not require a change in duties.

(3) Reduction in pay level/ grade. An NF employee may be reduced in pay level and an NA, NL, NS, or CC employee may be reduced in grade only in consonance with a change to the position. A minimum advance written notice of 1 week will be provided all employees.

(4) Reduction in hours of work

(a) Regular part-time employees will be given a minimum 24 hours advance notice.

(b) Flexible employees will be given a minimum 24 hours advance notice.

(5) Change in employment category. An advance minimum written notice of 30 days will be given when a regular full-time employee is changed to regular part-time or flexible, or when a regular part-time employee is changed to flexible.

(6) Furlough. Furlough is a non-duty, non-pay status and is appropriate only for regularly scheduled employees. During a furlough period no type of leave may be used. Advance written notice will be provided that is equal to the length of the furlough up to a maximum of 30 days. For furloughs in excess of 30 days a 30 day advance notice is required.

h. Records. The record outlined in f.(1), together with copies of employee notifications, will be retained by the employing activity for a period of 1 year.

i. Reemployment priority list. Each activity that has separated regular employees by business-based actions will retain the employees' names for 1 year from date of separation. When a vacancy occurs at the same level and duties of their former positions, they will be offered the position. If more than one person is eligible, the individual with the earliest date of separation and/or seniority will be offered the position. If the individual declines the offer his or her name will be removed from the list.

9. Performance Based Actions.

a. General. This section provides procedures for effecting nondisciplinary involuntary personnel actions based upon failure to meet established levels of performance. These procedures replace the Adverse Actions contained in chapter 11, AR 215-3. Performance based actions include reduction in pay rate (NF employees only), reduction in grade or pay level, and separation.

b. Communication-Counseling. Performance evaluation should be an ongoing process which includes periodic communication between supervisors and employees as reflected in AR 215-3, chapter 6. Counseling employees about specific performance deficiencies as soon as they arise and offering appropriate assistance can often prevent more serious performance problems. It is important that employees be given a reasonable chance to demonstrate acceptable performance. The determination of the appropriate length of time for an employee to improve should be determined on a case - by - case basis. Individual supervisors are in the best position to understand the work requirements of their units and the nature of the employee's duties and responsibilities and, therefore,

to exercise judgement in determining how to reasonably structure the employee's opportunity to improve.

c. Procedures.

(1) Any time that an employer fails to meet established levels of performance, the supervisor must notify the employee in writing of the specific elements for which performance is unsatisfactory. The employee will also be informed of the level of performance that must be attained and the time that will be allowed to provide a reasonable opportunity to achieve the required level of performance. A tool that in some cases can help in accomplishing this, is a formal, written performance improvement plan. Such a plan provides a structured means of identifying the areas of deficiency and laying out a plan for improving the employees' performance. In all cases, the employee should be given every assistance to achieve acceptable performance.

(2) An employee, whose performance has been determined to be unsatisfactory after being afforded an opportunity to improve, is entitled to a 30-day advance notice of the action to be taken. The notice will include a statement identifying the performance requirements which the employee failed to meet and what action was taken to assist the employee in improving. The notice will also inform the employee of the specific action to be taken, the right to grieve the action and to whom the grievance should be addressed, and the effective date of the action.

(3) A copy of the official personnel action (DA Form 3434) will be delivered to the employee at the same time as the notice of decision. The servicing civilian personnel office will retain all records pertaining to the action in the employee's official personnel file.