



STATE OF MARYLAND
MILITARY DEPARTMENT
FIFTH REGIMENT ARMORY
BALTIMORE, MARYLAND 21201-2288

MDNG-AG-HRO

1 August 2007

HRO POLICY/GUIDANCE LETTER #28

SUBJECT: Guidance on Trial/Probationary Periods for Technicians

1. REFERENCES:

- a. Title 32, United States Code, Section 709, (Technician Act of 1968)
- b. Title 5, United States Code, Section 3321
- c. 5 CFR, Parts 315.802-804, 315.906, 430
- d. NGB TPR 300 (302.1)
- e. NGB TPR 430, Performance Management, National Guard Technician Appraisal Program
- f. MDNG TPR 430, Performance Management

2. PURPOSE: To establish policy and procedures to assist supervisors with technicians serving a trial/probationary period in the Maryland National Guard Technician Program. The term trial period applies to Excepted Dual-Status technicians, and the term probationary period applies to Competitive Non-Dual Status technicians.

3. GENERAL:

a. The purpose of the trial/probationary period is to provide the MDNG with an opportunity to evaluate an individual's conduct and performance on the job to determine if an appointment to the MDNG Technician Program should become permanent. This period is considered an extension of the merit placement process, and until the technician has completed the trial/probationary period, they are still considered an applicant for permanent appointment. It is the technician's responsibility to demonstrate that it is in the best interest of the MDNG to finalize their appointment. This evaluation process is extremely important, and is not to be performed in a perfunctory manner by the supervisor.



b. Supervisors will promptly provide new technicians with the Performance Standards and Critical Elements necessary to be fully successful in their assigned job. During this period, supervisors should provide specific training and assistance to improve the technician's work performance if required. For retention beyond the trial/probationary period, the technician's work performance must be minimally at the fully successful level. This means they meet the expectations of all their identified performance standards and elements.

c. The trial/probationary period, if used to its fullest extent, is one of the most valid assessment tools available for supervisors to determine an individual's potential to successfully contribute to the mission of their position, their work section, and the MDNG. If utilized properly, the trial/probationary period affords an opportunity for fostering the interest of the technician, which has a lasting affect on their career and enhances the mission accomplishment of the MDNG.

d. Trial/probationary periods are normally served for one year unless the individual has creditable service as determined by the Human Resources Office. Extension of this period is only permitted for periods of approved non-pay time (LWOP and furloughs) exceeding 22 workdays, for which the period is extended by an equal amount. Periods of Military LWOP for deployments, extended service school or annual training is creditable time served towards the completion of a trial period.

e. A trial/probationary technician may be removed at any time during their trial/probationary period. A 30-day notice is not required to terminate them from the MDNG Technician Program.

4. DEFINITIONS:

a. Supervisor – The individual responsible for assigning and reviewing work, issuing Performance Standards and Critical Elements, and rating the performance of a technician.

b. Trial/Probationary Technician – A newly appointed technician whose individual conduct and performance on the job is observed to determine if an appointment to the MDNG Technician Program should become permanent.

c. Trial/Probationary Period – This period begins with a technician's initial appointment and continues for a period of one year. A trial/probationary period must be served in the same type of work, for a complete year, in the MDNG Technician Program.

d. HRO Form 430 – The Technician Performance Standards and Critical Elements form is used to express, in writing, the job requirements and desired level of performance to a technician. A performance standard is an expression of the performance threshold(s), requirement(s), or expectation(s) that must be met to be appraised at a particular level of performance, and may include, but is not limited to, quality, quantity, timeliness, and manner of performance. Elements are a dimension or aspect of performance and may include, but are not limited to, objectives, goals, program plans, work plans, and other means of expressing expected performance.

e. HRO Form 430-1 – The Technician Performance Appraisal form is used to document whether the trial/probationary technician will be retained or non-retained.

5. RESPONSIBILITIES:

a. Human Resources Office:

(1) Provides guidance to supervisors and managers concerning trial/probationary periods as necessary.

(2) Notifies managers of the appropriate due date for trial/probationary period determinations.

(3) Reviews completed trial/probationary period determinations for timeliness and compliance with the MDNG Technician Performance Management Program and this guidance.

(4) Maintains the necessary records, evaluates the effectiveness of the Performance Management Program, and brings to the attention of the Adjutant General those areas needing refinement or improvement.

b. Supervisor:

(1) Issues written Performance Standards and Critical Elements to trial/probationary technicians within 30 days of their initial appointment. Provides their technicians with the necessary tools, guidance, training, and resources for success.

(2) Appraises their technicians on a continuing basis during their trial/probationary period and counsels them on how their performance compares to their established Performance Standards and Critical Elements.

(3) Provides guidance and counsel when a trial/probationary technician's conduct, performance or work habits fail to meet acceptable standards.

(4) Provides training and/or closer supervision if necessary. If the technician is marginally successful with the planned level of training, a small investment in additional training, to see if they can become fully successful, may be in the interest of the MDNG based upon the potential shown by the technician. However, extensive training based on the needs of the particular individual is not appropriate for a trial/probationary technician.

(5) Ensures timely submission of trial/probationary period determinations in accordance with the MDNG's Performance Management Program and this guidance.

c. Technician:

(1) Advises their supervisor of any circumstances which need consideration or additional training.

(2) Identifies any work situations or difficulties and cooperates with the supervisor in their resolution.

(3) Follows all appropriate agency guidance and standards of conduct.

6. TRIAL/PROBATIONARY PERIOD PROCESS:

a. The HRO issues an initial appointment SF50 Personnel Action which is sent to the supervisor. This document indicates whether a new technician is serving a trial/probationary period, and determines the inclusive dates.

b. The supervisor issues written Performance Standards and Critical Elements within 30 days of their technician's initial appointment. The inclusive dates should cover the entire trial/probationary period. During this period, the supervisor appraises their technicians on a continuing basis and counsels them on how their performance compares with the established Performance Standards and Critical Elements. The supervisor immediately notifies and counsels the technician if their conduct, performance or work habits fail to meet acceptable standards.

c. The HRO issues a system generated Completion of Trial/Probation Notice to the supervisor in the ninth month that indicates their technician is nearing the end of their trial/probationary period.

d. Supervisors must counsel their technician and submit either a completed Trail/Probation Notice, or an HRO Form 430-1e, to the HRO. The Rating Official (supervisor) will check the appropriate block indicating whether the Technician is satisfactory in all aspects of their employment or not.

e. If retention is recommended, the supervisor, after obtaining concurrence from the Reviewing Official, conducts a counseling session with the technician, obtains the technician's signature and date, signs and dates the form, gives the original notice to the technician, and forwards a copy to the HRO.

f. If retention is not recommended, the supervisor, after obtaining concurrence from the Reviewing Official, will contact the HRO to initiate the termination action and completes the HRO Form 430-1e recommending non-retention. A SF52 Request for Personnel Action must be submitted with the HRO Form 430-1. The HRO will advise supervisors and managers on the appropriate action(s) to remove the technician from the technician program. All supporting documents, to include a brief synopsis detailing the reasons to terminate the technician, will be submitted to the HRO.

g. A supervisor may initiate a removal action anytime during the trial/probationary period. Do not wait until the last minute to terminate a trial/probationary technician. Supervisors should initiate non-retain ratings no later than the beginning of the 11th month of employment which must arrive at the HRO in sufficient time to remove a technician from service before their trial/probationary period expires. This notification is not considered an official appraisal for the

purpose of appeal rights, therefore technicians have no appeal rights regarding trial/probationary period terminations.

7. ISSUING A NON-RETAIN RATING DURING A TRIAL/PROBATIONARY PERIOD:

a. A trial/probationary technician may be removed at any time during this period. No portion of this paragraph is intended to prevent or discourage the initiation of a trial/probationary period termination, however, it is important that the supervisor completes the following actions during the trial/probationary period:

(1) Issues written Performance Standards and Critical Elements to their trial/probationary technicians within 30 days of their initial appointment. Clearly communicates to the technician what those standards mean and how not achieving those standards effect the organization and mission. Standards may be revised as necessary during the rating period.

(2) Provides their technician with the necessary tools, guidance, training, and resources for success. Ensures the technician is fully aware of their duties and responsibilities.

(3) Appraises their technician on a continuing basis during their trial/probationary period and counsels them on how their performance compares with the established standards. Provides guidance when a trial/probationary technician's conduct, performance or work habits fail to meet acceptable standards.

(4) Ensures all counseling sessions are documented.

b. If a supervisor follows these guidelines, and the technician's individual conduct, performance or work habits do not warrant a permanent appointment in the MDNG Technician Program, a trial/probationary period termination should be initiated. The statement on the HRO Form 430-1 should read, "Individual does not possess the qualities necessary for continued service in this position with the Maryland National Guard Technician Program".

c. Depending on the circumstances supporting the decision to non-retain a technician during their trial/probationary period, and at the discretion of management, a supervisor may offer the technician an opportunity to resign in lieu of a termination. This consideration is not appropriate in cases involving misconduct or disciplinary issues. The technician may be offered an opportunity to use any annual leave they may have accrued during the trial/probationary period, or they may opt for a lump sum payment.

d. The supervisor should conduct a counseling with the technician explaining the decision to terminate them during the trial/probationary period, and obtain their signature on the HRO Form 430-1e. The supervisor must ensure the technician has an opportunity to out-process with the HRO before their final duty day.

FOR THE ADJUTANT GENERAL:

A handwritten signature in black ink, appearing to read 'Charles C. Blackiston, III', written in a cursive style.

CHARLES C. BLACKISTON, III
Colonel, MDANG
Human Resources Officer

This HRO Policy/Guidance Letter supersedes HRO Policy/Guidance Letter # 28 dated 2 October 1989, Guidance on Trial/Probationary Ratings.