

HQ MDNG PR 300

**Technician and Civilian
Personnel**

Merit Placement Plan

**HQ, Maryland National Guard
29th Division Street
Baltimore, Maryland 21201
1 January, 2017**

UNCLASSIFIED

SUMMARY of CHANGE

HQ MDNG PR 300
Merit Placement Plan
1 January 2017

- o This publication **replaces** MDNG TPR 335-2, Merit Placement Plan For Military and Competitive Technicians, dated 1 December 1996

Technician and Civilian Personnel Merit Placement Plan

By Order of the Adjutant
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History. This regulation replaces MDNG TPR 335-2.

Summary. This regulation establishes policy and guidance to be used by the MDNG in the management of excepted and competitive technician and civilian personnel through initial

appointment, promotion, reassignment, reinstatement, demotion and transfer.

Applicability. This regulation applies to all MDNG Technicians and federal civilian personnel, and their supervisors regardless of their status (technician, civilian, AGR, M-Day or state employee).

Proponent and exception authority. The proponent for this regulation is the MDNG Human Resources Office. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may not delegate this authority. All

requests for exceptions or waivers will be endorsed by the first O6 in the requester's chain of command/supervision.

Suggested improvements. Users are invited to submit comments and suggested improvements directly to the MDNG Staffing and Classification Supervisor, NGMD-HRO, Baltimore, MD 21201.

Distribution. This regulation is available to the public in electronic media on the HRO website located at <http://military.maryland.gov/hro/Pages/HRO-Home.aspx> and is intended for the MDNG.

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Chapter 1 General

1-1. Purpose

To establish policy, assign responsibilities, and prescribe procedures and processes for the Merit Placement Plan which are consistent with the National Guard Bureau (NGB) and Office of Personnel Management (OPM) regulations governing the selection and management of personnel.

1-2. Policy

Actions taken under the Merit Placement Plan, whether identification, qualification, evaluation, or selection of candidates or any other phase of the promotion and placement process, will be made without bias for any reason. Vacancies will be filled by selection from among the best qualified candidates available, based on application of merit principles without regard to such factors as: political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, sexual orientation, national origin, non-disqualifying physical handicap, or age; to ensure that qualified applicants receive equitable consideration for positions filled under competitive processes.

1-3. Scope

- a. This plan is applicable to all MDNG Technicians and Civilian Personnel.
- b. Where provisions of this plan differ from negotiated labor agreements, the provisions of the negotiated agreements will apply. When provisions of this plan differ from changes in law or superior regulation, the changes in law or regulation will apply.
- c. Where this plan is silent, the flexibilities provided by regulation or guidance from higher authority are preserved.

1-4. General Provisions

a. *Nepotism and Personal Favoritism.* No official may, in recommending or selecting candidates for promotion or selection, show or give preference to any candidate based upon factors not pertinent to the candidate's qualifications for performing work of a higher level including personal friendship, kinship, or political connections. A management official may not appoint, employ, promote, or advance one of his/her relatives (by blood or marriage) to a position in his/her agency, nor may he/she advocate a relative for appointment, employment, promotion, or advancement in the agency. Likewise, an individual may not be appointed, employed, promoted, or advanced if the action was advocated by a management official who is serving in or exercising jurisdiction or control over the agency and who is a relative of the individual. These provisions apply to all individuals in the rating, ranking, evaluating and/or selecting processes for action under this plan.

b. *Prohibited Personnel Practices.* There are thirteen prohibited personnel practices, including reprisal for whistleblowing, which are defined by law [Title 5 United States Code, Section 2302(b)]. Generally stated, 2302(b) provides that any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority:

- (1) Discriminate against an employee or applicant based on race, color, religion, sex, sexual orientation, national origin, age, handicapping condition, marital status, or political affiliation;
- (2) Request or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
- (3) Coerce the political activity of any person;
- (4) Deceive or willfully obstruct anyone from competing for employment;

(5) Influence anyone to withdraw from competition in an effort to improve or injure the employment prospects of any person;

(6) Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant;

(7) Engage in nepotism (*i.e.*, hire, promote, or advocate the hiring or promotion of relatives);

(8) Engage in reprisal for whistleblowing – generally, a person with personnel authority cannot take or fail to take a personnel action with respect to an employee or applicant because of a disclosure of information by the employee or applicant that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. The prohibition does not apply, however, if the disclosure is barred by law or is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs, *except* when such a disclosure is made to the Special Counsel, the Inspector General, or a comparable agency official;

(9) Take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law;

(10) Discriminate based on personal conduct which is not job-related and does not adversely affect the on-the-job performance of an employee, applicant, or others;

(11) Take or fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate a veteran's preference requirement; or

(12) Take or fail to take a personnel action, if taking or failing to take the action would violate any law, rule or regulation implementing or directly concerning merit system principles of 5 U.S.C. § 2301.

(13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling."

c. *Military Technicians*. A basic principle of the NG Military Technician Program is that all NG T32 technician positions are dual status positions unless approved by NG-J1-TN as a non-dual status position. Potential non-dual status positions will be identified by local functional management officials in conjunction with the HRO. Decisions are not influenced by the desires of the incumbent or potential candidates. Requests to place/recruit non-dual status candidates into established dual status positions or requests regarding potential controversial determinations will be forwarded, in writing, to the Technician Personnel Management Division (NG-J1-TN), for review and final decision by NGB Functional Managers/Office of Primary Responsibility.

1-5. Responsibilities

a. The Adjutant General (TAG) is responsible for the employment and administration of personnel, and will accomplish any actions involving promotions, reassignments, other internal

placements, or external recruitment in accordance with guidance provided in this plan. The Adjutant General is the highest level of authority in the State concerning the overall application of this plan.

b. The Human Resources Officer (HRO) is responsible to TAG to ensure the requirements of this plan are properly administered. The HRO reviews and ensures that personnel actions are accomplished in accordance with statute, US Office of Personnel Management (OPM), Department of Defense (DoD), and NG manual/regulation, as well as terms of current negotiated bargaining agreements. Provides training, technical guidance, and staff assistance to managers and supervisors in carrying out responsibilities under this manual. Provides timely and efficient service and ensures all personnel actions processed are consistent with the provisions of this plan. Works with supervisors, performing job analysis to identify knowledge, skills, abilities, competencies or other requirements for the job. Ensures that all personnel entitled to special consideration for placement or promotion, receive full and fair consideration; ensures appropriate treatment of candidates entitled to priority consideration (e.g., DoD Priority Placement Program (PPP), Technician Reemployment Priority List (TRPL), Reduction in Force Placement List, and Interagency Career Transition Assistance Plan (ICTAP)). Maintains associated records for review.

c. Managers and Supervisors are responsible for complying with the requirements of this plan. They must evaluate personnel fairly, objectively and in a timely manner; develop job-related evaluation criteria and determine appropriate evaluation methods in corroboration with the HRO prior to announcing the position. They will ensure that all employees have access to this plan and are fully informed of promotional opportunities and related requirements. They will work collaboratively with human resource representatives to ensure prompt posting of job announcements. If desired, they will promptly arrange for interviews of candidates referred for consideration. They will return Certificates of Eligibility (COE) within scheduled time frames. When necessary, they assist personnel in filing applications and complying with the regulatory requirements associated with application filing for employees who are temporarily absent.

d. Individual personnel are responsible for familiarizing themselves with the provisions of this plan, supplying the HRO with current, timely, and accurate information about their qualifications, and submitting complete and timely application packages for positions. Where applicable, they will ensure their full-time Technician assignments satisfy military compatibility requirements.

1-6. Management's Rights

Recognizing that it is essential to the mission of the NG that positions be filled with the best qualified individuals available, management retains the right to:

a. Select or non-select from among any group of certified candidates. If no selection is made when there are five or more certified candidates, a statement addressing the reason(s) each certified applicant was non-selected must be provided to HRO with the returned Certificate of Eligibles (COE).

b. Fill vacant positions utilizing any process prescribed herein. This includes, but is not limited to, reemployment priority lists, transfers, management directed reassignments, details, position changes resulting from Reduction-in-Force (RIF), placement of an individual exercising restoration rights, reinstatement, or dual technician/Active Guard-Reserve (AGR) announcements.

Chapter 2

Competitive Actions and Exceptions to Competition

2-1. Competitive Actions

The following placement actions must be accomplished in accordance with the competitive procedures of this plan:

- a. Permanent promotion to a higher graded position or to a position with more promotion potential than any position previously held on a permanent basis.
- b. Reassignment or demotion to a position with more promotion potential than any position previously held on a permanent basis except as permitted by reduction in force regulations.
- c. Time-limited promotion for more than 120 days to a higher graded position. Prior service during the preceding 12 months under noncompetitive time-limited promotions and non-competitive details to higher graded positions count toward the 120 day total. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures, and the fact that it may lead to a permanent promotion was made known to all potential candidates in the appropriate area of consideration.
- d. Detail of more than 120 days to a higher graded position or to a position with greater promotion potential. Prior service during the preceding 12 months under non-competitive detail to higher graded positions and non-competitive time-limited promotion counts toward the 120 day total.
- e. Transfer or reinstatement to a position at a higher grade or with more promotion potential than any previously held on a permanent basis.

2-2. Actions Exempt from Competition

The following placement actions are exempt from the competitive procedures of this plan:

- a. Promotion resulting from the upgrading of a position without significant changes in duties and responsibilities due to the issuance of a new classification standard or the correction of a classification error.
- b. Placements made during or in lieu of a reduction in force (RIF) as permitted by governing regulations.
- c. Actions involving statutory, regulatory or administrative placement, to include actions directed by NGB, DoD, or OPM, arbitration decisions, court decisions, local settlements and discrimination complaint decisions.
- d. Career ladder promotion(s), e.g., a promotion without further competition of an employee who was appointed from a civil service register, by delegated examining authority, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under competitive procedures of this plan for an assignment intended to prepare personnel for the position being filled—the intent must be made as a matter of record and career ladders must be documented.
- e. Promotion to a grade previously held on a permanent basis, from which the employee was separated or demoted for other than performance and/or or conduct reasons.
- f. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position an employee currently holds or previously held on permanent basis, from which he/she was separated or demoted for other than performance or conduct reasons.
- g. Promotion resulting from an employee's position being classified at a higher grade because of additional duties and responsibilities that meets the criteria to be done non-competitively.

h. Temporary promotions of 120 days or less—prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher grade positions counts toward the 120 day total.

i. Detail to a higher graded position or a position with known promotion potential of 120 days or less—prior service during the preceding 12 months under noncompetitive details to higher grade positions and noncompetitive time-limited promotions counts toward the 120 day total.

j. Promotion or placement of an employee entitled to noncompetitive priority consideration as corrective action for failure to be given proper consideration under the requirements of this plan. If an employee fails to receive proper consideration under a previous recruitment, promotion or reassignment action, and the improper personnel action is allowed to stand, the employee will be considered for the next appropriate and bona fide vacancy, i.e., at the same grade of the position previously denied and one for which the employee is fully qualified and available. An employee is entitled to only one consideration for each failure to receive proper consideration under this provision, unless otherwise directed. The selecting official is not required to select an employee referred under this provision; however, sound rationale must be provided, in writing, for a non-selection.

k. Placement of employees who have eligibility for special consideration for re-promotion—these employees are those who are receiving grade or pay retention due to involuntary placement in lower grade or declination of a functional transfer. If fully qualified, they will be referred to the selecting official for positions up to and including their former grade *before* a COE is issued. The selecting official is not required to select an employee referred under this provision; however, sound rationale must be provided for non-selection. Declination of a valid offer at an intervening grade will terminate the employee's entitlement to re-promotion consideration at the grade level referred, but the employee will continue to receive special consideration for higher grades, up to and including that from which downgraded.

l. Appointments made according to Key Staff Appointment procedures.

m. Other types of actions not specified above which are permitted by regulation and are consistent with the spirit and intent of the merit principles delineated in 5 U.S.C. § 2301.

Chapter 3

Locating and Evaluating Candidates

3-1. Area of Consideration (AOC)

The AOC must be sufficiently broad to ensure the availability of a reasonable number of high quality candidates, taking into account the nature and level of the position to be filled, merit principles, affirmative action goals and objectives and applicable regulations and requirements of negotiated agreements. The AOC will be identified in the job announcement. The AOC may be expanded beyond the minimum area at any time during the recruitment process to meet the recruitment need with the issuance of an amended or new job announcement.

3-2. Job Announcements

a. Job announcements used to solicit candidates will be uploaded to USA Jobs as required by OPM when filling vacancies through competitive procedures.

b. Job announcements will include:

(1) Job announcement number, opening, and closing dates.

(2) Position title/series/grade (to include full performance level, if appropriate)

(3) Organization and location.

(4) Sufficient information for the employee to understand the AOC.

(5) A summary of the job duties.

(6) A statement of the required qualification requirements or information on where the qualification requirements can be found.

- (7) Designation of any special requirements.
- (8) EEO statement.
- (9) That the position being filled is one with known promotion potential, if applicable.
- (10) Instructions on how to apply or information on where the instructions may be found.

3-3. Period of Job Announcements

- a. Job announcements will normally be open for receipt of applications for a minimum period of 15 calendar days.
- b. The HRO will extend the announcement for an additional 15 days if after 15 days there are no more than two applicants in order to establish an adequately sized pool of candidates.
- c. Services may request a shorter period of job announcements when there are demonstrable negative impacts to mission. Such requests will be endorsed in writing by the first O6 in the chain of command/supervision. Job announcements will never be for less than 5 days.

3-4. Competitive Procedures and Candidate Evaluation

- a. Applicants are required to submit a resume for processing. Incomplete resumes may be rejected; however, incomplete resumes will be rated based on the available information to the extent a determination can be made. All resumes received, accepted, and verified will be stored in the USA Jobs database. Applications must be received by 11:59 p.m. local time of the closing date of the job announcement.
- b. Applicants must meet all eligibility requirements and minimum qualification requirements prescribed by NGB within 30 days prior to the closing date of the announcement. Applicants for promotion or placement into a position having a greater growth potential than their current position (or one previously held) must have a rating of fully successful or higher in the most recent annual performance appraisal. In the absence of an appraisal, applicant will be presumed to be fully successful.
- c. Methods of evaluation must be applied equitably to applicants and be based on job-related criteria. State HR specialists must use appropriate qualification standards, licensing, and military skills requirements, referring eligible applicants that meet qualification requirements. Mandatory methods, which must be considered for all candidates, are performance appraisals and relevant incentive awards. Optional methods include tests, interviews and relevant training.
- d. Selection Procedures. A reasonable number of best qualified candidates will be referred to the selecting official (no more than 10) via a COE, along with any candidates from non-competitive or other recruitment sources. Selecting officials have the right to consider and/or select candidates from any appropriate source in accordance with this plan and negotiated agreements, and may or may not select from among a group of qualified candidates referred for consideration. Selecting officials must offer each candidate an opportunity to interview. This opportunity need not be face to face. It is the candidates' responsibility to make themselves available to participate in interviews at the time chosen by the selecting official. Selecting officials should conduct all necessary activities and return the completed COE to HRO with 14 working days of date issued. The HRO may grant reasonable extensions when requested by the selecting official. However, management has the responsibility to ensure selecting officials are available when a COE is ready to be issued. If the selecting official is absent for an extended period, an alternate supervisor or manager should be designated to review the COE, conduct interviews, and make a selection. If special priority consideration candidates are not selected, the reasons for non-selection will be provided in writing as well. Management is encouraged to identify suitable alternate candidates on each COE. Additional selections may be made for like positions from an issued COE for a period of 120 days from the date issued.

e. The Human Resources Officer will make the final job offer, and notify the selecting official of the selectee's decision. The Human Resources Supervisor (Staffing and Classification) will arrange and confirm the entrance-on-duty (EOD) date and the effective date of the action. If the selectee is a current employee, the selectee is 'released' effective on Sunday, at the beginning of the first pay period after selected, which allows a minimum of two-week notice. Under unusual circumstances, the release period may be extended by mutual agreement. If the selectee is selected from another agency, the HRO arranges a release date in accordance with acceptable federal practice. Within the NG, the practice will be to enter-on-duty and appoint a "new hire" the first workday following the beginning of a pay period; new hires may not sign appointment affidavits prior to their entry on duty date. New Hires will not be accessed earlier to receive holiday pay. New hires **will not** be accessed after the first Wednesday of a pay period (e.g., in the middle of a pay period) to ensure sufficient time for both personnel and payroll processing.

3-5. Job Announcement Process

- a. SF52 submitted by service to HRO requesting fill.
- b. HRO-Classification validates the Position Description and line item in the Defense Civilian Personnel Database System.
- c. HRO-Staffing develops draft job announcement and forwards to selecting official. See *Appendix A*
- d. Selecting official reviews draft job announcement and provides feedback to HRO-Staffing. See *Appendix A*
- e. HRO-Staffing publishes final job announcement to the public in USA Jobs.
- f. After period of announcement has ended HRO-Staffing reviews applicants and places qualified candidates on the COE. If more than 10 qualified applicants apply for a position a screening board will be conducted between HRO-Staffing and selecting official to identify the 10 most qualified candidates. These candidates will be placed on the COE.
- g. HRO-Staffing electronically forwards COE and resumes to selecting official using USA Selection Manager.
- h. Selecting official conducts interviews and makes selection along with any other appropriate alternate selections.
- i. Selecting official documents results in USA Selection Manager and transmits COE back to HRO-Staffing.
- j. HRO-Staffing reviews COE for completeness and compliance with the Merit Placement Plan.
- k. HRO-Staffing develops offer letter to selected applicant.
- l. HRO signs offer letter which is sent to the selected applicant and selecting official.
- m. COE remains valid in USA Selection Manager for future selections of like positions for up to 120 days.

Chapter 4 Grade Retention

4-1. Grade Retention

The provisions of this chapter apply to employees entitled to grade retention under 5 U.S.C. § 5362. This provision does not apply to employees entitled solely to pay retention.

4-2. TAG's Intent for Managing Grade Retention

It is TAG's intent to provide aggressive priority placement assistance to those employees in grade retention status.

4-3. Placement Actions

a. HRO will maintain separate retained grade rosters for ARNG and ANG employees who are placed in lower graded positions as the result of RIF, Management Directed Reassignment or reclassification actions.

b. These employees will be afforded priority placement for a period of two (2) years to equal or intervening grade positions for which they meet the full technician or civilian, and military qualifications as applicable.

c. Such priority placement efforts will precede normal job announcement actions under the Merit Placement Plan. Upon receipt of a request to publish a job announcement, HRO will:

(1) Review the retained grade roster.

(2) Determine if qualified employees are available within the commuting area.

(3) If only one qualified employee is identified from the retained grade roster, a reassignment offer will be made and an information copy of the offer will be forwarded to the supervisor who requested the announcement.

(4) If more than one qualified employee is identified within the commuting area, an "over-graded employee certificate" of all eligible employees will be forwarded to the selecting supervisor for selection.

(5) If no qualified employees are identified within the commuting area, reassignment offers will be made to qualified employees outside the commuting area. Information copies of the offers and employee responses will be furnished to the supervisor who requested the announcement. Offers outside the commuting area may be made to equal or intervening grade positions.

(6) If no qualified employees are identified from the retained grade roster, the job announcement will be processed in accordance with this plan.

d. Grade and pay retention will be terminated if an employee refuses an offer to a position within the commuting area equal to the employee's retained grade.

e. Over-graded employees' names will be removed from the over-graded roster at the expiration of the two (2) year grade retention period.

f. Acceptance or declination of a position at an intervening grade will not affect grade retention. (Example: An employee in a retained grade of WG-12 in a WG-10 position who is offered and declines a WG-11 position.)

g. Acceptance or declination must be in writing and received within a reasonable time frame established by the HRO.

Chapter 5

Temporary (Not To Exceed – NTE) and Indefinite Appointments

5-1. Dual Status Temporary Appointments (Not To Exceed - NTE)

A temporary appointment may be made outside competitive procedures if the duration of the appointment is not to exceed one year. Selections for temporary appointments must meet the minimum qualifications for the position and at the grade levels for which employed.

a. Normally, temporary appointments for short periods of time will be filled at less than the journeyman level.

b. Temporary appointments may be terminated with no notice when the position or the employee's services are no longer needed.

c. A temporary appointment does not confer permanent status.

d. Temporary appointees are not eligible for coverage under the Federal Employee Retirement System (FERS) and do not accrue military leave. Temporary employees will begin to accrue military leave upon completion of one year of technician service.

e. Temporary employees that have been appointed for at least 90 days are eligible for participation in the Federal Employees Health Benefit (FEHB) program.

5-2. Indefinite Appointments

Indefinite appointments will be used when there is a need for the position to accomplish special projects.

- a. Competitive procedures must be used when filling a position on an indefinite basis.
- b. An indefinite appointment does not confer permanent status.
- c. Indefinite appointments may be terminated when the position or the employee's services are no longer required.
- d. All terminations of indefinite appointments require a thirty (30) day written notification by the HRO to the employee.
- e. Indefinite employees may be promoted, reassigned, or changed to a lower grade, or to other positions with indefinite status.
- f. Indefinite employees pay into the retirement system, receive annual, sick, and military leave, and are eligible to participate in FEHB and life insurance programs.

Chapter 6

Key Staff Appointments

6-1. Description

A Key Staff position is a Dual Status (DS), managerial position whose incumbent is a member of the immediate staff of TAG or who reports directly to or under the direction of TAG. Key Staff positions will be filled solely on the basis of merit. All technicians will be provided the maximum opportunity to compete for placement opportunities.

- a. Such positions may serve as head or deputy of a major organization within a state; or direct a specialized program of marked difficulty, responsibility and statewide significance.
- b. Key Staff positions are intended to be unique within the organization.
- c. These positions may be exempted from the normal job announcement and merit placement procedures because of their special importance to the overall effectiveness of the MDNG and because of their unique military qualifications.
- d. TAG has the authority to non-competitively assign military technicians, AGR members, and traditional service members in order to accommodate either an overarching military consideration or military assignment at the Key Staff Level.

6-2. Key Staff Appointment Options

TAG may request a Key Staff position be filled by referral of all qualified technicians or by use of a job announcement. Formal job announcement procedures are not required.

- a. Referral List: Action will be taken to assure that every effort is made to reach all potential candidates based on the criteria provided by the TAG (i.e., military rank, military assignment, and occupational series) or selecting official. HRO will review personnel folders (technician and military) to determine those candidates having the necessary qualifications for the position. A list of eligibles will be established based on the results and submitted to the selecting official.
- b. Job Announcement: When the decision to issue a Job Announcement is made, normal merit promotion/placement procedures will be used in accordance (IAW) with this plan.
- c. Technicians who occupy Key Staff Positions shall not be excluded from consideration and selection for promotion to the vacancies for which they are qualified and available.
- d. Key Staff positions should be limited where the incumbent is a member of the immediate staff of TAG or serves under the supervision of the Joint Chief of Staff, Army NG (ARNG) Chief of Staff, Air NG (ANG) Director of Staff or Air Commander.

Chapter 7

Advance In-Hire Rate Appointments

7-1. Background

Advanced in-hire pay rates are a bargaining tool that must not be automatically applied. The rate of pay should be high enough to attract the candidate who offers the best available talent and expertise at the most reasonable cost to the organization. An offer's attractiveness will depend not only on the candidate's qualifications but also competitiveness of the offer as compared to salaries offered by others for such qualifications. A reasonable rate of pay from the organization's point of view is one that the organization can afford and allows the organization to maintain equitable pay structures.

7-2. Eligibility

Positions may be filled by new appointment or reappointment after a 90-day break in service. This means that at least 90 calendar days must have passed since the candidate last worked for the Government. There are several exemptions to the break-in-service requirement, which includes conversion of employees serving under the Student Career Employment Program. See 5 CFR 531.212 for more information.

7-3. Advance-In-Hire Rate Categories

a. *Superior Qualifications.* Advance-in-hire rates may be offered when a candidate has superior qualifications. Regulations do not provide a definition of superior qualifications, which is basically a subjective judgment. Criteria and standards may also vary with the situation. For a realistic assessment, the qualities of the candidate need to be considered in light of other factors such as: Duties of the position; minimum qualifications that may include knowledge, skills, abilities, education and experience required for employment in the position and overall quality of candidates available in the specialty field. In practical terms, superior qualifications generally means that the candidate is so highly qualified that to recruit and retain the person, the organization needs to set the pay at a higher rate than the minimum step.

b. *Special Need of the Organization.* Advance-in-hire rates may be offered when the organization has a special need for the candidate's services. The special need criterion is intended for cases in which the candidate is not considered to have superior qualifications but which nevertheless merits an advanced rate. The organization may have a special need for a candidate's services when:

- (1) The candidate is especially well suited for a unique organization function or project;
- (2) The candidate's qualifications are too specialized to be meaningfully compared to standard qualifications; or
- (3) The minimum rates for grade levels are substantially lower than non-Federal rates for comparable positions and the organization is competitively disadvantaged. In such cases, it may be necessary to set pay above step 1 in order to meet the special needs of the organization.

7-4. Factors for Consideration in Deciding Whether to Offer a Superior Qualifications or Special Need Appointment

a. Office of Personnel Management (OPM) regulations require agencies to consider whether it would be more appropriate to use a recruitment incentive in deciding whether to make a superior qualifications or special need appointment (as well as in determining the rate of pay). (Note: If necessary, it is permissible to provide both a recruitment bonus and a superior qualifications appointment.)

b. Offers of employment to new employees should normally be made at the entry-level rate of the grade. In no event should an advance in-hire rate be used when the candidate is likely to accept the position at the entry-level rate.

7-5 Superior Qualification Appointment Documentation

The candidate's qualifications should be demonstrably superior to what would be expected from other well-qualified candidates for the job being filled. The following points shall be addressed as appropriate when documenting this factor, see Appendix B.

a. Comparison of the candidate's qualifications with those of other well-qualified and available candidates. The comparison must document why the candidate's qualifications are superior and how his/her experience, education, or other factors relate directly to the position as described in the position description. For example, if many candidates showed high-level experience or education directly pertinent to the position, a superior candidate would demonstrate an outstanding reputation in the field through publications, lectures, or leadership roles in professional organizations.

b. Education should be above the minimum requirements.

c. Experience should be at the level of the position in the job announcement. If the candidate is being considered for a shortage category position, as defined by either a direct hire authority or special pay rate for the agency's geographic area, describe how his or her background would enable him or her to better perform the needed work than other candidates who were recruited or who could reasonably be expected to respond to renewed recruiting efforts.

7-6. Special Needs Appointment Documentation

a. The special need of the organization that justifies the advance in-hire rate must be described.

b. Documentation must also include why the candidate's qualifications are unique and required by the agency.

7-7. Salary Determination

The rate of pay may be set at any step within the pay range for the grade. It may not exceed the maximum rate, step 10, for the grade. The following factors should be considered in determining salary requirements, as appropriate:

a. Actual income from the candidate's present position. The difference in fringe benefits when there is a significant variance between what the Federal Government offers versus the private sector may be included in the calculation of actual income. For example, when a private firm provides health insurance and a pension plan at no cost to the employee. Do not use annualized or full-time equivalent income if a candidate is paid on a less than full-time basis.

b. Income identified in a current, firm bona-fide offer. A bona-fide offer must be in writing and must clearly offer current employment. The offer must include enough specific information to distinguish it from general correspondence.

c. Candidates who are leaving current employment (for example, one who is retiring from military service, without an offer of employment or whose employer is going out of business) would not have income for actual pay purposes under the provisions of this authority. Rather, that candidate's income must be considered based on a current employment offer or on a reasonable expectation of employment. This consideration should include such issues as current market salaries for similar positions and the number of available candidates to select from. Possible sources of market salary information include review of paid advertisements for similar positions and qualification requirements, professional society publications, Bureau of Labor Statistics information, salary and benefit studies conducted for other organizations, and

the like. Considerable research may need to be conducted to assure that the candidate would indeed be well qualified for such positions.

d. Earnings from any outside employment that have been a regular part of the candidate's total income and that the candidate will not be able to continue as a Federal employee. Note however, that it is not appropriate to base an assumption of continuing income on a single bonus or consulting assignment that is out of line with the candidate's recent salary history unless the candidate has a commitment for continued earnings at that rate.

e. Internal Equity - It is advisable to consider the equity between the pay of the new appointee and that of current employees doing comparable work. Superior qualifications appointments may disrupt pay alignments in the organization at the time of hire, as well as in the future. In determining an appropriate rate of pay, consideration should therefore be given to the following: rates of pay previously authorized in similar situations; pay levels of comparable employees in the organization; and potential impact on staff morale.

f. Budget Considerations - The following should be considered: short-and long-term costs associated with the proposed pay level; available funding for the position; and impact on future budgets.

g. Do not consider income that would be unaffected by the Federal job offer (e.g., income from real estate rentals).

7-8. Approval

a. Recommendations for setting pay above the minimum based on superior qualifications or special need will be made by the immediate supervisor and endorsed by the first O6 in the chain of command/supervision.

b. Approval authority is the HRO.

Chapter 8 Corrective Actions and Grievance Complaints

8-1. Grievances and Complaints

Employees have the right to file a complaint related to a promotion action. Such complaints will be resolved under the established grievance procedures of the state. Procedures used by a state to identify and rank qualified candidates are subject to formal complaints or grievances. Non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for a formal complaint or grievance; claim of better qualification than the selectee without sufficient proof is not a valid ground for grievance. There is no right of appeal to the National Guard Bureau, Department of Defense, Office of Personnel Management or the Merit System Protection Board (MSPB). However, the National Guard Bureau may conduct investigations of violations of the merit placement program or selection processes and direct corrective action(s). Allegations of discrimination will be considered under relevant provisions of the EEO Program. Management and the HRO staff will make every effort to informally resolve employee concerns regarding placement actions.

8-2. Corrective Actions

Failure to adhere strictly to laws, OPM regulations and instructions, DoD, or NGB instruction, policies and guidelines is to be rectified promptly. (Action to rectify a violation may involve an employee who was erroneously promoted or appointed). The nature and extent of actions to be taken in any case have to be determined on the basis of all the facts in the case. The provisions of this paragraph do not restrict the remedies that may be afforded in resolving a grievance.

8-3. Program Violations and Corrective Actions

There are three types of program violations for which NGB, DoD, or OPM may require corrective action.

a. A procedural violation occurs when a placement action does not meet the requirements of the state merit placement plan. In this kind of violation, an employee may be retained in the position only if –

(1) Reconstruction of the action shows that he or she could have been selected had the proper procedures been followed at the time the action was taken; or

(2) The National Guard Bureau, DoD, or OPM office with geographic jurisdiction, gives approval.

b. A regulatory violation occurs when the employee did not meet the qualification or regulatory requirements at the time of placement. In this kind of violation, an employee may be retained in the position only if –

(1) He or she now meets the necessary qualifications or regulatory requirements; no other candidates are adversely impacted, and

(2) The National Guard Bureau, DoD or the OPM office with geographic jurisdiction, gives approval.

c. A program violation occurs when the state merit placement plan, guidelines, or practices do not conform to NGB, DoD, or OPM requirements. An employee may be retained in the position only if there was no accompanying procedural or regulatory violation involved.

(1) The general rule is that an erroneously promoted/placed employee may be retained in the position *only if* the action can be corrected to conform essentially to all OPM/DoD/NGB requirements as of the date the action(s) were taken. Corrective action decisions must be tempered by all the facts surrounding the violation.

(2) If the corrective action taken requires the position to be vacated, the employee occupying the position should be returned to his or her former position or if newly hired, placed in another position for which they are qualified. All candidates who were not given proper consideration should be considered before new recruiting efforts are initiated.

(3) If the corrective action does not include vacating the position, candidates who were not given proper consideration because of the violation may be given priority consideration for appropriate vacancies.

(4) Immediate action will be taken to correct a violation or program deficiency.

Appropriate correction action required as a result of a procedural, regulatory, or program violation of this plan will be accomplished in accordance with the relevant section of Title 5, United States Code, and the Title 5, Code of Federal Regulations. In order to ensure that actions are processed in accordance with regulatory and/or procedural requirements, corrections of errors or oversight will be made as soon as they are discovered—to include correcting any outstanding COEs. The records will be documented accordingly.

d. Variations to Staffing Regulations. Variations are used to alleviate errors made in the competitive hiring process when no other remedy exists within the regulation. The Office of Personnel Management (OPM) is authorized by rule V [5 CFR 5.1] to permit variation (i.e., an exception) from the strict letter of the regulations whenever precise compliance with them would impose practical difficulties and unnecessary hardship and when *no other remedy exists within the regulations*. A variation may be granted if it is within the spirit of the regulations and if it adequately meets the objectives and accomplishes the purpose of the regulation as far as the Government and the competitive service are concerned. All variation requests must be submitted to NGB, then through DoD, and to OPM successively. Under rule V, a non-precedent setting variation applies "whenever like conditions exist", regardless of how much time has passed. Most requests for variations are non-precedent setting and are approved by the OPM Associate Director for Employment Services. There are two categories of variations:

(1) To alleviate hardship to individuals resulting from agencies' errors in effecting personnel actions, e.g., erroneous appointments; and,

(2) To permit agencies to take actions in unusual situations which cannot be accommodated within the letter of the regulation.

e. While 5 CFR 5.1 authorizes variations that affect requirements established by personnel regulations, OPM has no legal authority to modify requirements established by law, Executive Order, or court decision; e.g., citizenship. An action that violated such requirements (e.g., appointment of a noncitizen in the competitive service and the employee did not obtain citizenship or a VRA appointment of someone who did not serve on active duty in the Armed Forces during a war declared by Congress, or in a campaign or expedition for which a campaign badge has been authorized) cannot be regularized by variation. If proper appointment authority cannot be established in these cases, termination is the only recourse. Likewise, OPM cannot vary regulations regarding employee compensation or leave.

Chapter 9

Record Keeping and Program Review

9-1. Recordkeeping

Records will be maintained for each position filled, using processes described in this plan, sufficient to allow for reconstruction of the placement action.

a. Complete placement/promotion records will be maintained electronically by the HRO in USA Jobs and USA Selection Manager to:

- (1) Provide a clear record of the action taken.
- (2) Evaluate the Merit Placement and Promotion Program.
- (3) Provide proof that merit placements action are being made on a fair and equitable basis.

b. The required information includes, but is not limited to:

- (1) The job announcement,
- (2) The resume and supporting documents submitted by all applicants,
- (3) The individual qualification sheets, if used--the panel ranking sheets,
- (4) Correspondence to and from applicants (includes "Conversation Record", Optional Form (OF) 271),
- (5) The COE including the selecting official's statement & signature,
- (6) Supervisor's request for advanced in-hire rates, or incentives, and
- (7) Correspondence to and from candidate (includes "Conversation Record", OF 271).

9-2. Retention

Retention periods may change occasionally because of statutory, legal, financial, or administrative requirements. Records must be retained for three years, or until HR Management Evaluation review is conducted and may be sent to the Federal Records Center (FRC) when the time limit for grievances or complaints has lapsed. If disputed, case files are retained by the HRO until claim is settled and then files may be forwarded to the records holding area. Keep in the current files area until no longer needed for conducting business, then retire to the FRC.

9-3. Program Review

At a minimum the Merit Placement Plan will be reviewed annually. To support continued use of specific procedures, and to ensure proper administration, use, and control, the HRO must have a system for reviewing the need and appropriateness of its procedures. This includes gathering

of data to illustrate the effectiveness of each procedure and subsequent documentation. The National Guard Bureau will make periodic reviews of procedures in all states in order to evaluate the effectiveness of this plan; and to see that the provisions of this plan are being followed. Where NG-J1-TN determines an HRO does not meet the requirements of this plan, it will require the state HRO to modify or suspend any procedures which NGB determines are deficient and/or unsatisfactory. The National Guard Bureau, Department of Defense, and OPM may/will inspect states to see that the provisions of this and other regulatory guidance is followed; and make periodic reviews of the use of evaluation procedures in the states in order to evaluate the effectiveness of this plan. Each has the authority to require states/HROs to modify or suspend any procedures, which do not meet the requirements in this plan.

Appendix A

Job Announcement and Quality Control Checklist

All salary, incentives and requirements must be coordinated with management prior to posting on announcement.

Ensure salary reflects the low and high salary range management is willing to offer to attract candidate.

DUTIES:

_____ Duties should be applicant-focused, speaking directly to the reader and written in plain English without bureaucratic terms and phrases. Do not simply copy the major duties paragraphs from the job description.

_____ Duties should be grammatically correct and words spelled correctly.

_____ Never include the phrase, "Includes other duties as assigned."

ABOUT THE POSITION:

_____ This should be used to highlight any incentives, unique requirements, conditions of the position, for example:

Do NOT use the terms PCS and TDY. Indicate moving expenses and business travel conditions.

Use simple incentive statements, such as:

A recruiting or relocation incentive of up to XX% may be authorized.

A student loan repayment of up to \$XXXX may be authorized.

_____ Add anything unique about the work schedule: On call, intermittent, alternate work schedule, etc.

WHO MAY APPLY:

_____ Ensure area of consideration is wide enough to attract a reasonable applicant pool.

QUALIFICATIONS:

_____ Define the types of duties representative of specialized experience in plain language and do not use acronyms.

_____ Ensure the specialized experience is clearly defined. When listing multiple examples, be aware of language used. Is language sufficiently clear that examples are all inclusive or selective?

For example: Experience scheduling appointments, arranging conferences, AND conducting briefings. This would require that applicant have done all.

For example: Experience scheduling appointments, arranging conferences, OR conducting briefing. This would require that applicant have done at least one of the items listed.

SELECTIVE PLACEMENT FACTOR:

_____ Indicate at the beginning, "Selective placement factor(s) are required to be qualified."

NOTE: Selective placement factors are specific qualifications that are required at entry into the position. Without such qualifications a person cannot successfully perform in the position. These qualifications can include requirements ranging from specific knowledge, skills and abilities, or Federal or State requirements for licensure or certification.

Appendix B

Advance-In-Hiring Worksheet

Advance In Hire Worksheet			
Duty Title:			
PD#:			
Position & Step:			
<small>Instructions: Please evaluate each consideration given the information presented in the Advance In Hire request. Determine whether the action meets or does not meet the evaluation criterion. Provide comments as necessary to support, deny or revise advance in hire rate. If recommending a different rate, please indicate this revised rate in the overall approval section.</small>			
Evaluation Criterion:	Met	Not Met	Comments
1 The recommended salary for this action reflects the candidate's existing salary or recent salary history , taking into account the location where the salary is, was, or would be earned, compared to rates payable (including locality or special rates) in the same location.	<input type="checkbox"/>	<input type="checkbox"/>	
2 Labor market conditions and employment trends , including recent turnover and the availability and the quality of candidates justifies the advance in hire rate based on recent efforts to recruit individuals for the same or similar positions.	<input type="checkbox"/>	<input type="checkbox"/>	
3 The offer of an advance in hire rate reflects the importance/criticality of the position and the effect on the agency or mission if the position is not filled or there is a delay filling it.	<input type="checkbox"/>	<input type="checkbox"/>	
4 Candidate's superior qualifications or the special agency needs for the candidate's services that justify a higher than minimum rate, including:			
a The candidate has superior qualifications based on the type, level, or quality of the individual's skills or competencies demonstrated or obtained through experience and/or education, or the quality of accomplishments compared to others in the field.	<input type="checkbox"/>	<input type="checkbox"/>	
b The candidate's skills, competencies, experience, education, and/or accomplishments are relevant to the requirements of the position and unusually high, and/or unique or more specialized.	<input type="checkbox"/>	<input type="checkbox"/>	
c The candidate will fill a special need situation involving direct program management or operation , rather than in a position providing administrative support.	<input type="checkbox"/>	<input type="checkbox"/>	
Overall Comments :			
Recommendation:		Select one	
Approve Request As Is		<input type="checkbox"/>	
Disapprove Request		<input type="checkbox"/>	
Recommend Revised Advance in Hire Step		<input type="checkbox"/>	
		Step	

ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
ASARS	Automated Stopper and Referral System
DoD	Department of Defense
DS	Dual Status [military technician]
COE	Certificate of Eligibility
EEO	Equal Employment Opportunity
FOIA	Freedom of Information Act
HR	Human Resources
HRO	Human Resources Officer/Human Resources Office
IAW	In Accordance With
ICTAP	Interagency Career Transition Assistance Plan
JOA	Job Opportunity Announcements
KSAO	Knowledge, Skill, Ability and Other characteristics
KSAC	Knowledge, Skill, Ability, and Competency
MPP	Merit Placement and Promotion Program
NDS	Non-Dual Status [military technician]
OPM	U.S. Office of Personnel Management
PA	Privacy Act
PCS	Permanent Change of Station
PPP	Priority Placement Program
RPL	Reemployment Priority List
SME	Subject Matter Expert
T32	Title 32 United States Code

DEFINITIONS

Accession – A personnel action that results in the addition of a T32 employee to the rolls (staff) of a state.

Application – The form or method utilized by applicants and employees to indicate interest in promotion, demotion, change to lower grade, or reassignment to a particular position or category of positions in the state NG.

Appointing authority - At the lowest operating level, this authority is usually exercised by the Human Resources Officer (HRO). The HRO is usually designated in writing to act *for* the appointing authority (TAG) but is not considered to *be* the appointing authority.

Appointing office – An organizational segment with the delegated authority to effect personnel actions; ‘appointing offices’ are the state Human Resources Offices.

Appointing official – The person having power, by law, to make appointments. For the NG, the State Adjutant General is authorized to employ National Guard technicians; this authority may be delegated, in writing, to the NG Human Resource Officer. Further, TAG may in the future be delegated appointing authority for Title 5 Civilian employees.

Appointment – Any personnel action that brings an individual onto the rolls (staff) of a state.

Area of consideration - The area designated by the Plan in which it can reasonably be expected to locate enough highly qualified candidates to fill vacancies in the positions covered by the Plan.

Bargaining unit position – The position in an organization for which a union has been certified as exclusive representative.

Behavioral indicators - Crediting plan used to assess a candidate's potential for successful job performance. These indicators are the measurable aspect of behaviors that predict a potential level of success for the competency.

Best qualified candidates – A highly or well qualified candidates who rank at the top when compared with other highly qualified candidates and who are referred to the selecting official for consideration and selection.

Bonafide consideration - A priority consideration (PC) eligible is referred to the selecting official alone on a certificate, or with other PC eligibles. The certificate containing the PC eligible(s) name will be referred before applicants with lesser priority in the order of consideration.

Career promotion - The promotion of an employee without competition when competition was held at an earlier stage, i.e. the employee was selected from the Office of Personnel Management (OPM) register (or under other competitive promotion procedures), *and* the fact that the initial selection could lead to promotion was made known to all potential candidates (career ladder promotions); or an employee's position is 'modified' to a higher grade because of the accretion of additional duties and responsibilities.

Certificate of Eligibility - The certificate given to selecting officials listing all qualified applicants for job announcement.

Change to lower grade - A change to lower grade occurs when an employee is moved either voluntarily or involuntarily from one General Schedule grade to a lower General Schedule grade, or to a different pay system with a lower representative rate.

Civilian Personnel - Personnel hired as United States Code (USC) Title 5 Civil Servants and not as a USC Title 32 National Guard Technicians (Dual or Non-Dual Status).

Commuting area - The geographic locality that constitutes one area for employment purposes. It includes any population center and the surrounding localities within which people live and can reasonably be expected to travel back and forth daily to their usual place of employment.

Classification - Classification is a process through which Federal jobs (i.e., positions) are assigned to a pay system, series, title, and grade or band, based on consistent application of position classification standards and organizational hierarchy.

Competitive service – All civilian positions in the Federal Government that are not specifically excepted from the civil service laws by, or pursuant to, the President, or by the OPM.

Competitive status – “standing” gained through employment in a career or career-conditional appointment.

“Conditions of employment” – Personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions.

Conversion - The change of an employee from one type of appointment to another.

Crediting plan - Criterion or measures against which the eligible candidates are compared and ranked for determining the highly and/or best qualified.

Demotion - Typically a management driven action, the change of an employee to a lower grade when both the old and the new positions are under the General Schedule, under the same type of graded Wage Schedule, or to a position with a lower rate of pay when both the old and new positions are under the same type of ungraded Wage Schedule.

Detail – The temporary assignment of an employee to a different position for a specified period with the employee returning to regular duties at the end of the detail; includes positions at higher or lower grades.

Eligible candidates - Those applicants who meet the minimum qualification standards for the position and other regulatory requirements such as time in grade (TIG), as well as applicable selective placement factors, by the closing date of the announcement or by a date specified on the announcement.

Evaluation criteria - Standards of job-related knowledge, skills, abilities and other personal characteristics (e.g. behavioral indicators, etc.), and/or competencies which are indicative of successful performance in the position to be filled. Criteria are used as standards against which the eligible candidates are compared and ranked for determining the highly and/or best qualified.

Evaluation Methods - The means of measuring a candidate against the evaluation criteria. Mandatory methods, which must be considered for all candidates, are performance appraisals and relevant incentive awards. Optional methods include tests, interviews and relevant training.

Exceptions - Promotions that do not require competitive procedures and are therefore excepted from competitive procedures of this Plan.

Expert – Person who is specially qualified by education or experience to perform difficult and challenging tasks in a particular field beyond the usual range of competent persons in that field. An expert is regarded by other persons in the field as an authority or practitioner of unusual competence or skill in a professional, scientific or other activity.

Highly qualified candidates - Eligible candidates who have been determined to possess the knowledge, skills, abilities and other personal characteristics described by the evaluation criteria as necessary to perform the position in a highly successful manner.

Highly qualified expert (HQE) – An individual possessing expert knowledge or skills not available within DoD that are needed to satisfy an emerging and relatively short-term, non-permanent requirement. Examples include, but are not limited to positions requiring advanced foreign language skills, science, engineering, mathematics and medical skills as well as those related to health, safety and national security.

Job Analysis - A critical process necessary to determine the minimum knowledge, skills, abilities and other elements required of the position to be filled, used to identify the candidates who can be expected to perform in a fully successful manner, and to determine the applicability of appropriate evaluation methods.

Knowledge, skills, abilities and other elements (KSAOs) - The attributes and other elements (i.e., professional certification) required for successful performance in a job that are generally demonstrated through qualifying experience, education or training.

“Management official” - An individual employed in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency; [5 USC 7103]

Non-status employee - A current employee who is serving on an excepted, term, or temporary appointment that does not confer competitive status or reinstatement eligibility.

Personal competitive status - Competitive status that was gained through employment in a career/career-conditional appointment in the competitive service that confers reinstatement eligibility.

Promotion - The change of an employee to a position at a higher grade when both the old and the new positions are under the general schedule, or under the same type of graded wage schedule; or to a position with a higher rate of pay when both the old and new positions are under the same type of ungraded wage schedule.

Promotion Plan - Procedure designed to ensure a job-related, valid and systematic means of selection for promotion based on merit.

Qualification Standards - A description of the knowledge, skills, abilities and experience requirements needed to meet basic eligibility requirements for appointment or placement.

Ranking Official/Panel - Person(s) charged with the responsibility of determining the highly qualified and best qualified candidates as described by the evaluation criteria when an automated ranking system is not utilized.

Reassignment - The change of an employee from one position to another, without promotion or demotion, within the State National Guard.

Reinstatement - Reinstatement allows individuals to reenter the Federal competitive service workforce without competing with the public. Reinstatement eligibility enables him/her to apply for Federal jobs open only to status candidates

Selecting official – Manager/supervisor with the authority or delegated authority to make a selection.

Selective placement factors – ‘KSAOs’ that go beyond minimum qualification standards but are prescribed as necessary for meeting basic eligibility. These factors must be essential to successful performance in the position to be filled and cannot be readily attained after placement/promotion into the position. The selective placement factors must be documented, justified, contained in the position description (PD), critical job elements, and other job related processes.

Staffing - Staffing the acquisition and management of human resources.

Supervisor - An individual having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to resolve their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term “supervisor” includes only those individuals who devote a preponderance of their employment time to exercising such authority; [5 USC 7103] status applicant - a current or prior employee who has attained competitive status through a current or prior appointment to a career or career-conditional appointment in the federal service. Status pertains to a person, not a position.

Qualification standards - A description of the minimum requirements necessary to perform work of a particular occupation successfully and safely. These minimum requirements may include specific job-related work experience, education, medical or physical standards, training, security, and/or licensure. The qualification standards for NDS positions are in the OPM *Operating Manual: Qualification Standards for General Schedule Positions* and the *Job Qualification System for Trades and Labor Occupations*. The Qualification Standards for General Schedule Positions and the Job Qualification System for Trades and Labor Occupations for dual status positions are in the *National Guard Bureau Qualification Standards for Excepted Service Positions*.

Time-limited promotion – A promotion made under specific and written conditions with a not to exceed date to meet a need of a short-term nature. Upon expiration of the short-term need, the employee normally reverts to the former position. Time-limited promotions include both "temporary" and "term" promotions.