

HQ MDNG PR 300

**Technician and Civilian
Personnel**

Merit Placement Plan

**HQ, Maryland National Guard
29th Division Street
Baltimore, Maryland 21201
1 February 2018**

UNCLASSIFIED

SUMMARY of CHANGE

HQ MDNG PR 300
Merit Placement Plan

This major revision, dated 1 February 2018 - -

- o Incorporates rules and polices regarding Title 5 National Guard employees in both the Competitive and Excepted services
- o Incorporates Veteran's Preference Programs for Title 5 National Guard positions
- o Directs the conversion of T5 National Guard Competitive Positions to T5 National Guard Excepted positions through incumbent attrition
- o Clarifies limitations regarding Management Directed Reassignments
- o Identifies the process to convert a Dual Status Technician position to a T5 National Guard Excepted position post-NDAA 2017 conversion
- o Establishes Areas of Consideration for Job Opportunity Announcements
- o Identifies any unique hiring criteria associated with T5 National Guard Excepted positions

Technician and Civilian Personnel Merit Placement Plan

By Order of the Adjutant
General:

LINDA L. SINGH
Major General
The Adjutant General

Official:

CHRISTOPER J. COLE
COL, MDARNG
Human Resources Officer

History. This regulation
revises MDNG PR 300.

Summary. This regulation
establishes policy and
guidance to be used by
the MDNG in the
management of Title 32
Dual Status Technician
(DST) positions, and Title
5 Excepted and

Competitive National
Guard employee (T5)
positions from recruitment
through initial
appointment, promotion,
reassignment,
reinstatement, demotion
and transfer.

Applicability. This
regulation applies to all
MDNG DST and T5
employees, and their
supervisors (regardless of
their status as 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 merit promotion and internal placement which are consistent with National Guard Bureau (NGB) and Office of Personnel Management (OPM) regulations governing the filling of positions by promotion or other internal placement.

1-2. Policy Actions taken under this 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 are 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 (except where military requirements limit fill of the position), national origin, non-disqualifying physical disability, genetic information, or age; to ensure that qualified applicants receive equitable consideration for positions filled under competitive processes.

1-3. Scope

a. This plan covers rules and policies in regard to recruit and fill personnel actions using competitive procedures; or, for processing merit promotions; for processing management directed reassignments for Title 32 Dual Status technicians and positions (DST); current on-board Title 5 Competitive Service employees (T5 Competitive, formerly Non Dual Status) and Title 5 Excepted Service personnel and positions (T5 Excepted).

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 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. *Alternative Hiring Opportunities.* There are no authorized and allowed OPM, Service specific, or DoD special hiring provisions, such as Expedited Hiring Authority and Direct Hire Authority, for the DST positions and T5 Excepted positions.

b. *Converted Positions.* As current on-board T5 Competitive employees separate from their respective positions and the position becomes vacant, those positions are directly converted into T5 Excepted positions.

c. *Nepotism and Personal Favoritism.* No official may, in recommending or selecting candidates for promotion, show or give preference to any candidate based upon factors not pertinent to the candidate's qualifications for performing work, 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 under this plan.

d. *Prohibited Personnel Practices.* There are thirteen prohibited personnel practices, including reprisal for whistleblowing, which are defined by law (5 USC 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, 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; or take any action as a reprisal for the refusal of a person to engage in such political activity;
- (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) Knowingly take or fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate an applicable veterans' preference requirement;
- (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 at 5 USC 2301.
- (13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statements:
 "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:
 - (a) Classified information;
 - (b) Communications to Congress;
 - (c) 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,
 - (d) 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."

1-5. Military Technicians A basic principle of the DST Program is that only DST personnel occupy DS military technician employee positions.

a. Requests to convert established/confirmed DST positions to T5 Excepted positions, **post-conversion** of the percentage designated by law, must be identified by local management officials, coordinated with the HRO and TAG for review and further coordinated with the Technician Personnel Management Division (NGB-J1-TN) for final approval by G1 or A1.

b. Requests and decisions to convert a DST to T5 Excepted service positions are not influenced by the desires of the incumbent or potential candidates.

c. DST and T5 Competitive employees may apply/compete for hire or be eligible for merit promotion considerations to advertised T5 Excepted vacant positions.

d. T5 Competitive and Excepted employees may apply/compete for hire or merit promotion considerations to advertised DST positions; however, to qualify, the candidates must meet the DST positions' series qualifications and must meet the positions' military compatibility requirements.

e. Management Directed Reassignments (MDR) personnel processing actions are not authorized for the non-competitive placements of DST employees into established T5 employee positions; and, are not authorized for the non-competitive placements of T5 employees into DST positions.

f. Concerns and inquiries in regard to potential controversial issues must be forwarded, in writing, through MDNG HRO to the NGB-J1-TN, for review and final decision by NGB Functional Managers/Office of Primary Responsibility and NGB-J1.

1-6. Veteran's Preference Programs for T5 Excepted Service Position

a. Hiring Authority References: 5 USC 3320, 5 CFR, and OPM Veteran Guide.

b. 5 CFR 335.106, *Special selection procedures for T5 Excepted Service positions and veterans under merit promotion*. Veteran's preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

1-7. Responsibilities

a. The Adjutant General (TAG) is responsible for the employment and administration of DST, T5 Competitive and T5 Excepted employees. TAG will accomplish any personnel force management actions involving employment, appointments, promotions, reassignments, other internal placements, or external recruitment in accordance with guidance provided in this plan. TAG 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/issuances, 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 plan. 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 and develops crediting plans. Ensures that all DST, T5 Competitive and T5 Excepted employees are entitled to 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), Retained Grade 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 DST, T5 Competitive and T5 Excepted employees fairly, objectively and in a timely manner; develop job-related evaluation criteria; and determine appropriate evaluation methods in collaboration with the HRO prior to announcing the position. They will

ensure that all DST, T5 Competitive and T5 Excepted employees have access to this Merit Placement Plan and are fully informed of promotion opportunities and related requirements. They will work collaboratively with human resource representatives to ensure prompt posting of job opportunity announcements (JOAs) or vacancy announcements (VAs). If desired, they will promptly arrange for interviews of candidates referred for consideration. They will return referral certificates within scheduled time frames. Provide assistance to employees with the application process.

d. DST, T5 Competitive and T5 Excepted employees are responsible for familiarizing themselves with the provisions of this plan, providing the HRO with current, timely, and accurate information about their qualifications, and submitting complete and timely application packages for positions. They will ensure their position appointments meet the applicable DST, T5 Competitive and T5 Excepted requirements, such as, the military compatibility program requirements for DSTs.

1-8. Management's Rights Recognizing that it is essential to the mission of the NG that all positions are filled with the best qualified individuals available, management retains the right to:

- a. Select applicants from any appropriate source.
- b. Select or non-select from among any group of qualified candidates.
- c. Submit pass-over requests of veteran preference qualified candidates for T5 Excepted Positions to HRO for endorsement to OPM for reconciliation.

(1) The HRO must initiate procedures as directed in the OPM Delegated Examining Operations Handbook, Chapter 6, Section D, *Object to an Eligible*.

(2) During this time period, the same advertised position remains vacant until the submitted pass-over request determination is resolved.

1-9. Oversight T5 Excepted Service numeric value ratings are documented in accordance with OPM and DoD directive processes.

1-10. Documentation and Reporting Requirements Documentation is maintained in accordance with the OPM and DoD reporting criteria.

Chapter 2 Eligibility and Qualification

2-1. Competitive Actions

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 count 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

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, as published by NGB-J1-TNC.

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 non-competitive appointment or non-competitive conversion, or under competitive procedures of this plan for an assignment intended to prepare the employee 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 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. A non-competitive promotion resulting when a employee's position description is changed by NGB-J1-TNC as an amended PD; or, when the position description is abolished and replaced with new PD that is classified 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. Details to higher-graded positions or to positions with known promotion potential, of 120 days or less, during the preceding 12 months under noncompetitive details to higher grade positions and noncompetitive time-limited promotions, count toward the 120 day totals.

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.

k. 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 is 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.

l. 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.

m. 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.

(1) If fully qualified, they are referred to the selecting official for positions up to and including their former grade *before* a competitive referral list is issued.

(2) The selecting official is not required to select an employee referred under this provision.

(3) 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.

n. Appointment made according to Key Staff Appointment procedures.

o. 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 T5, United States Code.

Chapter 3 Areas of Consideration

3-1. Job Analysis Prior to advertising, for recruit and fill, any DST or T5 Excepted Service employee position, a completed formal job analysis and crediting plan are required. This mandatory personnel action is a systematic method for gathering information. It focuses on the position's work behaviors, tasks, and outcomes. The competencies (knowledge, skills, abilities, and behaviors) must be identified in the job analysis and serve as the foundation for the State HR specialist's assessment strategy. The State HR specialist must spend adequate time in the beginning of the process to perform a thorough assessment of the position's competencies, as defined by the job analysis, and clearly identify the competencies required to minimally qualify and fully qualify based on the crediting plan numeric rating system.

3-2. Crediting Plan This document provides an objective statement of the position's qualification requirements and criteria against which applicants are evaluated. For Title 5 positions, the numeric values are applied in the crediting plan to rate the candidates' capabilities and competencies to successfully perform the position's described duties and responsibilities. The crediting plan is developed as a result of a job analysis that identified the position's knowledge, skills, abilities, and behaviors.

3-3. Area of Consideration (AOC) The area of consideration to compete the position 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 Area of Consideration (AOC) is both a geographic or functional area, and the Position Categories of employees who would be given consideration through. The AOC is identified in the USAJOBS Job Opportunity Announcement (JOA). The area of consideration 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 Opportunity Announcement. Job Opportunity Announcements will normally remain open for receipt of applications a minimum of 15 calendar days.

Areas of Consideration

- Statewide
- Nationwide
- Within a specific directorate, etc. that a RTF action dictates (AASF #1, USP&FO, Surface Maint, etc.)

Position Categories

- CAT 1 - All On Board Federal Employees/Technicians within MDNG (this could be used to fill a T5 or T32 Excepted position)
- CAT 2 – All On-Board DSTs within MDNG
- CAT 3 – All current Federal Employees (from any agency) (a way to attract federal experience without considering all U.S. Citizens)
- CAT 4 – All federal re-employable eligibles (a way to attract federal experience without considering all U.S. Citizens - can reach retirees)
- CAT 5 – Current Army M-Day and Air DSG within MDNG
- CAT 6 – Applicants willing to become DST and gain MDNG membership
- CAT 7 – U.S. Citizens

3-4. Job Opportunity Announcements For each T5 Excepted employee position that is advertised on USAJOBS for initial recruit and fill; or, for merit promotion, the job opportunity announcement must clearly define the Series', qualifications and numeric value groups used to assess each applicant based on the set of identified competencies directly related to the job (based off of Crediting Plan).

a. The Human Resources specialist must use the "How You Will Be Evaluated" section of the job opportunity announcement to clearly communicate to applicants the numeric rating criteria, to include the numeric value groups and other qualifying factors, such as education, certifications, and specialized experience factors, that are applied to assess all applicants as either Highly-Qualified, Well-Qualified, or Qualified.

b. In addition, each T5 Excepted position advertised for *initial* recruit and fill, the job opportunity announcement must include the veteran preference categories and clearly state/define the type of required documentation needed for each identified preference category in the application. Veterans' preferences apply to permanent, term, and temporary positions for competitive processing.

c. JOAs used to solicit candidates are uploaded to USAJOBS as required when filling vacancies through competitive procedures.

d. JOAs must include:

- (1) JOA number, opening, and closing dates.
- (2) Position title/series/grade (to include full performance level, if appropriate) organization and location.
- (3) Sufficient information for the applicant to understand the area of consideration.
- (4) A summary of the job duties.
- (5) A statement of the required qualification requirements or information on where the qualification requirements are printed.
- (6) Designation of any special requirements.
- (7) For ONLY T5 Excepted positions, the Veterans' Preference criteria and eligibility requirements are fully explained.
- (8) For ONLY T5 Excepted positions, clearly defined numeric value groups (at least two groups) used to assess each applicant based on the competencies directly related to the job.
- (9) EEO statement.
- (10) That the position being filled is one with known promotion potential, if applicable.
- (11) For ONLY T5 Excepted Service positions, Assessment Questionnaire with numeric values – determined by the position's job analysis results.
- (12) Instructions on how to apply or information on where the instructions are found.
- (13) Job advertisements/announcements are open for receipt of applications for a minimum period of 15 or more calendar days.

(a) HRO will extend the announcement for an additional 15 days when there are no more than two applicants in order to establish an adequately sized pool of candidates.

(b) Services may request a short job announcement period when there are demonstrable negative impacts to mission associated with a longer announcement period. Such requests will be endorsed by the first O6 in the chain of command/supervision. Job announcements will never be for less than 5 days.

(14) Other factors to consider.

- (a) Recruitment or Relocation Incentive.
- (b) PCS
- (c) Highest Previous Rate
- (d) Superior Qualifications and Special Needs Appointment
- (e) Advanced In Hire Appointments

3-5. Assessment Prior to initiating hiring and promoting competitive procedures through USAJOBS for DST and T5 Excepted personnel and positions, the State HR specialist must complete a formal job analysis and crediting plan to ensure the position's competencies are correctly assessed. The competencies (knowledge, skills, abilities, and behaviors), required by the position are identified in the job analysis and serve as the foundational criteria for the assessment strategy. The candidates' qualifications to the job are assessed by the State HR Staffing specialist using the job-related criterion as established and defined in the job analysis and crediting plan.

3-6. Numeric Value Groups ONLY for T5 Excepted positions, the position's multiple numeric groups, defined as at least two groups(see below), are established to assess each candidate against job-related criteria defined by the job analysis and crediting plan. Applicants who meet the basic qualification requirements established for the position are placed in a numeric group. The position's job analysis and credit plan's ranking factors are knowledge, skills, abilities, and behaviors that are expected to significantly enhance performance in a position; however, are not essential for satisfactory performance. Applicants who possess such competencies are ranked above those who do not; but, no one is rated ineligible solely for failure to possess all defined competencies.

a. **Highly-Qualified** The numeric value rating normally ranges from 90-100 points. This higher numeric value group is applied for those candidates who possess the type and quality of experience that substantially exceeds the minimum qualifications of the position, including all selective placement factors and appropriate numeric ranking factor(s) as determined by the job analysis and crediting plan. To be Highly-Qualified, the candidates are considered, by the human resources specialist (staffing), as highly proficient and fully competent to effectively perform all the job requirements; and, can successfully perform in the position almost immediately, or with a minimum amount of training and/or orientation.

b. **Well-Qualified** The numeric value group normally ranges from 80-89 points. This next lower numeric value group is used for those candidates that meet the minimum qualifications of the position and are proficient in most, but not all, of the requirements of the position. Candidates may require some training and/or orientation in order to satisfactorily perform the duties of the position.

c. **Qualified** The numeric value group normally ranges from 70-79 points. This lowest group is used for those candidates who meet the minimum qualifications of the position and are proficient in some, but not all, of the position's requirements. Candidates will require extensive training and/or orientation in order to satisfactorily perform the position's duties.

3-7. Competitive Procedures and Candidate Evaluations for T5 Excepted Positions

Assessed applicants are placed in the appropriate numeric value group and ranked according to preference eligibility and non-preference eligibility. Veterans' preference points, as prescribed, are added to each veteran applicant's final numeric value score. All qualified preference eligibles are placed ahead of non-preference eligibles. Qualified preference eligibles are listed in alphabetical order within each preference order (CPS, CP, XP, TP and SSP). Qualified non-preference eligibles are listed in alphabetical order. The following are exceptions:

a. For scientific and professional positions at the GS Grade 09 or higher, qualified preference eligibles, with a compensable service-connected disability of 10% or more (CPS and CP), are placed ahead of non-preference eligibles within the same numeric category.

Candidates within the preference groups are listed in alphabetical order.

b. For all other positions (series) and grade levels, qualified preference eligibles with a compensable service-connected disability of 10% or more (CPS and CP) are placed at the top of the highest numeric value category; and, placed ahead of non-preference eligibles also rated in the highest numeric value category. Candidates within the preference groups are listed in alphabetical order.

c. Preference Eligible Groups

- (1) CPS - Disability rating of 30% or more (10 points)
- (2) CP - Disability Rating of at least 10% but less than 30% (10 points)
- (3) XP - Disability Rating less than 10% (10 points)
- (4) TP - Preference Eligible with no disability (5 points)
- (5) SSP - Sole Survivorship Preference (0 points)

3-8. Resume Requirement Each DST or T5 applicant is required to submit a resume for processing. Incomplete resumes are accepted; however, incomplete resumes are rated based on the available information to the extent a determination result is possible. All resumes received, accepted, and verified are stored in the USAJOBS database and merit case files. Receipt of applications is accepted by the JOA's closing date via USAJOBS.

3-9. Eligibility Requirements Each DST and T5 applicant must meet all eligibility and minimum qualification requirements as prescribed by NGB/OPM on the closing date of the announcement.

3-10. Candidate Assessment Each applicant is assessed against job-related criteria as determined by the numeric values, where applicable, established in the position's job analysis and crediting plan. Each candidate's numeric score is dependent on his or her applicability and relevance of qualifying competencies to the required work position. Methods of numeric evaluations are applied consistently and equitably to applicants and are based on job-related series' qualifications and competency criteria identified in the job analysis and crediting plan.

3-11. 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.
- d. For ONLY T5 Excepted positions; HRO-Staffing develops Crediting Plan
- e. Selecting official reviews draft job announcement and provides feedback to HRO-Staffing.
- f. HRO-Staffing publishes final job announcement to the public in USA Jobs.
- g. 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.

h. HRO-Staffing electronically forwards COE and resumes to selecting official using USA Selection Manager.

i. Selecting official conducts interviews and makes selection along with any other appropriate alternate selections.

j. Selecting official documents results in USA Selection Manager and transmits COE back to HRO-Staffing.

k. HRO-Staffing reviews COE for completeness and compliance with the Merit Placement Plan.

l. HRO-Staffing develops offer letter to selected applicant.

m. HRO signs offer letter which is sent to the selected applicant and selecting official.

n. COE remains valid in USA Selection Manager for future selections of like positions for up to 120 days.

Chapter 4

Selection Procedures

4-1. General A reasonable number of qualified candidates are referred to the selecting official. Selecting officials have the right to consider and/or select candidates from any appropriate source in accordance with this plan and negotiated agreements. They may or may not select from a group of qualified candidates referred for consideration, and have the option to either interview all or none of the candidates on the referral list(s) subject to any CBA. Referral lists are valid for a period of 120 working days from the date issued. The HRO may grant reasonable extensions when requested by the selecting official. Management has the responsibility to ensure selecting officials are available when a final list is prepared for issue. If the primary selecting official is absent for an extended period, the senior manager must designate an alternate supervisor or manager, in writing, to review the list, conduct interviews, and make a selection. The reasons for selection and non-selection are annotated on the referral list, if applicable. As determined by the HRO, multiple selections may be made from the certificate if advertised as such.

4-2. Notification 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.

Chapter 5 Administration

5-1. Recordkeeping HRO will maintain a record of 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 by the HRO to:
 - (1) Provide a clear record of the action taken.
 - (2) Evaluate the Merit Placement Plan.
 - (3) Provide proof that merit placement actions are being made on a fair and equitable basis.
- b. The required information includes, but is not limited to:
 - (1) The Job Opportunity 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.
 - (5) The referral certificate.
 - (6) Supervisor's request for advanced in-hire rates, or incentives.
 - (7) For ONLY T5 Excepted positions; the Crediting Plan.

5-2. Retention Retention periods may change occasionally because of statutory, legal, financial, or administrative requirements. The records must be retained in the local files area (for up to two years (5 CFR 335.103). If disputed, case files are retained by the HRO until claim is settled.

5-3. Merit Placement Plan Review At a minimum, this plan will be reviewed every three years. 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. 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 NGB, DoD, and/or 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 modification or suspension of procedures which do not meet the requirements in this plan.

Chapter 6 Temporary Appointments

6-1. DST Temporary Appointments (Not To Exceed - NTE) A temporary appointment is authorized outside competitive procedures if the duration of the appointment is not to exceed one year (12 months from the date hired, Tenure "0"). Selections for temporary appointments must meet the qualifications for the position and at the grade level for which employed.

- a. Temporary appointments for short periods of time are generally filled at the full performance level.
- b. Temporary (NTE) appointments may be terminated with no notice when the position or the employee's services are no longer needed.
- c. A temporary appointment (NTE) does not confer permanent status.
- d. DST appointments may be extended in increments of up to one year each, for a total of four years. Extensions beyond four years require NGB J1 TN approval.

6-2. DST and T5 Employee Temporary Appointments greater than 12 months Temporary appointments based on Indefinite tenure (“3”) are used when there are needs for the position to accomplish special projects.

- a. Competitive procedures are always applied when filling positions as temporary appointments with indefinite tenures.
- b. A temporary appointment with indefinite tenure does not confer permanent status unless identified in the advertisement.
- c. Temporary appointments with indefinite tenures are terminated when the positions and/or the employees’ services are no longer required.
- d. All temporary appointments with indefinite tenure terminations require thirty (30) day written notifications by the HRO to the employee.
- e. Temporary appointments with indefinite tenure employees may be promoted, reassigned, or changed to a lower grade with competition to other positions.

6-3. T5 Employee Temporary Appointments NTE A Temporary appointment with a NTE date of 12 months or less: TBP

Chapter 7

Key Staff Appointment (DST only)

TAG may request a Key Staff position be filled by referral of all qualified technicians or by use of a vacancy 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 may 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 Opportunity Announcement: When the decision to issue a JOA 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 to positions on the immediate staff of TAG or ATAG, or serves under the direct supervision of the Director, Joint Staff, Army NG (ARNG) Chief of Staff, Air NG (ANG) Director of Staff or Wing Commander.

Chapter 8

Corrective Actions and Grievance Complaints

8-1. Grievances and Complaints DST and T5 employees may have the right to file a grievance concerning merit promotion matters under administrative grievance procedures or under a negotiated grievance procedure, as appropriate. Non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for a grievance. NGB or OPM may conduct investigations of violations of the merit placement program or selection processes and direct corrective action(s). Management and the HRO staff will make every effort to informally resolve employees’ concerns regarding placement actions. An employee may not file both a formal grievance and an EEO complaint at the same time for the same issue. However, if an applicant believes that he / she was not provided due consideration because of reprisal or race, color, national origin, gender, religion, age (over 40), disability, or sexual

orientation, he/she may file a complaint through the MDNG Equal Opportunity office. To have complaints considered through the EEO process, individuals must contact an EEO counselor within 45 days from the date of the matter alleged to be discriminating or, in the case of personnel action, within 45 days of the effective date of the action.

*Under the Whistleblower Protection Act, some actions alleging prohibited personnel practices must first be appealed to the Office of Special Counsel. Some actions may be appealed to the Merit System Protection Board. Information regarding these actions may be obtained from the State HRO.

8-2. Corrective Actions Failure to adhere strictly to laws, OPM regulations and instructions, DoD, or NGB instruction, policies and guidelines must be promptly rectified. An example of a required corrective action may be to rectify a violation incident that involved an applicant who was erroneously promoted or appointed. The nature and extent of actions taken in any case must be determined on the basis of all the verified and validated facts in the case. The provisions of this paragraph do not restrict the remedies that are afforded in resolving a grievance.

8-3. 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 merit placement plan. The DST or T5 employee may remain in the position only if reconstruction of the action shows that he/she could have been selected if proper procedures were followed at the time the action was taken, or if NGB-J1-TN gives approval. In this kind of violation, a technician is retained in the position only if –

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

(2) The NGB, DoD, or OPM gives approval.

b. A *regulatory violation* occurs when the applicant did not meet the qualification or regulatory requirements at the time of placement. The DST or T5 employee may be retained in the position, only if, on current date, he/she meets all of the position's qualification requirements. In this kind of violation, a technician may be retained in the position only if:

(1) He or she meets the necessary qualifications or regulatory requirements at current date; and, no other candidates were adversely impacted; and,

(2) The NGB, DoD or the OPM office with geographic jurisdiction, gives written/signed approval.

c. A *program violation* occurs when the merit placement plan, guidelines, or practices do not conform to NGB, DoD, or OPM requirements. A DST technician or T5 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 DST or a T5 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 DST or T5 employee occupying the position is returned to his or her former position; or, if newly hired, placed in another position for which he or she is qualified. All DST or T5 candidates, who were not given proper consideration, must be considered before new recruiting efforts are initiated.

(3) If the corrective action does not include vacating the position, all DST or T5 candidates who were not given proper consideration, based on the violation, are given priority consideration for appropriate vacancies.

(4) Immediate action is taken to correct a violation or program deficiency. Appropriate corrective actions are required as a result of a procedural, regulatory, or program violations of this Plan and are accomplished in accordance with the relevant sections of 5 USC and the 5 CFR. In order to ensure that actions are processed in accordance with regulatory and/or procedural requirements, corrections of errors or oversights are processed as soon as they are discovered, to include correcting any outstanding referral lists. The records must be correctly documented.

Chapter 9

Advanced In-Hire Rate Appointments

9-1. 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.

9-2. 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.

9-3. 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.

9-4. 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.

9-5 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 A.

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.

9-6. 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.

9-7. 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).

9-8. 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 10 Grade Retention

10-1. Grade Retention

The provisions of this chapter apply to employees entitled to grade retention under Section 5362 of Title 5, United States Code. This provision does not apply to employees entitled solely to pay retention.

10-2. 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.

10-3. 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 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 qualifications, including military qualifications for DST positions.

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.
 - e. Over-graded employee's 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 GS-11 in a GS-09 position who is offered and declines a GS-10 position.)
 - g. Acceptance or declination must be in writing and received within a reasonable time frame established by the HRO.

GLOSSARY
PART I. ACRONYMS

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|--------------|--|
| ANG | Air National Guard |
| ARNG | Army National Guard |
| ASARS | Automated Stopper and Referral System |
| CFR | Code of Federal Regulation |
| COE | Certificate of Eligibility |
| DoD | Department of Defense |
| DSG | Drill Status Guardsmen |
| DST | Dual Status Technician |
| 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 |
| KSAB | Knowledge, Skill, Ability and Behaviors |
| MPP | Merit Placement and Promotion Program |
| NGB | National Guard Bureau |
| NG | National Guard |
| 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 |
| T5 | Title 5 United States Code (Competitive or Excepted Service) |
| T32 | Title 32 United States Code Dual Status Technicians |
| USC | United States Code |

GLOSSARY
PART II. DEFINITIONS

Accession – A personnel action that results in the addition of a NG T32 or T5 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 NG technicians and employ NG T5 employees; this authority may be delegated, in writing, to the NG Human Resource Officer.

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.

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 USC Title 5 Civil Servants and not as a USC T32 Dual Status Technician.

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.

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.

Competencies – Are defined as the attributes: Knowledge, Skills, Abilities, and Behaviors required to perform a job and are generally demonstrated through qualifying experience, certifications, education, and/or training.

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.

Job Opportunity Announcements – A formal announcement made to the public that a job opportunity exists. Such announcements are advertised through USAJobs and must be used for job opportunities that require competitive hiring procedures.

Knowledge, Skills, Abilities and Behaviors (KSABs) – The competency attributes and other elements (i.e., professional certification) required for successful performance in a job that are generally demonstrated through qualifying experience, education, and training. Knowledge is a body of information applied directly to the performance of a function. Skill is an observable competence to perform a learned psychomotor act. Ability is competence to perform an observable behavior; and, a behavior results in an observable product.

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]

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 series' description of the knowledge, skills, abilities and behaviors along with specialized and general 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 NG.

Reinstatement – Reinstatement allows individuals to re-enter 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 – 'KSABs' that go beyond minimum qualification standards but are prescribed as necessary for meeting basic eligibility. These factors are essential to successful performance in the position to be filled and are not 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.

Series 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 prescribed by NGB.

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.

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.

Vacancy Announcement – An informal announcement that is exempt from competitive hiring procedures.

REFERENCES

- a. Public Law 114-328, 23 December 2016, "*National Defense Authorization Act 2017*"
- b. Public Law 114-92, section 1053, 25 November 2015, "*The National Defense Authorization Act for 2016*"
- c. Executive Order 13548, 26 July 2010, "*Increasing Federal Employment of Individuals With Disabilities*"
- d. 5 USC § Chapter 71, "*Federal Service Labor-Management Relations Statute*"
- e. 5 USC § Chapter 75, "*Adverse Actions*"
- f. 5 USC §§ 2103, 2105, and 3101, "*Government Organization and Employees*"
- g. 5 USC § 4303, "*Actions Based on Unacceptable Performance*"
- h. 5 USC § 6121, "*Definitions*"
- i. 5 USC § 6127 and § 6128, "*Compressed Schedules*"
- j. 5 USC § 6132, "*Prohibition of Coercion*"
- k. 10 U.S. C. § 1721, Designation of Acquisition Positions
- l. 29 USC Chapter 8, "*Fair Labor Standards*"
- m. 32 USC § 709, "*Technicians: Employment, Use, Status*"
- n. 42 USC § 2000e–16, "*Employment by Federal Government*"

- o. 5 CFR “*Administrative Personnel*”
- p. 5 CFR Part 302, “*Employment in the Excepted Service*”
- q. 5 CFR 315.103, Agency Promotion Programs
- r. 5 CFR § 315.610, “*Noncompetitive Appointment of Certain National Guard Technicians*”
- s. 5 CFR Part 332, “*Recruitment and Selection Through Competitive Examination*”
- t. 5 CFR Part 335, “*Promotion and Internal Placement*”
- u. 5 CFR Part 335, Subpart A, “*General Provisions*”
- v. 5 CFR Part 335 §335.102, *Merit Promotion Plans*
- w. 5 CFR 335, “*Promotion and Internal Placement*”
- x. 5 CFR Part 337, “*Examining System*”
- y. 5 CFR, 432, “*Performance Based Reduction in Grade and Removal Actions*”
- z. 5 CFR 531-212, “*Superior Qualifications and Special Needs*”
- aa. 5 CFR 532, Subpart E, “*Overtime Pay*”
- bb. 5 CFR 550, Subpart A, “*Premium Pay*”
- cc. 5 CFR 551, “*Pay Administration Under The Fair Labor Standards Act*”
- dd. 5 CFR 2422, “*Representation Proceedings*”
- ee. Department of Labor, CA 810, Revised 2009, “*Injury Compensation for Federal Employees*”
- ff. DODI 1400.25, Volume 1100, 09 September 2010, “*DOD Civilian Personnel Management System: Civilian Personnel Information Systems*”
- gg. DODI 1400.25, Vol. 711, 01 December 1996, “*Labor Management Relations*”
- hh. DODI 1400.25, Vol. 771, 26 December 2013, “*DOD Civilian Personnel Management System: Administrative Grievance System*”
- ii. OPM “*Guide to Processing Personnel Actions*”, 27 September 2017
- jj. AR 25–400–2, “*The Army Records Management System (ARIMS)*”
- kk. CNGBI 5001.01, 05 December 2016, “*National Guard Bureau Records Management Program*”

- ll. Chief, National Guard Bureau Memorandum, Subject: *TAG Delegation*, 16 February 2017
- mm. TPR 300, "*Title 32 Dual Status Technician Employment Program*"
- nn. TPR 335, "*Title 32 Dual Status Technician Merit Program*"
- oo. TPR 351, "*Title 32 Dual Status Technician Reduction-in-Force Program*"
- pp. TPR 303, "*Title 32 Dual Status Technician Compatibility Program*"
- qq. State Collective Bargaining Agreement, as applicable

Appendix A

Advance-In-Hiring Worksheet

Advance In Hire Worksheet

Duty Title: _____

PD#: _____

Position & Step: _____

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.

| 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"/> |