

Merit Placement Plan

**Department Of Military Affairs
Joint Force Headquarters-WI
Madison, WI 53708-8111
4 Oct 2018**

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MERIT PLACEMENT PLAN

For the Adjutant General:

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Summary. This regulation updates procedures for the Wisconsin National Guard regarding the fillings of positions by promotion or other internal placement under the Merit Placement Plan (MPP). This publication supercedes HRR 335-1 dated 1 Jun 2009.

Applicability. This regulation applies to all components of National Guard (NG) Title 32 (T32) and Title 5 (T5) employees.

Proponent and Exception Authority. The proponent of this regulation is the Human Resource Office (HRO). The HRO has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. Within the following pages, the “proponent” is the drafting authority of the HRO.

Supplementation. Supplementation of this publication is prohibited.

Suggested Improvements. Users are invited to send comments and suggested improvements concerning this regulation to the Joint Force Headquarters, ATTN: WIJS-J1, P.O. Box 8111, Madison, WI 53708-8111.

Distribution. This publication is available on the WIJS-J1/Manpower and Personnel intranet site under J1-Manpower and Personnel page.

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CHAPTER ONE

GENERAL GUIDANCE

1. Purpose. To establish policy, assign responsibilities, and prescribe procedures and processes for the Merit Promotion and Internal Placement Plan which are consistent with the National Guard Bureau (NGB) and Office of Personnel Management (OPM) regulations governing the filling of positions by promotion or other internal placement.

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 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.

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 all National Guard (NG) T32 Excepted Service Dual Status (DS) technicians and positions; NG T5 Excepted Service and current on-board NG T5 Competitive Service employees (formerly Non Dual Status) and positions.

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, the changes in law will apply.

c. Where this plan is silent, the flexibilities provided by regulation or guidance from higher authority are preserved.

4. 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 NG T32 DS technician positions and NG T5 Excepted Service employee positions.

b. **Converted Positions.** As current on-board NG T5 Competitive service employees separate from their respective positions and the position becomes vacant, those positions will be advertised as T5 NG Excepted Service 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 for action under this plan.

5. Types of Positions Filled Under This Merit Placement Plan

- a. T32 DS Excepted Service
- b. T5 Excepted Service
- c. T5 Competitive Service

6. Veterans' Preference Programs for T5 NG Excepted Service Positions

- 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. Veterans preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

7. Responsibilities:

a. **The Adjutant General (TAG)** is responsible for the employment and administration of NG T32 DS Technicians, NG T5 Competitive Service employees, and NG T5 Excepted Service employees. He or she 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 Office (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; OPM; DoD, and NG manuals/regulations/issuances and terms of current negotiated bargaining agreements. Provides training, technical guidance, and staff assistance to managers and supervisors in carrying out responsibilities under this regulation. 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 T32 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees are entitled to placement or promotion, receive full and fair consideration; ensures appropriate treatment of candidates entitled to priority consideration (e.g., Priority Placement Program (PPP), Retained Grade List and Interagency Career Transition Assistance Plan (ICTAP), Reemployment Priority List (RPL). Maintains associated records for review.

c. **Managers and Supervisors** will work collaboratively with human resource representatives to ensure prompt posting of job opportunity vacancy announcements. They should promptly arrange for interviews of candidates referred for consideration IAW Chapter 3, Selection Procedures, of this regulation. They will return referral certificates within scheduled time frames. They will also provide assistance to employees with the application process. They are responsible for complying with the requirements of this plan. They must evaluate T32 DS Technicians, T5 Excepted Service and T5 Competitive Service 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 T32 DS Technicians, T5 Excepted Service and T5 Competitive Service employees have access to the WING Merit Promotion and Placement Plan and are fully informed of promotional opportunities and related requirements.

d. **NG T32 DS Technicians, NG T5 Excepted Service and NG T5 Competitive Service 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 T32 DS Technician, T5 Excepted Service or T5 Competitive Service requirements.

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 NG Excepted Service Positions to HRO for endorsements 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.

CHAPTER TWO

COMPETITIVE ACTIONS AND EXCEPTIONS TO COMPETITION

1. The following mandatory placement actions are 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. The personnel placement actions 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, as published by NGB-J1-TNC.

b. A non-competitive promotion resulting when an employees 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.

c. Placements made during or in-lieu of a reduction-in-force (RIF) as permitted by governing regulations.

d. 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.

e. 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.

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

h. 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 total.

i. 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.

j. 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 given priority consideration for the next appropriate 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.

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.

(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 a 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.

l. 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 THREE

VACANCY ANNOUNCEMENT AND EVALUATION PROCEDURES

For: NG T5 Excepted Service Employee

1. Request for NG T5 Excepted Service Vacancy Announcement. When requesting a position to be filled, the Hiring Manager will submit an SF 52, Request for Personnel Action to the Human Resources Office. Failure to provide all of the information contained on the sample may result in the requested action being returned.

2. Priority Placement Program (PPP). Prior to advertising recruit/fill for NG T5 Excepted Service employee positions the vacancy announcement will be entered into PPP database. The primary purpose of PPP is the placement of Federal employees who have been adversely affected through no fault of their own as a result of Reduction in Force, base closures, realignments, consolidations, contracting out, position classification decisions, and transfer of functions. All T5 positions will be registered in the program. Any well qualified Federal employees registered in PPP and matches a T5 vacancy will be offered the position and suspend recruitment activity. If the well qualified PPP match accepts the T5 position then recruitment will be terminated.

3. Job Analysis. If there are no well qualified matches in PPP, a completed formal job analysis and crediting plan is required prior to advertising for recruit/fill for NG T5 Excepted Service employee positions. 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 HR Staffing Specialists assessment strategy. The HR Staffing 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.

4. Crediting Plan. This document provides an objective statement of the position's qualification requirements and criteria against which applicants are evaluated. 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.

4. 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 AOC is identified in the USAJOBS vacancy 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 vacancy announcement.

a. Area of Consideration (AOC) defined

Nationwide- Open to Public, US citizens, National or individuals who owe allegiance to the United States (This area of consideration provides the widest pool of applicants and should be used for T5 positions.)

In State- Currently employed T32/T5 full-time permanent, indefinite and temporary personnel of the WING and current members of the WIARNG/WIANG

In Service- Currently employed T32/T5 full-time permanent, indefinite and temporary personnel of the WIARNG or WIANG (Veterans' Preference does not apply)

On-Board Only- T32/T5 in a specific Directorate/Unit/Wing (Only used in cases where organizations are at their authorized funding level or possible RIF) Must be approved by HRO.

5. Vacancy Announcements. For each NG T5 Excepted Service employee position that is advertised on USAJOBS for initial recruit/fill; or, for merit promotion, the vacancy 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. Vacancies will normally remain open for receipt of applications a minimum of 7 calendar days. Positions may be advertised less than or greater than 7 days provided prior coordination with HRO has occurred. Open Until Filled announcements should be used in limited circumstances in which a significant turnover has been established. Referral certificates will be issued every 30 days and must be returned with either a selection or nonselection before any additional certificates are issued.

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 NG T5 Excepted Service position advertised for *initial* recruit/fill, the vacancy 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. Vacancy announcements used to solicit candidates are uploaded to USAJOBS as required when filling vacancies through competitive procedures.

d. Vacancy announcements must include:

(1) Job opportunity/announcement 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 AOC.

- (4) A summary of the job duties.
- (5) A statement of the required qualification requirements or information on where the qualification requirements are located.
- (6) Designation of any special requirements.
- (7) The Veterans' Preference criteria and eligibility requirements are fully explained.
- (8) 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) Assessment Questionnaire with numeric values – determined by the position's job analysis results. (T5 Excepted Service positions)
- (12) Instructions on how to apply or information on where the instructions are found.

6. Assessment. The position's multiple numeric groups, defined as at least two groups, 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. If needed, the Director of Manpower and Personnel/J1 may appoint a competent subject matter specialist to evaluate the candidates.

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 HR Specialist, 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.

7. Competitive Procedures and Candidate Evaluations for NG T5 Excepted Service 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, and TP). 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.

8. Selection Procedures.

a. T5 applicants meeting minimum qualification standards will be referred to the selecting supervisor. Supervisors may request to receive applicants based on their rating (highest to lowest).

b. Upon receipt of the selection certificate, the supervisor will:

(1) Interview candidates provided on the selection certificate.

(2) Not delegate his/her authority or this responsibility to select a candidate

(3) Be allowed to conduct a paper board if 30 or more qualified applicants have been referred in order to reduce the candidate pool by no more than 50 percent. A copy of the paper board criteria will need to be reviewed and approved by DMP/J1.

(4) Avoid perception of bias or pre-selection by the use of a selection board. The board will be made up of 3 or more individuals. Recommended considerations for a diverse hiring board: members should reflect demographics of candidates and include a subject matter expert. For Joint positions include Army and Air National Guard board members. Incumbants are discouraged to be voting members of the board.

(5) Make every effort to conduct personal interviews for all candidates on selection certificate. If not possible, telephone interviews should be conducted. If a candidate is difficult to

contact, a supervisor should make at least 3 attempts within a 72 hour time frame via email/phone before it is determined a candidate has declined the interview.

(6) Sign and return certificate to HR Staffing through USA Staffing database. Ensure the candidate meets applicable military requirements. Candidate selections are tentative until HR Staffing contacts him/her to confirm the offer of employment.

c. Upon receipt of the selection certificate, HR Staffing will:

(1) Coordinate with J2 to ensure the selected candidate meets suitability and/or clearance requirements.

(2) Notify the candidate that was selected for the position and determine appointment effective date.

(3) Notify candidates that were not selected for the position.

(4) Determine the release date between gaining and losing supervisor for those Candidates currently employed by the federal government. Release will normally be within 2 weeks but should not be delayed longer than 30 days without written approval of the DMP/HRO.

d. Selecting Officials may not pass over a preference eligible to select a lower ranking non-preference eligible.

e. 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.

f. For T5 positions advertised at multiple grade levels (GS-5/7/9) all Highly Qualified candidates will be referred for each grade level.

g. Referral lists are valid for a period of 90 working days from the date issued.

h. The HRO may grant reasonable extensions when requested in writing by the selecting official.

i. Management has the responsibility to ensure selecting officials are available when a final list is prepared for issue.

j. 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.

For: NG T32 Excepted Service Technicians

1. Request for NG T32 Excepted Service Technician Vacancy Announcement. When requesting a position to be filled, the Hiring Manager will submit an SF 52, Request for

Personnel Action to the Human Resources Office. Failure to provide all of the information contained on the sample may result in the requested action being returned.

2. 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 AOC is identified in the USAJOBS vacancy 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 vacancy announcement.

a. Area of Consideration (AOC) defined

Nationwide- Open to Public, US citizens, National or individuals who owe allegiance to the United States (This area of consideration provides the widest pool of applicants and can be used for T32 positions; however, applicants would have to be eligible for NG membership)

In State- Currently employed T32/T5 full-time permanent, indefinite and temporary personnel of the WING and current members of the WIARNG/WIANG

In Service- Currently employed T32/T5 full-time permanent, indefinite and temporary personnel of the WIARNG or WIANG (Veterans' Preference does not apply)

On-Board Only- T32/T5 in a specific Directorate/Unit/Wing (Only used in cases where organizations are at their authorized funding level or possible RIF) must be approved by HRO.

3. Vacancy Announcement. For each NG T32 Excepted Service employee position that is advertised on USAJOBS for initial recruit/fill or for merit promotion, the vacancy announcement must clearly define the series, qualifications. T32 positions will not receive a numeric rating. Applicants meeting basic eligibility will be referred for selection. Vacancy announcements used to solicit candidates are uploaded to USAJOBS as required when filling vacancies through competitive procedures. Vacancies will normally remain open for receipt of applications a minimum of 15 calendar days. Positions may be advertised less than or greater than 15 days provided prior coordination with HRO has occurred. Open until filled announcements should be used in limited circumstances in which a significant turnover has been established. Referral certificates will be issued every 30 days and must be returned with either a selection or nonselection before any additional certificates are issued.

a. Vacancy announcements must include:

(1) Job opportunity/announcement 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 AOC.

(4) A summary of the job duties.

- (5) A statement of the required qualification requirements or information on where the qualification requirements are located.
- (6) Designation of any special requirements.
- (9) EEO statement.
- (10) That the position being filled is one with known promotion potential, if applicable.
- (11) Assessment Questionnaire
- (12) Instructions on how to apply or information on where the instructions are found.

4. Selection Procedures.

a. Upon receipt of the selection certificate, the supervisor will:

- (1) Interview candidates provided on the selection certificate.
- (2) Not delegate his/her authority or this responsibility to select a candidate
- (3) Be allowed to conduct a paper board if 30 or more qualified applicants have been referred in order to reduce the candidate pool by no more than 50 percent. A copy of the paper board criteria will need to be reviewed and approved by DMP/J1.
- (4) Avoid perception of bias or pre-selection by the use of a selection board. The board will be made up of 3 or more individuals.
- (5) Make every effort to conduct personal interviews for all candidates on selection certificate. If not possible, telephone interviews should be conducted. If a candidate is difficult to contact, a supervisor should make at least 3 attempts within a 72 hour time frame via email/phone before it is determined a candidate has declined the interview.
- (6) Sign and return certificate to HR Staffing through USA Staffing database. Ensure the candidate meets applicable military requirements. Candidate selections are tentative until HR Staffing contacts him/her to confirm the offer of employment.

c. Upon receipt of the selection certificate, HR Staffing will:

- (1) Coordinate with J2 to ensure the selected candidate meets suitability and/or clearance requirements.
- (2) Notify the candidate that was selected for the position and determine appointment effective date.
- (3) Notify candidates that were not selected for the position.

(4) Determine the release date between gaining and losing supervisor for those candidates currently employed by the federal government. Release will normally be within 2 weeks but should not be delayed longer than 30 days without written approval of the DMP/HRO.

- d. Selecting Officials may not pass over a preference eligible to select a lower ranking non-preference eligible.
- e. 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.
- f. For positions advertised at multiple grade levels (GS-5/7/9) all basically eligible candidates will be referred for each grade level.
- g. Referral lists are valid for a period of 90 working days from the date issued.
- h. The HRO may grant reasonable extensions when requested in writing by the selecting official.
- i. Management has the responsibility to ensure selecting officials are available when a final list is prepared for issue.
- j. 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.

For: NG T32 and NG T5

1. Conditions of Employment for NG T32 and NG T5. Conditions of employment are those requirements necessary to perform the duties of the position (security clearances, suitability, military membership (T32 DS only), medical/physical requirements and education requirements). In addition, positions may have requirements which must be met for continued retention (e.g., developmental training). Any conditions of employment and requirements for continued position retention will be included in the vacancy announcement.

a. Security requirements. A NG T32 or NG T5 employee is subject to personal security requirements in accordance with TPR 700 (732). Military members are responsible for obtaining the appropriate level of security clearance for their position of employment. This is accomplished through the ANG or ARNG security managers. The HRO will assist employees by providing guidance and coordination with applicable security managers. When it has been determined that an employee cannot meet the security requirements of the position action must be taken IAW TPR 715, paragraph 2-2.

b. Training requirements. All applicants for positions with developmental training requirements must be informed in advance that failure to complete required training may be cause for removal from the position.

c. Medical/physical requirements. Applicants must meet any medical standard or physical requirements designated for the position

2. Each NG T32 or NG T5 applicant is required to submit a resume for processing. All resumes received, accepted, and verified are stored in the USAJOBS database and merit case files. Receipt of applications is accepted by the vacancy announcement's closing date via USAJOBS.

3. Each NG T32 and NG T5 applicant must meet all eligibility and minimum qualification requirements. As prescribed by NGB/OPM on the closing date of the announcement.

CHAPTER FOUR

Temporary Appointments (Not-To-Exceed (NTE) 12 months) Temporary promotions and Indefinite Appointments

1. NG T32 DS Technician and T5 Employee Temporary Appointments (NTE 12 months) and Temporary Promotions.

Temporary appointments are for a time limited period and the appointment is terminated upon loss of resourcing. Selections for temporary appointments and promotions must meet the qualifications for the position and at the grade level for which employed.

- a. T32 and T5 temporary appointment are authorized outside competitive procedures if the duration of the appointment is not to exceed 12 months (1 year) from the date appointed.
- b. Temporary promotions for T32 and T5 are authorized outside competitive procedures NTE 8 pay periods.
- c. Temporary appointments for 12 months or less must be at least minimally qualified. A **current resume and signed OF 306** will be required for all Temporary appointments and promotions.
- d. Temporary (NTE) appointments may be terminated with no notice when the position or the employee's services are no longer needed.
- e. A Temporary appointment (NTE) does not confer permanent status.
- f. Management Directed Reassignments (MDR), temporary promotions and details are not authorized for the non-competitive placements of NG T32 technicians into established NG T5 employee positions; and, are not authorized for the non-competitive placements of NG T5 employees into NG T32 technician positions. (Cannot switch employment statuses.)

2. NG T32 DS Technician and NG T5 Employee Indefinite Appointments greater than 12 months. Indefinite tenure is used when there are needs for the position to be greater than 12 months.

- a. Competitive procedures are always applied when filling positions with Indefinite tenures.
- b. An Indefinite tenure does not confer permanent status unless identified in the advertisement.
- c. Indefinite tenures are terminated when the positions and/or the employees' services are no longer required.
- d. All Indefinite tenure terminations should receive a thirty (30) day written notification by the HRO to the employee.
- e. Indefinite tenure employees may compete for other positions to be reassigned, promoted or changed to a lower grade.

CHAPTER FIVE

KEY STAFF APPOINTMENTS ONLY FOR NG T32 DS TECHNICIANS

1. A Key Staff position is a T32 DS Technician senior 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 are filled solely on the basis of merit. All NG employees are 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. TAG may request a Key Staff position be filled by referral of all qualified DS Technicians or by use of a vacancy announcement.
- d. Referral List. Actions are 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. The HRO will review personnel folders (technician and military) to determine those candidates having the necessary qualifications for the position. A list of eligible (Dual Status Technicians, AGR, Traditional Guardsmen, or T5 employees that have maintained military membership) is established based on the results and submitted to the selecting official.

CHAPTER SIX

CORRECTIVE ACTIONS AND GRIEVANCE COMPLAINTS

1. Grievances and Complaints: NG T32 DS Technicians and the NG T5 employees may have the right to file a grievance concerning merit promotion matters under the state NG's 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. 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 Equal Employment Opportunity (EEO) complaint at the same time for the same issue. However, if an applicant believes that he / she was not provided due consideration based on race, color, national origin, gender, religion, age (over 40), disability, sex, genetic information or reprisal due to involvement in a protected activity he/she may file a complaint through the appropriate state NG EEO program. To have complaints considered through the EEO process, individuals must contact an EEO Manager Office 608-242-3702 within 45 days from the date of the matter alleged to be discriminatory 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.

2. Corrective Actions: Failure to adhere strictly to laws, OPM regulations and instructions, DoD, or NGB instruction, policies and guidelines must be promptly rectified by the state involved. 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.

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 state merit placement plan. The NG T32 DS Technicians and the NG T5 employees 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. In this kind of violation, an employee 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

b. A regulatory violation occurs when the NG applicant did not meet the qualification or regulatory requirements at the time of placement. The NG T32 or NG 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, an employee 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,

c. A program violation occurs when the state merit placement plan, guidelines, or practices do not conform to NGB, DoD, or OPM requirements. A NG T32 technician or a NG 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 NG T32 technician or a NG 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 NG T32 technician or a NG 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 NG T32 or NG 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 NG T32 or NG 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 SEVEN

RECORD KEEPING AND PROGRAM REVIEW

1. Recordkeeping: States will maintain a record of each position filled, using processes described in this plan, sufficient to allow for reconstruction of the placement action. The NG follows *The Army Records Management System (ARIMS)*, AR 25-400-2.

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 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 Opportunity Announcement,

- (2) The resume and supporting documents submitted by all applicants,
- (3) The individual qualification sheets
- (4) Correspondence to and from applicants.
- (5) The referral certificate.
- (6) Supervisor's request for advanced in-hire rates, or incentives.

c. Supervisors are required to maintain interview questions, interview notes and any other relevant documentation regarding the evaluation and selection process.

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. Selecting Officials are required to maintain all documents that were used in the selection process for a minimum of two years. (Panel Ranking Sheets, interview questions, or correspondence to and from applicants)

3. Merit Placement Program Review: At a minimum, each state will make provisions to review its merit promotion and internal placement program 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. 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 states/HROs to modify or suspend any procedures, which do not meet the requirements in this plan.

GLOSSARY

PART I. ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
ASARS	Automated Stopper and Referral System
DoD	Department of Defense
CFR	Code of Federal Regulation
DS	Dual Status Title 32 Excepted Service Military 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
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 DS Technicians
USC	United States Code

GLOSSARY
PART II. DEFINITIONS

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.

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.

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.

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.

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.

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.

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.

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 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]

Preference Eligible – veterans, spouses, widows/widowers, or parents who meet the definition of preference eligible in 5 USC 2108. Preference eligible are entitled to priority referral (5 USC 3319) or have either 5 or 10 points added to their earned score. They also have higher retention standing in the event of a reduction in force. Veterans Preference does not apply to in-service placement actions such as promotions, reassignment, change to lower grade (CAT 3 area of consideration).

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.

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.

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 – ‘KSAs’ 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 NG Series Qualification Standards for T5 Excepted Service employee positions are located on NG-J1-TNS GKO Library, under the NGB Qualification Standards for T5 Excepted Service Employee Positions, for General Schedule positions and Federal Wage for Trades and Labor Occupational Positions. **Pending establishment of T5 Excepted Service qualifications, T5 applicants will be evaluated using Office of Personnel Management Qualification Standards**
- The NG Series Qualification Standards for T32 DS Technician positions are located on NG-J1-TNS GKO Library, under the NGB Qualification Standards for T32 DS Technician Positions, for General Schedule positions and Federal Wage for Trades and Labor Occupational Positions.

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.

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 U.S.C. § Chapter 71, "*Federal Service Labor-Management Relations Statute*"
- e. 5 U.S.C. § Chapter 75, "*Adverse Actions*"
- f. 5 U.S.C. §§ 2103, 2105, and 3101, "*Government Organization and Employees*"
- g. 5 U.S.C. § 4303, "*Actions Based on Unacceptable Performance*"
- h. 5 U.S.C. § 6121, "*Definitions*"
- i. 5 U.S.C. § 6127 and § 6128, "*Compressed Schedules*"
- j. 5 U.S.C. § 6132, "*Prohibition of Coercion*"
- k. 10 U.S. C. § 1721, Designation of Acquisition Positions
- l. 29 U.S.C. Chapter 8, "*Fair Labor Standards*"
- m. 32 U.S.C. §709, "*Technicians: Employment, Use, Status*"
- n. 42 U.S.C. § 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
- q. 5 CFR § 315.610, "*Noncompetitive Appointment of Certain National Guard Technicians*"
- r. 5 CFR Part 332, "*Recruitment and Selection Through Competitive Examination*"
- s. 5 CFR Part 335, "*Promotion and Internal Placement*"
- t. 5 CFR Part 335, Subpart A, "*General Provisions*"

- u. 5 CFR Part 335 §335.102, *Merit Promotion Plans*
- v. 5 CFR 335, “*Promotion and Internal Placement*”
- w. 5 CFR Part 337, “*Examining System*”
- x. 5 CFR, 432, “*Performance Based Reduction in Grade and Removal Actions*”
- y. 5 CFR 531-212, “*Superior Qualifications and Special Needs*”
- z. 5 CFR 532, Subpart E, “*Overtime Pay*”
- aa. 5 CFR 550, Subpart A, “*Premium Pay*”
- bb. 5 CFR 551, “*Pay Administration Under The Fair Labor Standards Act*”
- cc. 5 CFR 2422, “*Representation Proceedings*”
- dd. Department of Labor, CA 810, Revised 2009, “*Injury Compensation for Federal Employees*”
- ee. DODI 1400.25, Volume 1100, 09 September 2010, “*DOD Civilian Personnel Management System: Civilian Personnel Information Systems*”
- ff. DODI 1400.25, Vol. 711, 01 December 1996, “*Labor Management Relations*”
- gg. DODI 1400.25, Vol. 771, 26 December 2013, “*DOD Civilian Personnel Management System: Administrative Grievance System*”
- hh. OPM “*Guide to Processing Personnel Actions*”, 27 September 2017
- ii. AR 25–400–2, “*The Army Records Management System (ARIMS)*”
- jj. CNGBI 5001.01, 05 December 2016, “*National Guard Bureau Records Management Program*”
- kk. Chief, National Guard Bureau Memorandum, Subject: *TAG Delegation*, 16 February 2017
- ll. TPR 300, “*Title 32 Dual Status Technician Employment Program*”
- mm. TPR 335, “*Title 32 Dual Status Technician Merit Program*”
- nn. TPR 351, “*Title 32 Dual Status Technician Reduction-in-Force Program*”

oo. TPR 303, “*Title 32 Dual Status Technician Compatibility Program*”

p.p. State Collective Bargaining Agreement, as applicable