

New Jersey National Guard Merit and Promotion Plan

**Joint Force Headquarters
New Jersey National Guard
Joint Base McGuire Dix Lakehurst, NJ
01 August 2018**

UNCLASSIFIED

Joint Force Headquarters
New Jersey National Guard
3650 Saylor's Pond Road
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01 August 2018

NEW JERSEY NATIONAL GUARD MERIT PROMOTION AND PLACEMENT PLAN

By Order of the Governor

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History. This regulation supersedes New Jersey Department of Military and Veterans Affairs Technician Personnel Regulation (TPR) 335, Merit Placement Plan for New Jersey National Guard Excepted Dual and Non-Dual Status Technicians dated, 1 July 2014. This regulation includes provisions made to incorporate Title 5 Recruitment and Placement actions as a result of the conversion of Title 32 Military Technicians to Title 5 Civilians in accordance with the National Defense Authorization Act of 2017 (NDAA 17).

Summary. Contained herein are the regulatory requirements of the New Jersey National Guard's Merit Placement and Promotion Plan.

Applicability. This regulation applies to all New Jersey Title 32 Army and Air National Guard Dual Status Technicians, New Jersey Title 5 Excepted Service National Guard Employees, and New Jersey Title 5 Competitive Service Employees.

Supplementation. Supplementation of and deviations from this regulation are not permitted without prior approval from the New Jersey Human Resources Office.

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Chapter 1

General Overview

1-1 Purpose

This plan establishes policy, assigns responsibilities, and prescribes procedures for the New Jersey Merit Promotion and Placement Plan. This plan is consistent with Office of Personnel Management (OPM) and National Guard Bureau (NGB) regulations governing the filling of positions by promotion or other internal placement.

1-2 Policy

Actions taken under this Merit Promotion and 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 among those candidates deemed qualified for the respective position, based on application of merit principles without regard to such factors as: political, religious, labor organization affiliation or non-affiliation, marital status, race, color, national origin, non-disqualifying physical disability, genetic information, sexual orientation, gender, or age (except where military requirements limit fill of the position); to ensure that qualified applicants receive equitable consideration for positions filled under competitive processes.

1-3 Scope

a. This plan covers rules and regulations regarding recruitment and placement procedures, management directed reassignments, and merit promotions for the following personnel:

- (1) Title 32 National Guard Dual Status (DS) Excepted Technicians (T32)
- (2) Title 5 Excepted Service National Guard Employees (T5)
- (3) Title 5 Competitive Service National Guard Employees

b. Where provisions of this plan differ from Collective Bargaining Agreements (CBA), 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 Responsibilities

a. The Adjutant General (TAG)

- (1) Responsible for the employment and administration of NG T32 DS Technicians, NG T5 Competitive Service employees, and NG T5 Excepted Service employees
- (2) 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
- (3) Acts as the highest level of authority in the State concerning the overall application of this plan

b. Human Resources Officer (HRO)

- (1) Represents TAG in administering the NJ Merit Promotion and Placement Plan
- (2) Provides training, guidance, and staff assistance to managers and supervisors
- (3) Works with supervisors to develop vacancy announcements (VA) and job analyses
- (4) Maintains associated records for review
- (5) Ensures appropriate treatment of candidates entitled to priority consideration
- (6) Ensures all NG Technicians/Employees receive full and fair consideration for any promotion or placement opportunity
- (7) Reviews and processes personnel actions in accordance with OPM, Department of Defense (DoD), NGB regulations, as well as the terms of current CBAs

c. Managers and Supervisors

- (1) Responsible for complying with the requirements of this plan
- (2) Evaluates all applicants fairly, objectively, and in a timely manner
- (3) Develops job-related evaluation criteria and determines appropriate evaluation methods in collaboration with the HRO prior to announcing the position
- (4) Ensures that all NG T32 Technicians and T5 Employees (Excepted and Competitive) have access to New Jersey's NG Merit Plan and are fully informed of promotional opportunities and related requirements
- (5) Work collaboratively with human resource representatives to ensure prompt posting of job opportunity announcements (JOAs) or VAs

- (6) If desired, promptly arranges for interviews of candidates referred for consideration
- (7) Returns referral certificates within scheduled time frames
- (8) Provides assistance to employees with the application process

d. Technicians and Employees

- (1) Responsible for familiarizing themselves with the provisions of this plan,
- (2) Provides the HRO with current, timely, and accurate information about their qualifications
- (3) Submits complete and timely application packages for position consideration
- (4) Ensures their position appointments meet the applicable T32 DS Technician, T5 Competitive Service, or T5 Excepted Service requirements (i.e. certifications, military compatibility, medical examinations)

1-5 Management's Rights

- a. 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:
 - (1) Select applicants from any appropriate source
 - (2) Select or non-select from among any group of qualified candidates
 - (3) Submit pass-over requests of veteran preference qualified candidates for T5 Excepted Service Positions to HRO for endorsements to OPM for reconciliation

Chapter 2

Personnel Actions

2-1 Temporary Promotions

a. A Temporary promotions is defined as a time-limited promotion from a lower graded position to a higher graded position for a period no longer than 120 days. Competitive procedures must be used when the promotion is intended to last more than 120 days. A temporary promotion may be made permanent without further competition provided the promotion was originally made under competitive procedures and the respective vacancy announcement was clearly stated to have permanent status potential. Temporary promotions may be used to fill temporary positions, accomplish special projects, or meet other temporary needs for an organization.

b. Prior service during the preceding 12 months under non-competitive, time-limited promotions and non-competitive details to higher-graded positions count toward the 120 day total.

c. Temporary promotions may not exceed 1 year. HRO reserves the authority to extend a promotion for 1 additional year. Extensions beyond 2 years must be authorized by HRO in coordination with NGB and OPM.

d. Technicians/Employees must qualify for the position IAW section 5-1 of this plan prior to temporary promotions taking affect.

e. Impartial consideration must have been given to all eligible candidates within that specific organization prior to HRO submission.

f. Management reserves the right to return the Technician/Employee at any time to the position from which temporarily promoted or to a different position of equivalent grade and pay.

g. Supervisors must submit a Request for Personnel Action (RPA) to the HRO Remote when requesting a temporary promotion for a Technician/Employee as well as when returning him or her to their original grade.

2-2 Change to Lower Grade

a. A change to lower grade is defined as the voluntarily or involuntarily movement of a Technician/Employee from one General Schedule (GS) grade to a lower GS grade or to a position under the same wage grade schedule.

b. Technicians/Employees whom were changed to a lower graded (CLG) position may be eligible for Retained Grade or Retained Pay IAW sections 7-4 and 7-5 of this plan.

c. Management may change a Technician/Employee to a lower grade due to the following:

- (1) Expiration of a temporary promotion

- (2) Position reclassification of a position to a lower grade
- (3) Technician/Employee's request to be moved to a lower grade level or band position
- (4) Management Directed Reassignment (MDR) with employee concurrence (when performance or conduct are not factors)
- (5) Technician/Employee's unacceptable performance (when conduct is not a factor)
- (6) Reduction in Force (RIF) procedures

2-3 Management Directed Reassignment

- a. A Management Directed Reassignment is defined as the change of a Technician/Employee from one position to another without promotion or change to lower grade, level or band. Management may reassign a Technician/Employee to a position in a new occupational series or to another position within the same series. Management Directed Reassignments may be conducted as a result of a position reclassification or position review.
- b. Qualification standards apply for reassignments to a new occupational series
- c. A management directed reassignment resulting in a change to lower grade with employee concurrence (when performance or conduct are not factors) will be considered a voluntary change to lower grade.
- d. Management may reassign a Technician/Employee to a different position at the same grade with a change in salary that is the result of different local prevailing wage rates or a different locality payment.
- e. Technicians/Employees must be notified in writing by HRO and given a minimum of 30 days' notice prior to their reassignment taking effect.
- f. Failure to agree to the terms of the reassignment (not resulting in a change to lower grade) will result in a 30 day letter of separation, dated the first day post the original 30 day notice.
- g. The reassignment of a Title 32 Dual Status Technician must be made to a position with a compatible military assignment IAW section 4-4 of this plan
- h. The Management Directed Reassignment of personnel is not authorized for the non-competitive placement of a NG T32 DS technician into an established NG T5 employee position; and is not authorized for the non-competitive placements of NG T5 employees into a NG T32 DS technician position.

2-4 Details

a. A detail is defined as the temporary assignment to a different position for a period no longer than 120 days, with the employee returning to his/her regular duties at the end of assignment. Details may be renewed in 120 days increments IAW 5 USC 3341(b) (1). Detailed Technicians/Employees are considered, for pay and strength count purposes, to be permanently occupying his or her regular position, therefore requesting a backfill for a position for which an individual is detailed is subject to manpower, budgetary, and mission requirements as determined by HRO with TAG authorization.

b. Technicians/Employees may be detailed for any legitimate management purpose such as unexpected workloads, special projects, training, position re-classification, security clearance issues, or ongoing investigations.

c. A position to which an employee is temporarily detailed is not documented as a position of record. Position of record is defined as an employee's official position (defined by grade occupational series, employing agency, and any other condition that determines coverage under a pay schedule (other than official worksite), as annotated on the employee's most recent SF-50 or equivalent and current position description).

d. A detail will not move the Technician/Employee within the Defense Civilian Personnel Data System (DCPDS). HRO is therefore responsible to upload a manual SF-50, documenting the detail, to the Technician/Employee's electronic Official Personnel Folder (eOPF).

e. Details to a higher grade are appropriate when the assignment is for 30 days or less, or when the full range of duties within the higher graded position will not be performed.

f. Performance feedback standards for detailed Technicians/Employees must be in compliance IAW OPM performance standards and regulations.

Chapter 3

Appointments

3-1 Temporary Appointments

a. A temporary appointment is defined as an appointment to a position Not to Exceed (NTE) a specified period of time.

b. Title 32 National Guard Dual Status Excepted Service Technicians – Less than 12 Months

(1) Temporary appointments less than 12 months are authorized outside of competitive procedures if the duration of the appointment is not to exceed 1 year (12 months from the date hired tenure “0”). A temporary appointment (NTE) does not confer permanent status. Temporary technicians may be extended in increments of 1 year for a total of 4 cumulative years. Extensions beyond 4 years require NGB authorization.

(2) Technicians must qualify for the position IAW section 5-1 of this plan prior to appointment in a temporary status. Temporarily appointed technicians are not required to meet the military compatibility requirements outlined in section 4-4 of this plan. Temporary appointments for short periods of time are generally filled at the full performance level.

(3) Temporary appointments do not incur a trial/probationary period and may be terminated with no notice when the position or the technician’s services are no longer needed. IAW 5 CFR 316.304, time accrued as a temporary technician will be applied toward completion of the required trial period if the technician be converted to permanent status using competitive procedures.

c. Title 5 National Guard Excepted Employees – less than 12 Months

(1) Appointment as a Title 5 National Guard Excepted Temporary Employee is contingent upon NGB authorization. Temporary appointments as a Title 5 National Guard Competitive Service Employee are not authorized IAW section 3-4 (a) of this plan.

3-2 Indefinite Appointments

a. An indefinite appointment is defined as a non-permanent appointment without a definite time limitation when the position is expected to be needed beyond 1 year or when management expects the position to become permanent in the future. Competitive procedures must be applied when filling positions as indefinite tenure “3” Technicians/Employees. An indefinite appointment may be extended for a total of 4 years. A temporary appointment with indefinite tenure does not confer permanent status unless clearly identified in the respective advertisement.

b. Terminations of temporary appointments with indefinite tenure terminations require thirty (30) day written notifications by the HRO to the employees.

c. Temporary appointments with indefinite tenures do not incur a trial/probationary period and may be terminated with no notice when the position or the technician’s services are no longer

needed. IAW 5 CFR 316.304, time accrued as an indefinite Technician/Employee will be applied toward completion of the required trial period if the technician is converted to permanent status using competitive procedures.

d. Temporary appointments with indefinite tenure Technicians/Employees may be promoted with competition to other positions, reassigned, or changed to a lower grade to a position with indefinite status.

e. Title 32 National Guard Dual Status Technicians must meet all military membership and military compatibility requirements.

3-3 Key Staff Appointments

a. A key staff appointment is defined as the appointment of a T32 DS Technician or Active Guard Reserve (AGR) member, senior managerial position whose incumbent is a member of the immediate staff of TAG; or whom reports directly to or under the direction of TAG IAW NGB regulation. Key Staff positions are filled solely on the basis of merit. All NG employees are provided the maximum opportunity to compete for placement opportunities.

b. 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. Key staff positions are intended to be unique within the organization.

c. 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, Active Guard Reserves (AGR), Traditional Guardsmen, or Title 5 employees which hold military membership is established based on the results and submitted to the selecting official. Positions eligible for key staff appointment consideration are determined IAW NGB Memorandum, Key Staff Positions (TN-07-46), dated 9 August 2007.

3-4 Competitive Service

a. As of 1 October 2017 and in accordance with NDAA FY17, all New Jersey Non-Dual Status Technicians were officially converted to T5 NG Competitive Service Employees. New Jersey competitive service employees are employed utilizing T5 OPM regulations to include guidance on probationary periods, qualification standards, and career status tenure.

b. All job opportunity announcements effective after 1 October 2017 must be advertised as either a T32 Dual-Status Excepted Service or T5 Excepted Service position IAW Chapter 4 of this plan.

Chapter 4

Job Opportunity Announcements

4-1 Requesting to Fill Vacancies

- a. All vacancy requests must be submitted to the HRO Remote via RPA.
- b. The requesting office must include the following information on the RPA if applicable:
 - (1) Type of appointment (Temporary, Indefinite, Title 32, or Title 5)
 - (2) Areas of Consideration
 - (3) Position description, title, grade, and location
 - (4) Security clearance requirements
 - (5) Certifications
 - (6) Military requirements (i.e. compatibility, minimum and maximum rank, etc.)
 - (7) Requested length of announcement
 - (8) Employee vacating position/vice
 - (9) Selecting official
 - (10) Direct supervisor of the position being filled
- c. Approval of vacancy requests is subject to manpower, budgetary, and mission requirements as determined by HRO with TAG authorization.

4-2 Vacancy Announcements

- a. All T32 and T5 vacancies will be advertised on USAJOBS.gov for a minimum of 7 days and must clearly state all applicable information outlined in section 4-1 (b) of this plan.
- b. Prior to initiating hiring and promoting competitive procedures through USAJOBS, HRO 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 HRO using the job-related criterion as established and defined in the job analysis and crediting plan. HRO may coordinate with hiring managers or subject matter experts to produce accurate, effective job analyses.

c. Vacancy announcements must include the following:

- (1) Job description or responsibilities
- (2) Qualification requirements
- (3) Required documentation
- (4) Application instructions
- (5) Equal Employment Opportunity Policy

d. Vacancy announcements may be amended after posting for minor changes when having no impact on the requirements of the position, application requirements, or geographical location.

4-3 Areas of Consideration

a. Areas of consideration are defined as the specified scope of potential applicants which would best fit the current needs of the requesting organization. Vacancy announcements must be advertised as solely T32 or T5.

b. Hiring Managers may choose as many applicable categories as outlined in Table 4-A:

Table 4-A

Title 32 Vacancies	
CAT 1	All permanent, on-board, Title 32 Employees within a specific organization
CAT 2	All permanent, on-board, Title 32 and Title 5 Employees within a specific organization
CAT 3	All New Jersey National Guard members of a specific agency
CAT 4	Individuals eligible for membership in the New Jersey National Guard

Title 5 Vacancies	
CAT 5	All permanent, on-board, Title 5 Employees within a specific organization
CAT 6	All permanent, on-board, Title 32 and Title 5 Employees within a specific organization
CAT 7	Current Federal Employees and Applicants eligible for Re-employment
CAT 8	US Citizens

NOTES:

- (1) Veterans' Preference consideration is applied for all T32 and Non-T5 Federal Employee Applicants
- (2) Veterans' Preference is not applicable for Title 32 vacancies

4-4 Title 32 Dual Status Technicians

- a. Vacancy announcements advertised for T32 DS Excepted Service positions or merit promotions, must clearly define all military requirements required for appointment as a DS Technician.
- b. A dual status appointment is contingent upon the Technician's membership in the New Jersey National Guard. Applicants willing to join the New Jersey National Guard, are eligible to apply/compete granted they meet the specified Areas of Consideration. Applicants selected for a dual status position may be required to coordinate with the respective hiring organization for specific military educational, medical, or training requirements.
- c. NG T32 DS Technicians, T5 Excepted Employees, and T5 Competitive employees may apply and compete for hire or be eligible for merit promotion considerations to advertised T5 Excepted Service NG employee vacant positions.
- d. NG T5 Competitive and Excepted Service employees may apply/compete for hire or merit promotion considerations to advertised T32 DS technician positions; however, to qualify, the candidates must meet the DS technician positions' series qualifications and must meet the positions' military requirements as defined in the respective vacancy announcement.
- e. Requests to convert established/confirmed T32 NG Excepted Service technician positions to T5 NG employee positions, post the initial conversion IAW NDAA FY18 of the percentage designated by law, must be identified by local functional management officials, coordinated with the JFHQ-State HRO and TAG for review and further coordinated discussion with NGB-J1-TN for final approval by G1 or A1. T32 to T5 conversion consideration must be focused on the duties, scope, and mission requirements concerning the position, not the incumbent.
- f. Concerns and inquiries in regard to potential controversial issues must be forwarded, in writing, through HRO to the Technician Personnel Management Division (NGB-J1-TN), for review and final decision by NGB Functional Managers/Office of Primary Responsibility and NGB-J1.

4-5 Title 5 National Guard Employees

- a. Vacancy announcements advertised for NG T5 Excepted Service or merit promotion, must clearly define the occupational series, qualifications, and numeric value groups used to assess each applicant based on the set of identified competencies directly related to the job. Each announcement must include the Veteran Preference categories if applicable and clearly define the type of required documentation needed for each identified preference category in the application.

- b. Basic Eligibility

- (1) As an excepted service agency, employment lists for job opportunity announcements will be organized according to basic eligibility only. Numerical numbers are not assigned and all eligible candidates are referred IAW 5 CFR 302.304(b) (5). If qualitative ranking is desired, numerical scores must be assigned.

- (2) Candidates rated utilizing basic eligibility must be organized in the following order:
- i. Preference eligibles with a compensable, service-connected disability of 10 percent or more (CP/CPS), unless the list is used to fill professional positions at GS-09 level or above.
 - ii. All other candidates eligible for 10-point veteran's preference
 - iii. All candidates eligible for 5-point veterans' preference
 - iv. Qualified candidates not eligible for veterans' preference

4-6 Veterans' Preference

a. In recognition of veterans' service to the United States and IAW 5 USC 2108, Congress has enacted laws to prevent veterans seeking Federal employment from being penalized for their time in the military service. Veterans' Preference provides those citizens who have served their country in uniform an opportunity to be considered favorably for Government employment. Eligibility is contingent upon specific dates of active duty service, receipt of specific campaign badges or medals, or a service-connected disability. Individuals applying for positions utilizing Veterans' Preference must submit the required documentation as outlined on the respective vacancy announcement. Veterans' Preferences apply to permanent, term, indefinite, and temporary positions through competitive processing.

b. All applicants for T5 Excepted service announcements are placed in the appropriate numeric value group and ranked according to preference eligibility and non-preference eligibility. Veterans' Preference points are added to each veteran applicant's final numeric value score.

c. 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:

(1) 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.

(2) 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.

d. Veterans' Preference Point System

- (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 eligibles with no disability rating (5 points)

e. 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.

f. Veterans' Preference point determinations are made IAW the OPM Veterans' Guide

g. Requests for a pass-over of preference eligible employees must be submitted to HRO on a Standard Form 62, Agency Request to Pass Over a Preference Eligible or Object to an Eligible. HRO maintains authority to approve all pass-over requests excluding applicants claiming CPS – 30% disabled Veterans' Preference status eligibility. Pass-over requests for CPS – 30% Disabled applicants must be approved by OPM.

4-7 Application Procedures

a. Applicants are responsible for providing all required documentation as outlined in the respective vacancy announcement, answering all required USAJOBS' questionnaires, and submitting their final application package prior to 11:59 PM Eastern Time on the published closing date via USAJOBS. Complete and accurate documentation is essential to ensure equitable qualification of applications.

b. Alternative application methods may be coordinated with NJ HRO to accommodate displaced applicants, individuals with disabilities, or applicants without general access to USAJOBS.gov.

Chapter 5

Qualification and Selection Procedures

5-1 Qualification Process

a. Applications are reviewed by HRO once the closing date has passed on the vacancy announcement within USAJOBS. Each application is reviewed individually against the qualification standards defined within the respective vacancy announcement.

b. NG T32 DS Excepted Service Technician positions will utilize T32 NGB Excepted Service Qualification Standards, placing special emphasis on past work experience, length of time performing relevant work experience, educational requirements, certifications, and military compatibility. Each qualification standard is unique and some may require specific processing or NGB authorization prior to applicant qualification.

c. Each applicant for NG T5 Excepted Service positions 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.

d. HRO is responsible for providing hiring managers with an applicant list comprised employees who meet at least the minimum qualification standards. Specific limitations on referral certificates are outlined in section 5-2 (a) of this plan.

e. 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 Job Opportunity Announcement's closing date via USAJOBS.

5-2 Referral Certificate

a. A referral certificate is defined as a list of minimally qualified applicants provided to the hiring manager from HRO to include all pertinent documentation needed to evaluate the candidates and make any necessary selections or non-selections. Referral certificates with more than 10 applicants will require hiring manager approval to either decide to review all candidates or request HRO to further refine the applicant list prior to release.

b. HRO is responsible for minimally qualifying all applicants who make it through USAJOBS. Once minimally qualified, applicants will be placed into a respective numeric value group according to their rating score calculated by their answers to the job analysis questionnaire. Referral certificates with greater than 10 applicants will undergo a secondary qualification review by HRO, comparing each applicant's resume and supplemental documentation to the questions developed within the job analysis until the referral certificate is refined to the required amount of applicants.

c. Referral lists are valid for a period of 60 working days from the date issued. HRO may grant reasonable extensions when requested by the selecting official.

d. 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.

e. The reasons for selection and non-selection are to be annotated on the referral list, if applicable.

5-3 Applicant Evaluations

a. Hiring managers are responsible for evaluating all applicants listed on the referral certificate. Applicant evaluations must be conducted in a professional and equitable manner at all times. The selecting official conducting the evaluation must be a full-time employee within the agency. The specific method of evaluation may be conducted in interview or paper evaluation format granted they are consistently applied amongst each referred applicant:

(1) Interview

i. May be conducted solely as a hiring manager or as a board of up to 3 total evaluators. Interview questions must be relevant to the position for which the candidate has applied or appropriate, personality-type inquiries. Each applicant must be afforded the same interview questions and logistical format when at all possible. May be conducted in person or via telecom.

(2) Paper Evaluation

i. An evaluation method authorizing a hiring manager to make a determination based upon the credentials provided by HRO from each candidate’s application package. Selections made solely based upon paper evaluation, must be approved by HRO upon receipt of referral certificate to ensure all Equal Employment Regulations were adhered to and applied appropriately. HRO may request additional documentation from hiring managers to supplement selection decisions.

5-4 Selections

a. Hiring managers must annotate selection or non-selections decisions on the vacancy-specific referral certificate. Multiple selections may be made from the certificate if clearly stated on the respective vacancy announcement. The Selecting Official is entitled to select or non-select any candidate referred to him/her, subject to the regulations addressed in regards to Veterans’ Preference outlined in section 4-6 of this plan for T5 Excepted Service vacancies.

b. HRO is responsible for providing official notification or selection or non-selection to all referred applicants, providing the position vacancy for which they were selected or non-selected, tentative start dates if applicable, and position-related requirements. Hiring managers do not have authorization to make notification.

c. For T32 vacancy announcements; if an applicant selected for a position meets all NGB Qualification Standards, but fails to meet the specific military requirements, HRO has the authority to rescind the job offer for failure to meet the military requirements of the position vacancy.

Chapter 6

Placements and Promotions

6-1 Placement Actions

a. Initial appointments for T32 and T5 positions will be made effective the first day of a pay period within the Defense Civilian Pay System (DCPS) in coordination with the selectee and hiring manager/supervisor.

b. NG Title 32 Dual Status Excepted Service Positions

(1) Applicants selected for a T32 employment opportunity are appointed to the advertised position upon meeting all military compatibility requirements as outlined in the respective vacancy announcement. HRO may request official documentation, stating the specific military requirements needed prior to appointment (i.e. AF 2096, Military Orders, etc.)

(2) Hiring managers are responsible for coordinating with the selectee in regards to military membership or required processes if applicable.

6-2 Promotions

a. Promotions are defined as the change in a Technician/Employee's position from one grade to another with an increase in pay.

b. A promotion may be initiated for any one of the following:

(1) Merit promotion under competitive procedures

(2) Target grade promotion

(3) Non-competitive promotion due to the reclassification of a position at a higher grade

(4) Non-competitive promotion through a position review with NGB authorization

(5) A temporary promotion being made permanent as outlined in section 2-1 (a)

6-3 Priority Placement Program

a. The Priority Placement Program (PPP) is a DoD automated program used to assist in the placement of employees adversely affected by a RIF, base closures, realignments, consolidations, contracting out, position classification decisions, rotation from overseas, or transfer of function.

b. Technicians/Employees are eligible for participation in PPP for medical discharge from a military organization or involuntary loss of military membership (excluding failure to meet fitness standards or adverse actions). All requests will be reviewed by HRO for authorization.

c. HRO is responsible for providing Technicians/Employees with DoD eligibility requirements. HRO will assist Technicians/Employees in the registration process and coordinate with external agencies in the review of all potential PPP candidates.

d. Previously employed DoD employees who meet the qualification requirements of the position to be filled will be referred to the hiring manager before a vacancy announcement is prepared.

e. Former Technicians/Employees will be removed from the list upon acceptance of a full-time position in the Federal Government, declination of a qualifying position, or expiration of the 1 year time limit.

f. Technicians/Employees registered through a medical cause remain in the registrar indefinitely until meeting the criteria outline in 6-3 (a).

Chapter 7

Pay Setting

7-1 Pay Setting Policy

Pay setting of all Technicians/Employees will be conducted by HRO IAW Chapter 53 of Title 5, United States Code and the OPM Operating Manual for the Federal Wage System. HRO will utilize the calculations outline in Appendix D of this plan.

7-2 Superior Qualifications

a. Superior qualifications is the process for which an agency may increase the step level of a General Schedule (GS) employee above the minimum rate of basic pay due to the superior qualifications of the candidate or for a special or the inherent need of the selecting organization IAW 5 CFR 531.212. The intent of this process is to compensate a candidate whom is able to perform the job at a higher level than other qualified applicant's or fill a mission-critical need which is considered hard-to-fill.

b. Requests for superior qualifications must be submitted to HRO by the respective hiring manager or direct supervisor. HRO is the approval authority for all superior qualification requests. The specific step level is determined by HRO provided that superior qualifications are approved. All requests must be determined prior to the appointment of the Technician/Employee. HRO is responsible for establishing and maintaining regulatory guidance for superior qualification determinations.

7-3 Highest Previous Rate

a. IAW 5 CFR 531.221, the maximum payable rate rule is a special rule that allows an agency to set pay for a GS employee at a rate above the rate that would be established using normal rules, based on a higher rate of pay the employee previously received in another Federal position. The pay set under the maximum payable rate rule may not exceed the rate for step 10 of the GS grade or be less than the rate to which the employee would be entitled under normal pay-setting rules.

b. The New Jersey National Guard is permitted the use of setting pay utilizing the maximum previous rate rule.

c. The maximum payable rate rule may be used in various personnel actions, including reemployment, transfer, reassignment, promotion, demotion, change in type of appointment, termination of a critical position pay authority under 5 CFR part 535, movement from a non-GS pay system, or termination of grade or pay retention under 5 CFR part 536. The highest rate of basic pay in effect when a GS employee held his or her highest GS grade and highest step within that grade.

d. The highest rate of basic pay includes individuals employed in a civilian position in any part of the Federal Government (including service with the government of the District of Columbia for employees first employed by that government before October 1, 1987), without regard to whether that position was under the GS pay system.

e. The highest previous rate is the a rate of basic pay received by an employee while serving:

- (1) On a regular tour of duty under an appointment not limited to 90 days or less
- (2) For a continuous period of not less than 90 days under one or more appointments without a break in service.

f. Any rate that does not meet the definition of General Schedule or GS in 5 CFR 531.203 is a rate from a non-GS pay system. If an employee's highest previous rate is a non-GS hourly rate of pay, the agency must convert the hourly rate of pay to an annual rate of pay by multiplying the hourly rate of pay by 2,087.

g. If a temporary promotion of less than 1 year is extended so that the total time of the temporary promotion equals or exceeds 1 year, the HPR may be based on the rate received during the temporary promotion once the total time of the temporary promotion equals or exceeds 1 year.

7-4 Grade Retention

a. IAW 5 CFR 536.102 (b) grade retention is defined as the process for which an employee under a covered pay system who is placed in a lower-graded position under the same or different covered pay system (e.g., as a result of a reduction in force or when his or her position is reduced in grade as a result of a reclassification) is entitled to retain the grade held immediately before the reduction for a period of 2 years.

b. An employee is eligible for grade retention if:

- (1) Serving under a permanent appointment (not temporary or term)
- (2) Placed in a General Schedule or Federal Wage System Position, and
- (3) The position is at a lower grade as a result of a RIF or reclassification action

c. Mandatory Grade Retention - An agency must provide grade retention to an employee who moves from a position under a covered pay system to a lower-graded position under a covered pay system as a result of:

- (1) Reduction in force procedures (as described in 5 CFR 536.201(c)); or
- (2) A reclassification process (as described in 5 CFR 536.201(d))

d. Optional Grade Retention - An agency may provide grade retention to an employee moving from a position under a covered pay system to a lower-graded position when:

- (1) Management announces a reorganization or reclassification decision in writing that may or would affect the employee; and
- (2) The employee moves to a lower-graded position (either at the employee's initiative or in response to a management offer) on or before the date the of the reorganization or reclassification

e. An employee is eligible for grade retention as a result of a reduction in force only if the employee has served for at least 52 consecutive weeks in one or more positions under a covered pay system at one or more grades higher than the grade of the position in which the employee is placed. An employee is eligible for grade retention based on a reclassification of his or her position only if, immediately before the reduction in grade, that position was classified at the existing grade or a higher grade for a continuous period of at least 1 year.

(1) An agency may not provide grade retention to an employee who:

(1) Is reduced in grade for personal cause or at the employee's request

(2) Was employed on a temporary or term basis immediately before the action causing the reduction in grade

(3) Moves between positions not under a covered pay system, from a position under a covered pay system to a position not under a covered pay system, or from a position not under a covered pay system to a position under a covered pay system.

7-5 Pay Retention

a. IAW 5 CFR 536.305, pay retention is defined as the process for which an employee whose rate of basic pay otherwise would be reduced as a result of a management action is entitled to retain his or her rate of basic pay. Pay retention may apply to an employee who is in a covered pay system or who is moving to a position under a covered pay system from a position not under a covered pay system.

b. b. Mandatory Pay Retention must be provided for an employee who:

(1) Ceases to be entitled to grade retention due to expiration of the 2-year period

(2) Is affected by RIF or reclassification and does not meet the eligibility requirements for grade retention

(3) Is affected by a reduction or elimination of a special salary rate

(4) Is moved by management action from a special rate position into a non-special rate position or into a lower special rate position

(5) Is placed by management action under a different pay scale

(6) Is placed in a formal employee development program generally used Government-wide: Upward Mobility, Apprenticeship, and Career Intern Programs

(7) Is promoted (under 5 CFR 531.214 or 5 CFR 532.407) and the resulting payable rate of basic pay exceeds the maximum rate of the highest applicable rate range

(8) Is covered by a DoD policy which provides mandatory pay retention

c. Optional Pay Retention must be provided for an employee who

- (1) Accepts a lower graded position designated in advance as hard to fill
- (2) Is reduced in grade on return from an overseas assignment under a pre-established agreement
- (3) Declines a transfer of function to a location outside the commuting area or who does not receive an offer at the gaining activity, and is placed in a lower graded position at any DoD activity
- (4) Accepts a lower graded position for non-disciplinary reasons of ill health
- (5) Is serving as a NG Technician, and loses military status, not for cause, and accepts a lower graded competitive service position
- (6) Is not serving on a mobility agreement and whose job is abolished, declines an offer outside the commuting area and is placed in a lower graded position in the commuting area
- (7) Applies through a formal recruitment program and is selected for a position at an overseas location

Chapter 8

Corrective Actions and Grievances Processes

8-1 Corrective Actions

a. 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. 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.

8-2 Prohibited Personnel Practices

b. There are thirteen prohibited personnel practices, including reprisal for whistleblowing, which are defined by law [T5 United States Code, Section 2302(b)]. Generally stated, 2302(b) provides that any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority:

- (1) Discriminate against an employee or applicant based on race, color, religion, sex, national origin, sexual orientation, 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 U.S.C. 2301.

(13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following 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:

- i. Classified information
- ii. Communications to Congress
- iii. 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
- iv. Any other whistleblower protection

c. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

8-3 Grievances and Complaints

d. 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. 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 or 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 appropriate state NG Equal Employment Opportunity program. 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.

e. 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.

Chapter 9

Administration

9-1 Recordkeeping

a. 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.

1. Complete placement/promotion records will be maintained by the HRO to:
 - i. Provide a clear record of the action taken.
 - ii. Evaluate the Merit Placement and Promotion Program
 - iii. Provide proof that merit placements action are being made on a fair and equitable basis.
2. The required information includes, but is not limited to:
 - i. The Job Opportunity Announcement
 - ii. The resume and supporting documents submitted by all applicants
 - iii. Notifications to and from applicants
 - iv. Referral certificate
 - v. Supervisor's request for advanced in-hire rates, or incentives

b. Retention period may change occasionally because of statutory, legal, financial, or administrative requirements. The records must be retained in the local file areas or within an electronic database (for a minimum of two years). If disputed, case files are retained by HRO until the claim is settled.

9-2 Merit Placement Program Review

a. At a minimum, HRO 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.

b. 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.

Appendix A

Glossary

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
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 DS Technicians
USC	United States Code

Appendix B

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.

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.

Excepted Service – Civilian positions in the executive branch of the Government which are specifically excepted from the requirements of the Civil Service Act or from the competitive service by, enabling agencies to hire when it is not feasible or not practical to use traditional competitive hiring procedures.

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

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

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

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

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

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

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

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

Knowledge, Skills, Abilities and 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]

Pass Over Request – A request for a hiring manager to select a non-preference eligible over a preference eligible, documented on an SF-62.

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.

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 this plan

Appendix C

References

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- 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, 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 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*”
- aa. 5 CFR 532, Subpart E, “*Overtime Pay*”
- bb. 5 CFR 550, Subpart A, “*Premium Pay*”
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- 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, 03 January 2014, “*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*, 09 August 2017

Appendix D

Pay Setting Guide

Promotion Calculations for Pay Setting

Figures used are based on 2017 New York, NY Pay Tables

GS - GS Promotion (5 CFR 531.214 and 5 USC 5334(b))	FWS – FWS Promotion (5 CFR 532.407)	FWS - GS Promotion (5 CFR 531.221(d))	GS – FWS Promotion (5 CFR 532.407)
<p>Two-Step promotion rule GS existing rate of pay + 2 Step increases = promotion entitlement</p> <p>Example: GS 9 step 4 to GS 11 step: GS 9 Step 4 = \$62,431 + 2 Steps = \$66,215</p> <p>Match to GS 11 GS 11 Step 1 = \$68,666</p> <p><u>Note:</u> If existing rate is Step 10, take difference between Step 9 & 10 and multiply by 2 and match.</p> <p>If new pay level exceeds Step 10 match at Step 10.</p>	<p>When comparison of the 2 representative rates results in a higher rate after the action.</p> <p>At the existing rate of pay: WG Representative Rate x .04 + current pay and match</p> <p>Example: WG 10 Step 4 to WG 12 Step: WG 10 Step 2 = \$28.07 28.07 x .04 = 1.12 1.12 + 28.07 (WG 10 Step 3)= \$29.22</p> <p>Match to WG 12 Step 2 = \$30.25</p>	<p>WG Current Step x 2087 = Salary and match to GS pay table, and then identify action.</p> <p>Example: WG 12 Step 5 to GS 11 Step: WG 12 Step 5 = \$33.93 33.93 x 2087 = \$70,811.91 Match GS 11 Step 2 = \$70,955</p> <p>Action = Promotion Increase in pay of any amount identifies a Promotion</p> <p><u>Note:</u> The two-Step promotion rule applies only to promotions within the GS. It does not apply to promotions from other pay systems into the GS. FWS employees moving into GS are not entitled to a two-Step increase.</p>	<p>Compare GS and WG Representative Rates to identify action.</p> <p>Promotion = increase of any amount between representative rates.</p> <p>If Action = Promotion: GS Representative Rate .04 + current pay and match</p> <p>Example: GS 7 Step 5 (\$52,586) to WG 8 Step: \$24.45 GS-7 rep rate \$51,039/2087= x .04 \$24.45x 4%= \$.978 \$.978 \$.978 Round to \$.98</p> <p>\$25.20 Existing rate of pay + .98 52,586/2087=\$26.18) \$26.18</p> <p>Match, WG 8 Step 3 = \$26.92</p>

Notes:

When pay setting from past years or a different locality pay tables, set the pay using Basic Pay Tables from that year. After pay is established on basic pay table, set pay IAW correct year and/or locality table.

WG Representative Rate = Step 2

GS Representative Rate = Step 4

Always match at the lowest step in the grade the employee is being promoted to that equals or exceeds the amount determined by pay setting rules.