



CALIFORNIA MILITARY DEPARTMENT INSTRUCTION

NGCA-TAG
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SUPERIOR QUALIFICATIONS AND SPECIAL NEEDS APPOINTMENT PAY SETTING AUTHORITY

Reference(s): See Enclosure B.

1. Purpose. This notice outlines establishes policies, responsibilities, and procedures governing the use of the Superior Qualifications and Special Needs Appointment (SQA) pay setting authority.

2. Cancellation. Supersedes CMDI 1416.16.

3. Applicability. This notice applies to CNG technicians.

4. Policy. The California National Guard may make an appointment for positions covered under the General Schedule (GS) and Federal Wage System (FWS) at a rate above the minimum based on SQA. Use of SQA is an exception to the basic rule of pay setting for GS and FWS. A new appointee's pay may be made above the minimum rate of the highest applicable rate range for the appropriate GS grade and location, if the candidate has superior qualifications or if an agency has a special need for the candidate's skills. Under the FWS, appointments may be made above the minimum rate of the appropriate grade for candidates with exceptional or highly specialized skill in a trade or craft.

5. Definitions. See Glossary.

6. Responsibilities.

a. The Human Resources Office (HRO): Has the final authority for advanced in-hire rate based on special qualifications and/or special need.

b. Managers and Supervisors:

(1) Must ensure request meets criteria set by policy.

(2) Must provide accurate salary information.

(3) Will verify candidate has Superior Qualifications and Special Needs.

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7. Summary of Changes. Selecting Officials are no longer required to submit a CNG 690-19, Recruitment Incentive Nomination/Justification to document that the selecting official considered a recruitment incentive, in order to allow further consideration of an advance in hire rate based on a superior qualifications or special needs appointment authority. This is a change to local policy.

8. Releasability. This issuance is approved for public release; distribution is unlimited.

9. Effective Date. This notice is effective upon release.

10. For further assistance, contact the Human Resources Office at (916) 854-3350 or via email ng.ca.caarng.list.hr-jobstech@mail.mil.



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Director, Human Resources Officer
California Military Department

Enclosure(s):

A – Eligibility Criteria
B – References
GL – Glossary

ENCLOSURE A

ELIGIBILITY CRITERIA

1. The SQA request from the selecting official to the Human Resource Office (HRO) must be in accordance with (IAW) 5 CFR §531.212 (d) which states, "In determining whether to use the superior qualifications and special needs pay-setting authority and the level at which the employee's payable rate of basic pay should be set, an agency must consider the possibility of authorizing a Recruitment Incentive (RI) under 5 CFR Part 575, Subpart A".

2. Technicians considered for SQA under authority 5 CFR §531.212 must be entering the federal service for the first time or be reappointed to the federal service after a break in service of 90 days or more from the last period of civilian employment with the federal government. Exception: See 5 CFR 531.212(a) (3) for exceptions to the 90-day break in service requirement.

3. Newly appointed/reappointed federal technicians may be considered for SQA if the candidate meets one of the following criteria:

a. Superior Qualifications: An agency may determine that a candidate has superior qualifications based on the level, type, or quality of the candidate's skills or competencies demonstrated or obtained through experience and/ or education. The quality of the candidate's accomplishments compared to others in the field, or other factors must support a superior qualifications determination. The candidate's skills, competencies, experience, education, and/or accomplishments must be relevant to the requirements of the position to be filled. These qualities must be significantly higher than that needed to be minimally required for the position and/or be of a more specialized quality compared to other candidates.

b. Special Agency Need: An agency may determine that the requirements of the position are essential and critical to accomplishing an important agency mission, goal, or program activity. Additionally, the candidate must fill the special agency type, level, quality of skills, competencies, and/or other qualities and experiences that are relevant to the requirements of the position.

4. The agency will consider the following factors when determining the payable rate of the basic pay using SQA pay-setting authority:

a. The level, type, or quality of the candidates skills or competencies (same or similar position being filled);

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b. The candidate's existing salary or salary documented in a competing job offer (same or similar positions, taking into account the location where the salary was or would be earned and comparing the salary to payable rates of pay in the same location).

c. The agency has determined that pay may not exceed step five of the GS grade (very few exceptions will be considered above a step 5 for hard to fill positions) or 20% of (whichever is lesser than or equal to) the candidate's existing or recent salary. For FWS, pay may not exceed step three (very few exceptions will be considered above a step 3 for hard to fill positions) or 20% of (whichever is lesser than or equal to) the candidate's existing or recent salary (hourly rate will be annualized to determine the 20%). The following will not be considered as existing salary or competitive job offer:

(1) A salary based on temporary military orders or temporary employment.
Exception: If the temporary employment meets one of the definitions listed in 5 CFR 531.212(a) (3).

(2) Salary based on a different occupation from the position being selected.

d. Significant disparities between Federal and non-Federal salaries for the skills and competencies required in the position to be filled (same or similar positions);

e. Existing labor market conditions and employment trends, including the availability and quality of candidates for the same or similar positions;

f. The success of recent efforts to recruit candidates for the same or similar positions;

g. Recent turnover in the same or similar positions;

h. The importance/criticality of the position to be filled and the effect on the agency if it is not filled or if there is a delay in filling it (must be superiorly qualified in the position filled);

i. Agency workforce needs, as documented in the agency's strategic human capital plan; (must be superiorly qualified in the position filled) or

j. Other relevant factors to the position attempting to fill.

5. Further consideration requires the following documentation with the initial appointment request to HRO for approval:

a. The CNG Form 690-8, Request for Superior Qualifications/Special Need Appointment.

(1) The form provides a space for the selecting official to confirm that a recruitment incentive was considered at the time he/she completed the CNG 690-1, Vacancy Announcement Request.

(2) The form must reflect that the candidate accepts the job offer with or without a Recruitment Incentive.

b. Supervisors/Managers certification in writing that the candidate meets the basic eligibility requirements as well as the requirements for SQA.

c. Documentation of existing salary or salary documented in a competing job offer that the candidate will be forfeiting that would justify a salary above the base pay for the grade;

d. Description of the recruiting efforts (the vacancy announcement must have been announced more than once to be considered hard to fill);

e. A copy of the technician vacancy announcement and a copy of each eligible candidate's application (if position is filled by vacancy announcement);

f. Description of the qualification standards used, evaluation criteria, and how candidates compared against the criteria to determine superior qualifications.

6. Failure to submit all required documentation upon initial submission will result in disapproval and return without action.

7. The HRO will notify in writing the commander and selecting official. Once a decision has been made to approve/disapprove. The decision is final.

8. The selecting official requests the step rate within the limits approved by HRO. If the candidate is unwilling to accept the approved offer, the selecting official must notify HRO and advise if the position will be offered in turn to the next ranked candidate. Any previously approved advanced in-hire rate is not transferrable to other candidates on the referral and selection list.

9. Use of this authority is not appropriate and cannot be used for:

a. Positions which provide administrative/clerical support (administrative/clerical support is defined as occupational series which are single grade interval, i.e. GS-5/6/7).

b. Lack of superior qualifications or special need.

c. Any applicable information related to the request that is not appropriate.

ENCLOSURE B

REFERENCES

1. Title 5 Code of Federal Regulation, Chapter I, Subchapter B, Part 531, Subpart B, Section 531.212, "Superior Qualifications and Special Needs Pay-setting Authority"
2. 5 CFR Chapter I, Subchapter B, Part 575, "Recruitment, Relocation, and Retention Incentives; Supervisory Differentials; and Extended Assignment Incentives"
3. Title 5 United States Code, Section 5333, "Minimum Rate for New Appointments"
4. 5 CFR Chapter I, Subchapter B, Part 531, Subpart B, Section 531.203, "Definitions"
5. 5 CFR Chapter I, Subchapter B, Part 532, Subpart D, Section 531.403, "New Appointments"
6. Guide to Processing Personnel Actions, Chapter 35, "Glossary of Terms Used in Processing Personnel Actions"
7. Pay Setting Desk Reference, Chapter 12, "Glossary"

GLOSSARY

PART I – DEFENITIONS

Appointment -- A personnel action that brings an individual onto an agency's rolls (staff), as an employee of the federal government.

Break-in-Service – The time when an employee is no longer on the agency's payroll. (Permanent federal technicians must have a 90 day break-in-service to be considered for superior qualifications and special needs.

Temporary/Term/Indefinite federal technicians are exempted from the 90 day break-in-service but must have at least 1 day break-in-service.)

Competing Job Offer -- A written job offer from an agency (federal or non-federal) provided to a candidate to compete (better salary, more desirable location, etc.) with another agency in an alike or similar position.

Existing Pay -- A salary or rate that an employee is currently earning or earned immediately before a pay action takes in effect.

Hard-to-Fill Position -- A position in which a vacancy announcement had been advertised more than once, and had either no applicants or no qualified applicants.

Highest Applicable Rate -- The rate range applicable to a GS or a FWS employee based on a given position of record and official worksite that provides the highest rate (Step 10 (GS), Step 5 (FWS)) of basic pay.

Minimum Rate -- The lowest rate (step) of a grade at which an employee's pay may be set on a GS Salary Table or a FWS Wage Schedule (e.g. Step 1).

Newly Appointed-- The first or initial appointment, regardless of tenure, appointing an individual into the federal government.

Non-Permanent Appointment -- An appointment other than a permanent position (Temporary "0" or Term/Indefinite "3").

Reemployment -- Employment, including reinstatement or another type of appointment, after a break-in-service of at least one full workday.

Recruitment Incentive -- Payments made to newly appointed or reappointed employees when an agency determines that the position is likely to be difficult to fill in the absence of an incentive.

Retroactive Action -- An action taking effect from a date in the past.

Special Agency Need -- An agency may determine that the requirements of the position are essential and critical to accomplishing an important agency mission, goal, or program activity. The candidate must meet the requirements desired by the agency.

Superior Qualifications -- The candidate's skills, competencies, experience, education, and/or accomplishments relevant to the requirements of the position to be filled. These qualities must be significantly higher than that needed to be minimally qualified for the position and/or be of a more specialized quality compared to other candidates.

Superior Qualifications/Special Needs Appointment (SQA) -- An appointment made at a rate above the minimum rate of the appropriate GS/FWS grade.

Tenure -- The period of time an employee may reasonably expect to serve under his or her current appointment (Temporary "0", Term /Indefinite "3", or Permanent "1" or "2"). Tenure is governed by the type of appointment under which an employee is currently serving, without regard to whether the employee has competitive service position or an excepted service position.

Time-Limited Appointment -- An employee serving on an appointment other than non-temporary status; serving under Indefinite appointments without a specific time limitation, but not actually permanent; A Temporary/Term appointment serving under a specific time limitation of one year or more (Temporary "0" or Term/Indefinite "3").

Transfer -- A change of an employee, without a break in service of one full workday, from one branch of the federal government to another or from one agency to another.

GLOSSARY

PART II. ABBREVIATIONS AND ACRONYMS

CMD	California Military Department
CMDN	California Military Department Notice
CNG	California National Guard
COE	Certificate of Eligibles
COLA	Cost of Living Allowance
DC	District of Columbia
FPR	Full-Time Personnel Regulation
FWS	Federal Wage System
GS	General Schedule
HRO	Human Resources Office
IAW	In Accordance With
IRPB	Incentive Review Panel Board
RI	Retention Incentive
SES	Senior Executive Service
SQA	Superior Qualifications and Special Needs Appointment