



ILLINOIS NATIONAL GUARD INSTRUCTION

NGIL-HRO

DISTRIBUTION: N/A

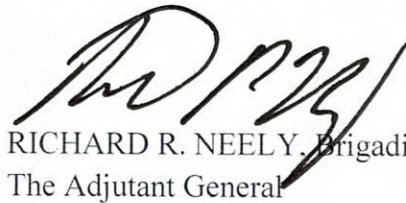
ILNGI 335

2 December 2019

ILLINOIS NATIONAL GUARD MERIT PROMOTION AND PLACEMENT PLAN

1. Purpose. This ILNGI establishes policy, assigns responsibilities, and prescribes procedures and processes for the Merit Promotion and Placement (MPP) plan 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. Cancellation/Superseded. This instruction supersedes TPP 335 Illinois National Guard (ILNG) Merit Promotion and Placement Plan, dated 12 December 2017.
3. Applicability:
 - a. This plan covers all Illinois National Guard (ILNG) positions/personnel under Title 32 (T32) Excepted Service Dual Status (DS), Title 5 (T5) Excepted Service, and current on-board NG Title 5 (T5) Competitive Service employees.
 - b. Where provisions of this plan differ from applicable Collective Bargaining Agreements (CBA), CBA provisions 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..
4. Policy. Actions taken under the MPP plan, whether identification, qualification, evaluation, or selection of candidates or any other phase of the promotion and placement process, will be made without bias. Vacancies are filled by selection from among the best qualified candidates available, based on application of merit principles without regard to: political, religious, labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, non-disqualifying physical disability, genetic information, 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.

5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This is the initial publication of ILNGI 335, and incorporates Title 5 employees.
8. Releasability. This Instruction is not approved for public release; distribution is limited to NGB Directorates, Adjutants General and the commanding General of the District of Columbia, and Joint Force Headquarters.
9. Effective Date. This instruction is effective upon publication.



RICHARD R. NEELY, Brigadier General, ANG
The Adjutant General

Enclosures:

- A – General Guidance
- B – Areas of Considerations
- C – Eligibility–Qualification
- D – Selection Procedures
- E – Administration
- F – Temporary Appointments Not-To-Exceed (NTE)
- G – Key Staff appointments for Only NG T32 DS Technicians
- H – Corrective Actions and Grievance Complaints
- I – Glossary – Acronyms and Definitions
- J – References – As Stated

ENCLOSURE A

GENERAL GUIDANCE

1. Provisions:

a. **Alternative Hiring Authorities.** There are currently 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 T5 Competitive Service NG employees separate from their respective positions and the position becomes vacant, those positions will be backfilled 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.

d. **Prohibited Personnel Practices.** 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, 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:

- (a) Classified information;
- (b) Communications to Congress;
- (c) Reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or,
- (d) Any other whistleblower protection.

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

2. Military Technicians. A basic principle of the NG T32 Excepted Service Military Technician Program is that only NG T32 members occupy DS military technician employee positions.

a. Requests to convert vacant NG T32 Excepted Service positions to NG T5 positions must be identified by local functional management officials; coordinated with HRO, and submitted to TAG for final approval. Requests and decisions are not influenced by the desires of the incumbent or potential candidates.

b. NG T32 DS technicians and Title 5 Competitive employees may apply/compete for hire or be eligible for merit promotion considerations to advertised T5 Excepted Service NG employee vacant positions.

c. 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 positions' military compatibility requirements.

d. Personnel interchangeability between NG T32 Excepted Service and NG T5 Excepted/Competitive Service programs is not authorized (management directed reassignment, voluntary reassignment, RIF, etc...).

e. Concerns and inquiries in regard to potential discrepancies or issues must be forwarded, in writing, to the Human Resources Office, for further coordination with TAG for final approval.

3. Veteran's 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 placement. Veteran's preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

4. 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 agency concerning the overall application of this plan.

b. **The Human Resources Officer (HRO)** is responsible to TAG to ensure the requirements of this plan are properly administered. The HRO or their designated representative reviews and ensures that personnel actions are accomplished in accordance with statute, US Office of Personnel Management (OPM), Department of Defense (DoD), and NG manual/regulation/instructions, as well as terms of current Collective Bargaining Agreements (CBAs). Provides training, technical guidance, and staff assistance to managers and supervisors in carrying out responsibilities under this manual. Provides timely and efficient service and ensures all personnel actions processed are consistent with the provisions of this plan. Works with supervisors, performing job analysis to identify knowledge, skills, abilities, competencies or other requirements for the job. Ensures that all T32 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees are entitled to placement or promotion, and receive full and fair consideration. Ensures appropriate treatment of candidates entitled to priority consideration (e.g., DoD Priority Placement Program (PPP), Reemployment Priority List (RPL), and Retained Grade List. Maintains associated records for review).

c. **Managers and Supervisors** or their designated representative are responsible for complying with the requirements of this plan. They must evaluate T32 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees fairly, objectively, and in a timely manner; develop job-related evaluation criteria; determine appropriate evaluation methods in collaboration with the HRO prior to announcing the position. They will ensure that all T32 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees have access to the State's NG Merit Plan, and are fully informed of promotional opportunities and

related requirements. They will work collaboratively with human resource representatives to ensure prompt posting of job opportunity announcements (JOAs). They will promptly arrange and interview candidates referred for consideration. They will return referral certificates within scheduled time frames, and provide assistance to employees with the application process.

d. **NG T32 DS Technicians, NG T5 Competitive Service employees, and NG T5 Excepted 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 should review their position appointments to ensure they meet the applicable T32 DS Technician, T5 Competitive Service, or T5 Excepted Service requirements, such as, the military compatibility program requirements for T32 DS Technicians.

5. **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 (10-percent but less than 30-percent compensable disability) qualified candidates for T5 NG Excepted Service Positions to HRO for reconciliation.
- d. Submit pass-over requests of veteran preference (30-percent or more compensable disability) qualified candidates for T5 NG Excepted Service Positions to HRO for endorsements to OPM for reconciliation.

6. **Documentation and Reporting Requirements.** Documentation is maintained in accordance with the OPM, DoD and NGB reporting criteria.

ENCLOSURE B

AREAS OF CONSIDERATION

1. **Job Analysis.** Prior to advertising, for recruit and fill, any NG T32 Excepted DS Technician or NG T5 Excepted Service employee positions, a completed formal job analysis is required. This mandatory personnel action is a systematic method for gathering information. It focuses on the position's work behaviors, tasks, and outcomes. The competencies (knowledge, skills, abilities, and behaviors) must be identified in the job analysis and serve as the foundation for the JFHQ-IL HR specialist's assessment strategy. The JFHQ-IL HR specialist must spend adequate time in the beginning of the process to perform a thorough assessment of the position's competencies, as defined by the job analysis.

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, goals and objectives and applicable regulations and requirements of negotiated agreements. The AOC is identified in the USAJOBS Job Opportunity 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 JOA. JOA's will normally remain open for receipt of applications a minimum of 5 calendar days. Each category listed below will represent a separate certificate. Certificates will be processed in category order.

a. Job Announcement:

(1) As specified (internal or specific directorate, AASF #1, USP&FO, Surface Maint, etc.)

(2) Nationwide

b. Referral Categories:

(1) Category 1 (CAT 1) – All On Board Federal Employees/Technicians within ILNG. T32/T5 will include Permanent and Excepted Indefinite.

(2) Category 2 (CAT 2) – All current Federal Employees (from any agency)

(3) Category 3 (CAT 3) – All Federal re-employment eligible (a way to attract federal experience without considering all U.S. Citizens – can reach retirees)

(4) Category 4 (CAT 4) – Applicants willing to become T32 DS Technicians and gain ILNG membership (dual status only).

(5) Category 5 (CAT 5) – U.S. Citizens

3. Job Advertisements/Announcements. For each position that is advertised on USAJOBS for initial recruit and fill or for merit promotion, the job opportunity announcement must clearly define the series and qualifications used to assess each applicant based on the set of identified competencies directly related to the job.

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 rating criteria such as education, certifications, and specialized experience factors, that are applied to assess all applicants as qualified or not qualified.

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

c. Job advertisements are uploaded to USAJOBS when filling vacancies through competitive procedures.

d. Job advertisements/announcements must include:

(1) Job advertisement/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 area of consideration/categories.

(4) A summary of the job duties.

(5) A statement of the required qualification requirements or information on where the qualification requirements are printed.

(6) Designation of any special requirements.

(7) For ONLY T5 Excepted Service positions, the Veterans' Preference criteria and eligibility requirements are fully explained.

(8) EEO statement.

(9) Any known promotion potential, if applicable.

(10) Instructions on how to apply or information on where the instructions are found.

(11) Job advertisements/announcements are open for receipt of applications for a minimum period of 5 calendar days or 14 calendar day for bargaining unit positions.

(12) Other factors to consider:

(a) Recruitment or Relocation Incentive

(b) Permanent Change of Station (PCS)

(c) Highest Previous Rate

(d) Superior Qualifications and Special Needs Appointment

4. **Assessment.** Prior to a job being announced through USAJOBS, the JFHQ-IL HR specialist must complete a formal job analysis to ensure the position's competencies are correctly assessed. The competencies (knowledge, skills, abilities, and behaviors), required by the position are identified in the job analysis and serve as the foundational criteria for the assessment strategy. The candidates' qualifications to the job are assessed by the JFHQ-IL HR Staffing specialist using the job-related criterion as established and defined in the job analysis. The assessment and advertisement are sent to the hiring manager for review prior to posting on USAJOBS.

5. **Competitive Procedures and Candidate Evaluations for NG T5 Excepted Service Positions.** Assessed applicants are placed in the appropriate group and listed according to preference eligibility and non-preference eligibility. Candidates within each preference list are listed in alphabetical order. All Veterans' preference qualified eligibles are placed ahead of non-preference eligibles. 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.

b. For all other positions (categories/series) and grade levels, qualified preference eligibles are placed ahead of non-preference eligibles.

6. **NG T32 or NG T5 applicants are required to submit a resume for processing.**

Incomplete resumes are accepted; however, incomplete resumes are rated based on the available information to the extent a determination result is possible. All resumes received, accepted, and verified are stored in the USAJOBS database and merit case files. Receipt of applications is accepted by the Job Opportunity Announcement's closing date in USAJOBS.

7. **NG T32 and NG T5 applicants must meet all eligibility and minimum qualification requirements** as prescribed by NGB/OPM on the closing date of the announcement.

8. **Applicants are assessed against job-related criteria** as determined by the position's job analysis. Each candidate's qualification is dependent upon his or her applicability and relevance of qualifying competencies to the requirements of the position.

9. **Methods of qualification evaluations are applied consistently and equitably** to applicants, and are based on job-related series' qualifications and competency criteria identified in the job analysis.

ENCLOSURE C

ELIGIBILITY – QUALIFICATION

1. The following 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 noncompetitive 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 a statement that it may lead to a permanent promotion was made known to all potential candidates.
- 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 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. Placements made during or in-lieu of a reduction-in-force (RIF) as permitted by governing regulations.
- c. Actions involving statutory, regulatory or administrative placement, to include actions directed by NGB, DoD, or OPM, arbitration decisions, court decisions, local settlements and discrimination complaint decisions.
- d. Career ladder promotion(s), e.g., a promotion without further competition of an employee appointed by noncompetitive appointment or non-competitive conversion, or under competitive procedures of this plan for an assignment intended to prepare the technician for the position being filled. The intent must be made as a matter of record and career ladders must be documented. (i.e. GS 7/9/11)

e. Promotion to a grade previously held on a permanent basis, from which the technician was separated or demoted for other than performance or conduct reasons.

f. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position a technician currently holds or previously held on permanent basis, from which he/she was separated or demoted for other than performance or conduct reasons.

g. A non-competitive promotion resulting when an employees' position description is changed by NGB-J1-TNC as an amended PD; or, when the position description is abolished and replaced with a new PD that is classified at a higher-grade because of additional duties and responsibilities that meets the criteria to be done non-competitively.

h. Temporary promotions of 120 days or less under noncompetitive time-limited promotions and noncompetitive details to higher-grade positions count toward the 120 day total within a 12 month period.

i. Details to higher-graded positions or to positions with known promotion potential, of 120 days or less, during the preceding 12 months under noncompetitive details to higher grade positions and noncompetitive time-limited promotions, count toward the 120 day totals.

j. Promotion or placement of an employee entitled to noncompetitive priority consideration as corrective action for failure to be given proper consideration under the requirements of this plan.

(1) 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 technician is considered for the next appropriate and bona fide vacancy, i.e., at the same grade of the position previously denied and one for which the technician is fully qualified and available.

(2) 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.

(3) 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 a technician referred under this provision but must provide justification for non-selection.

k. Placement of employees who have eligibility for special consideration for re-promotion. These technicians 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 technician referred under this

provision.

(3) Declination of a valid offer at an intervening grade will terminate the technician's entitlement to re-promotion consideration at the grade level referred, but the technician 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.

m. Placement of an employee to a position identified as Key Staff in the Illinois National Guard (see Enclosure G).

3. Qualification Evaluation Board (QEB):

a. Whenever there are more than ten (10) qualified applicants (within a given area of consideration) for a specific position, the HRO will conduct a Qualification Evaluation Board (QEB) to evaluate candidates and determine the ten best qualified candidates, which will be referred to the selecting official.

b. The QEB will consist of two (2) members:

(1) An HRO Staffing representative.

(2) A management representative (other than the Selecting Official, and preferably not from the same work area) with technical expertise related to the duties of the position.

c. The QEB will evaluate all qualified candidates within the area of consideration, and rate each applicant's level of qualification, considering previous experience, education, training, and past performance ratings or awards (for on-board candidates).

d. Based on the QEB ratings, Staffing will narrow the certification to the top ten candidates, and provide the selecting official the revised list in alphabetical order (without individual ratings assigned).

e. Persons serving on a QEB will be informed that the processes and results are strictly confidential.

f. Applicants excluded from consideration by the QEB will be notified that even though they met the basic eligibility requirements for the position, they were not rated as among the best qualified for further consideration.

ENCLOSURE D

SELECTION PROCEDURES

1. All qualified candidates are referred to the selecting official.

a. Qualified applicants will be certified to the selecting official with priority consideration given to applicants with Veterans Preference for Title 5 vacancies.

b. Regardless of the AOC from which applicants are received, only qualified applicants will be certified and forwarded to the nominating official in Category sequence.

c. Order of precedence for certificates for bargaining unit positions will be in Category order in accordance with Enclosure B, Areas of Consideration.

(1) If a selection is made from the CAT 1 certificate, the promotion/reassignment action will be processed.

(2) If no selection is made from the CAT 1 certificate, justification must be provided to HRO, in writing.

(3) If no selection is made and valid justification is provided for non-selection of the CAT 1's the subsequent CATs will be staffed, graded and qualified applicants will be submitted to the selecting official for consideration. All applicants will be considered in category order 1-5.

(4) If positions are announced using multi-grade level, selection certificates will be released by category (1-5) and in grade level order (highest to lowest) beginning with CAT 1 (i.e. GS-11/09, GS 11/CAT 1 then GS-09 CAT 1 then GS-11/CAT 2 then GS-09/CAT 2).

2. Selecting officials have the right to consider and/or select candidates from any appropriate source in accordance with this plan and applicable CBA. They may or may not select from a group of qualified candidates referred for consideration, but must interview all of the candidates on the referral list(s) subject to any CBA/TAG policy.

3. Interview Guidance:

a. When two (2) or more qualified applicants (within an area of consideration) are referred to a selecting official (SO), the SO will conduct interviews, by the selecting official or through an interview panel.

b. If using a panel, the panel must include at least three (3) members, who are federal employees of equal or higher pay grade (GS or WG level) than the position being interviewed for, or AGRs in equivalent positions, or M-Day subject matter experts (with an exception), and must include at least one person in a supervisory position as chair of the panel. To the extent possible, the panel should be diverse, and include members of demographic groups represented in the applicant pool (i.e., a female if there are female applicants, a minority if there are minority

applicants).

c. When interviews are conducted, selecting officials shall conduct interviews in accordance with merit system principles, of each eligible candidate listed on the HRO job packet. If personal interviews are not feasible for some applicants, telephone interviews may be conducted.

d. All candidates will be asked the same interview questions, established prior to the interviews. Selecting official will develop the question and scoring criteria used to objectively grade candidates. All questions must be job related and tied to job duties or other appropriate criteria identified based on the relevant position description or vacancy announcement.

e. Interviews will be thoroughly documented, and the records closely guarded. The individual in charge of conducting the interview panel will collect all records associated with the interview process including any/all documents and data that interview panel members relied on to arrive at their rating of candidates. These records will become part of the official record. Once a candidate has been identified for recommended selection, the nominating official will return all forms used during the interview process as well as the nomination package to the HRO.

f. Persons appointed as interview panel members will be informed that the processes and results are strictly confidential and that participants may be subject to disciplinary action for revealing restricted information.

g. Selecting officials may request an exception to the interview process requirements due to extenuating circumstances. Exceptions may include, but are not limited to, an applicant who is unavailable for interview due to deployment. Exception requests, with justification, will be submitted to HRO prior to conducting any interviews.

4. Referral lists are valid for a period of 30 working days from the date issued. The HRO may grant reasonable extensions when requested by the selecting official. Management ensures selecting officials are available when the referral certificate is issued. If the primary selecting official is absent for an extended period, the senior manager must designate an alternate supervisor or manager, in writing, to review the list, conduct interviews, and make a selection. The reasons for selection and non-selection are annotated on the referral list, if applicable. Reasons for non-select only need annotated to indicate status of candidate. For example, applicant requested withdrawal or lack of response from applicant. As determined by the HRO, multiple selections may be made from the certificate if advertised as such.

5. Selecting officials have additional requirements when hiring below target grade. When selecting an individual below target grade, the supervisor is responsible to ensure the completion of Individual Development Plan (IDP), minimum time requirements have been met as well as performing at a fully successful level. HRO will monitor and follow-up with Supervisors to ensure the individual is promoted in a timely manner.

ENCLOSURE E

SELECTION PROCEDURES

1. **Recordkeeping.** The HRO will maintain a record of each position filled, using processes described in this plan, sufficient to allow for reconstruction of the placement actions:

- a. 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 placement actions are being made on a fair and equitable basis.
- b. The required information includes, but is not limited to:
 - (1) The Job Opportunity Announcement,
 - (2) The resume and supporting documents submitted by all applicants,
 - (3) The individual qualification sheets, if used,
 - (4) Correspondence to and from applicants.
 - (5) The referral certificate.
 - (6) Supervisor and board member interview documents.
 - (7) Supervisor's request for advanced in-hire rates, or incentives.

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 and/or USAS staffing (for up to two years (5 CFR 335.103)). If disputed, case files are retained by the HRO until claim is settled.

ENCLOSURE F

TEMPORARY APPOINTMENTS NOT-TO-EXCEED (NTE)

1. **NG T32 DS Technician Temporary Appointments (Not To Exceed - NTE).** Temporary appointments are for a time limited period to meet a specific mission/task and the appointment terminated upon completion or loss of resourcing. A temporary appointment is authorized outside competitive procedures if the duration of the appointment is not to exceed one year (12 months from the date hired Tenure "0"). Selections for temporary appointments must meet the qualifications for the position and at the grade level for which employed.

a. Temporary appointments for short periods of time are generally filled at the full performance level. If qualified below the full performance level, they will not be eligible for promotion.

b. Temporary (NTE) appointments may be terminated with no notice when the position or the employee's services are no longer needed. Supervisors will make every effort to notify NTE of early termination at least 15 days prior.

c. A temporary appointment (NTE) does not confer permanent status.

d. A temporary appointment (NTE) is permitted without competitive hiring procedures

e. Temporary appointments are generally not suitable for supervisory positions nor long term duties. NTEs will be permitted based on current funding status and come on-board for up to a 6 month initial period, with applicable justification. If an extension is requested, it must be done no later than 3 months after the hire date. NTEs will not be extended past 1-year.

f. A NTE may not be utilized if the position is currently advertised, closed awaiting qualification, referred, or awaiting selection. Nor will a NTE be utilized to supplement positions vacated by AGR personnel or to offset reduction in manning authorizations. Exceptions will be for critical mission needs and will require HRO and Chief of Staff/Wing Commander approval prior to submitting a NTE request.

2. **NG T32 DS Technician and NG T5 Employee Temporary Appointments greater than 12 months.** Temporary appointments based on indefinite tenure (Tenure Code 3) is used when there are needs for the position to accomplish special projects.

a. Competitive procedures are always applied when filling positions as temporary appointments with indefinite tenures.

b. A temporary appointment with indefinite tenure does not confer permanent status unless identified in the advertisement.

c. Temporary appointments with indefinite tenures are terminated when the positions and/or

the employees' services are no longer required.

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

e. Temporary appointments with indefinite tenure employees may be promoted, reassigned, or changed to a lower grade with competition to other positions.

ENCLOSURE G

KEY STAFF APPOINTMENTS 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 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 is filled by referral of all qualified DS technicians or by use of a Job Opportunity Announcement.

d. Referral List. Actions are taken to ensure that every effort is made to consider all potential candidates based on the criteria provided by the TAG (i.e., military rank, military assignment, and occupational series). The HRO will review personnel folders (technician and military) to determine those candidates having the necessary qualifications for the position. A list of eligibles (Dual Status Technicians, AGR, and Traditional Guardsmen who are Title 5 employees that have maintained military membership) is established based on the results and submitted to TAG for selection.

ENCLOSURE H

CORRECTIVE ACTIONS AND GRIEVANCE COMPLAINTS

1. Grievances and Complaints: NG T32 DS Technicians and 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 in their Collective Bargaining Agreement (CBA), 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 EEO complaint at the same time for the same issue. However, if an applicant believes that he/she was not provided due consideration because of reprisal or race, color, national origin, gender, religion, age (over 40), disability, or sexual orientation, he/she may file a complaint through the appropriate state NG Equal 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.

* 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 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 HRO. An example is if an applicant 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.

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

a. A procedural violation occurs when a placement action does not meet the requirements of the merit placement plan. The 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, or if NG-J1-TN gives approval.

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, a technician may be retained in the position only if:

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

(2) The Adjutant General gives written/signed approval and documentation is available for NGB, DoD or OPM for review, when necessary.

c. A program violation occurs when the state merit placement plan, guidelines, collective bargaining agreement (CBA), 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.

ENCLOSURE I

PART 1. ACRONYMS

AOC	Area of Consideration
ANG	Air National Guard
ARNG	Army National Guard
DoD	Department of Defense
CFR	Code of Federal Regulation
DS	Dual Status Title 32 Excepted Service Military Technician
EEO	Equal Employment Opportunity
HR	Human Resources
HRO	Human Resources Officer/Human Resources Office
JOA	Job Opportunity Announcements
KSAB	Knowledge, Skill, Ability and Behaviors
MPP	Merit Placement and Promotion Program
NGB	National Guard Bureau
NG	National Guard
NGE	National Guard Employee (Refers to both T5 and T32 employees)
OPM	U.S. Office of Personnel Management
PCS	Permanent Change of Station
PPP	Priority Placement Program
RPL	Reemployment Priority List
T5	Title 5 United States Code (refers to Competitive or Excepted Service employees)
T32	Title 32 United States Code (refers to DS Technicians)

USC United States Code

PART 2. 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.

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.

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.

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 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.

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.

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.

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

Job Opportunity Announcement (JOA) – Recruitment document that serves as the advertisement for a vacant position.

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]

Merit Promotions and Placement plan (MPP) – Document that establishes processes and procedures regarding how management fills vacant positions.

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 – '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.

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]

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.

ENCLOSURE J

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. § 6121, "*Definitions*"
- h. 5 U.S.C. § 6127 and § 6128, "*Compressed Schedules*"
- i. 5 U.S.C. § 6132, "*Prohibition of Coercion*"
- j. 10 U.S. C. § 1721, Designation of Acquisition Positions
- k. 29 U.S.C. Chapter 8, "*Fair Labor Standards*"
- l. 32 U.S.C. § "*Technicians: Employment, Use, Status*"
- m. 42 U.S.C. § 2000e-16, "*Employment by Federal Government*"
- n. 5 CFR "*Administrative Personnel*"
- o. 5 CFR Part 302, "*Employment in the Excepted Service*"
- p. 5 CFR 315.103, Agency Promotion Programs
- 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 531-212, *"Superior Qualifications and Special Needs"*
- y. 5 CFR 551, *"Pay Administration Under The Fair Labor Standards Act"*
- z. 5 CFR 2422, *"Representation Proceedings"*
- aa. DODI 1400.25, Volume 1100, 09 September 2010, *"DOD Civilian Personnel Management System: Civilian Personnel Information Systems"*
- bb. DODI 1400.25, Vol. 711, 01 December 1996, *"Labor Management Relations"*
- cc. DODI 1400.25, Vol. 771, 26 December 2013, *"DOD Civilian Personnel Management System: Administrative Grievance System"*
- dd. OPM *"Guide to Processing Personnel Actions"*, 27 September 2017
- ee. AR 25-400-2, *"The Army Records Management System (ARIMS)"*
- ff. CNGBI 5001.01, 05 December 2016, *"National Guard Bureau Records Management Program"*
- gg. Chief, National Guard Bureau Memorandum, Subject: *TAG Delegation*, 16 February 2017
- hh. TPR 300, *"Title 32 Dual Status Technician Employment Program"*
- ii. TPR 335, *"Title 32 Dual Status Technician Merit Program"*
- jj. TPR 351, *"Title 32 Dual Status Technician Reduction-in-Force Program"*
- kk. TPR 303, *"Title 32 Dual Status Technician Compatibility Program"*
- ll. Collective Bargaining Agreement, as applicable