

**DMNA Pamphlet Number 690-4**

**Civilian Personnel**

**MERIT PROMOTION AND PLACEMENT  
PLAN**



**Military and  
Naval Affairs**

**Division of Military and Naval Affairs  
330 Old Niskayuna Road**

**15 November 2019  
UNCLASSIFIED**

# Summary of Revision

DMNA Pamphlet Number 690-4, 15 November 2019, Civilian Personnel Merit Promotion and Placement Plan.

- **Superseded:** DMNA Pamphlet No 690-4, Merit Promotion and Placement Plan, 29 April 2016 is replaced by this DMNA Pamphlet.
- **Summary:** This Division of Military and Naval pamphlet establishes policy, assigns responsibilities, and prescribes procedures and processes for the Merit Promotion and Placement Plan, which are consistent with the National Guard Bureau (NGB) and Office of Personnel Management (OPM) regulations governing the filling of positions by Promotion or other internal placement. This plan establishes procedures and provides information on the Merit Promotion and Placement Plan for Title 32 (T32) Technicians and Title 5 (T5) National Guard (NG) Excepted/Competitive Employee positions.
- **Policy:** It is the policy of the New York National Guard that all technician and civilian positions be filled with the best qualified individuals available and ensure that all employees have an opportunity to develop and advance to their full potential. Actions taken under the 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 from among the best qualified candidates available, based on application of merit principles without regard to such factors as: political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex (except where military requirements limit fill of the position), national origin, non-disqualifying physical disability, genetic information, or age; to ensure that qualified applicants receive equitable consideration for positions filled under competitive processes.
- **Applicability :** This instruction applies to all T5 NG employees and T32 New York Air National Guard and New York Army National Guard technicians and employees; and to commanders, managers and supervisors (military and civilian) with authority or responsibility over T5 and/or T32 personnel management. From this point forward the term “civilian” will cover T5 National Guard employee and the term “technician” will cover T32 military technicians. The term “employee” will cover both T5 NG employees and T32 military technicians, unless specifically stated.

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## CHAPTER 1

### GENERAL GUIDANCE

#### 1.1. Scope.

a. This plan covers rules and policies in regard to recruit and fill personnel actions using competitive procedures; or, for processing merit promotions; for processing management directed reassignments for all T32 NG Excepted Service technicians and positions; current on-board T5 NG Competitive Service employees (formerly Non-Dual Status) and T5 Excepted Service personnel and positions.

b. Where provisions of this plan differ from negotiated labor agreements, the provisions of the negotiated agreements will apply. When provisions of this plan differ from changes in law 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.

#### 1.2. Provisions.

a. **Alternative Hiring Opportunities.** There are limited authorized and allowed OPM, Service specific, or DoD special hiring provisions, such as Expedited Hiring Authority and Direct Hire Authority, for the T32 NG Dual-Status technician positions and T5 NG Excepted Service employee positions.

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

**1-3. Military Technicians.** A basic principle of the T32 NG Excepted Service Military Technician Program is that only T32 NG personnel occupy Dual-Status military technician employee positions.

a. Requests to convert established/confirmed T32 NG Excepted Service technician positions to T5 NG employee positions, must be identified by local functional management officials, coordinated with the JFHQ-State HRO and TAG for review and further coordinated with NGB-J1-TN for final approval by G1 or A1.

b. Requests and decisions are not influenced by the desires of the incumbent or potential candidates.

c. T32 NG Dual-Status 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.

d. T5 NG Competitive and Excepted Service employees may apply/compete for hire or merit promotion considerations to advertised T32 Dual-Status Technician positions; however, to qualify, the candidates must meet the Dual-Status technician positions' series qualifications and must meet the positions' military compatibility requirements.

e. Management and Directed Reassignments (MDR) personnel processing actions are not authorized for the non-competitive placements of T32 NG Dual-Status technicians into established T5 NG employee positions; and, are not authorized for the non competitive placements of T5 NG employees into T32 NG technician positions. The only exception is when an incumbent's T32 NG Excepted Service technician position is converted to a T5 NG employee position in accordance with a conversion action such as was required by NDAA 2017, in which case the incumbent shall be placed non-competitively in the T5 position.

f. Concerns and inquiries in regard to potential issues may be forwarded, in writing, 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.

#### **1-4. Responsibilities.**

a. The Adjutant General (TAG) is responsible for the employment and administration of T32 NG Dual Status Technicians, T5 NG Competitive Service employees, and T5 NG 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 by this plan. The Adjutant General is the highest level of authority in the State concerning the overall application of this plan.

b. The Human Resources Officer (HRO) is responsible to the TAG to ensure the requirements of this plan are properly administered. The HRO will develop, maintain, evaluate and revise as necessary. The HRO reviews and ensures that personnel actions are compliant and accomplished in accordance with statute, US Office of Personnel Management (OPM), Department of Defense (DoD), and NG manual/regulation/issuances, as well as terms of current negotiated bargaining agreements. Provides training, technical guidance, and staff assistance to managers and supervisors in carrying out responsibilities under this 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 and develops crediting plans. Ensures that all T32 Dual-Status Technicians, T5 Competitive Service employees, and T5 Excepted Service employees are entitled to placement or promotion, receive full and fair consideration (e.g., DoD Priority Placement Program (PPP), Reemployment Priority List (RPL), Retained Grade List, and Interagency Career Transition Assistance Plan (ICTAP)). Maintains associated records relating to all merit promotion and placement for review.

**c.** Managers and Supervisors are responsible for complying with the requirements of this plan and recommend changes to the HRO. They will ensure that all T32 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) or vacancy announcements (VAs) providing questions to determine basic eligibility when requested. If desired, they will promptly arrange for interviews of candidates referred for consideration. They will return referral certificates within scheduled time frames. Provide assistance to employees with application process and encourage employees under their supervision to participate in developmental opportunities and apply for positions for which he or she is qualified. They will ensure that employees under their supervision who are absent (e.g. military duty, compensable injury which does not exceed one year) are made aware of opportunities to compete for positions for which he or she is qualified.

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

**1-5. Management's Rights.** Recognizing that it is essential to the mission of the NG that all positions are filled in accordance with the guidelines set forth in this publication, with the best qualified individuals available, management retains the right to:

- a.** Select applicants from any appropriate source
- b.** Select or non-select from among any group of qualified candidates

c. Submit pass-over requests of veteran preference qualified candidates for T5 NG Excepted Service positions to HRO for endorsement/approval and/or OPM for approval as applicable.

**1-6. Documentation and Reporting Requirements.** Documentation is maintained in accordance with the OPM and DoD reporting criteria.

## CHAPTER 2

### EXCEPTIONS TO COMPETITION

**2-1. Actions Exempt from Competition.** Certain placement actions provide the authorization for candidates to be considered for, or placed in, a position for which they are qualified. The following actions are:

- a.** Promotion due to issuance of new classification standards or the correction of a classifications error as published in NGB-J1-TNC.
- b.** Placement of over-graded employees entitled to grade retention, as a result of reduction of force (RIF) procedures or reclassification process IAW 5 CFR 536-201.
- c.** Promotion when competition was held earlier (i.e., position advertised with known promotion potential). Career ladder promotion.
- d.** Promotion to a grade, or an intervening grade, or position from which an employee was demoted without personal cause and not as his/her request.
- e.** Promotion resulting from a T5 NG employee's position being reclassified at a higher grade because of additional duties and responsibilities.
- f.** Management-Directed Reassignment (MDR) to a position having no higher promotion potential.
- g.** Position change required by RIF regulations.
- h.** Temporary promotions of 120 days or less, with prior service during the preceding 12 months, under noncompetitive time-limited promotions and noncompetitive details to higher-grade positions count toward the 120 day total.
- i.** Detail to a position of same or lower grade. A detail is a temporary assignment of an employee to a different position or set of duties for a specific period of time. Managers may detail employees for any legitimate management purposes. There is no formal position change; officially the employees continue to hold the position from which detailed and keeps the same status and pay. A detail may be made in 120 increments (or for a lesser period) and may be extended in 120-day increments (NTE 1 year).
- j.** Details for less than 30 days or to positions of the same grade, series and basic duties are not required official documentation (i.e. SF52). For details of more than 30 days an SF 52 is required.

k. Other types of actions not specified above which are permitted by regulation and are consistent with the merit principles delineated in T5 US Code.

l. Prior permanent DoD employee (T32 Technician or T5 NG Excepted Service Employee) who was in:

(1) Tenure Group I at time of separation may be reemployed to a position at the same or lower grade as the position from which separated.

(2) Tenure Group II may be reemployed without competition within three years of separation to a position at the same or lower grade as the position from which separated.

m. Placement as a result of priority consideration when a candidate was not previously given proper consideration in a competitive action.

n. Key Staff appointment selected at the level of The Adjutant General for senior managerial type positions through provisions provided by NGB.

o. Temporary appointments into a technician position; duration of appointment will be IAW current DoD/OPM/NGB policy.

p. Placement of technicians into T5 Excepted positions who have lost their T32 Technician Status position due to combat-related disabilities.

q. 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 (includes priority placement program).

**2-2. Key Staff Appointments for Only T32 NG Technicians.** A Key Staff position is a T32 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 technician, AGR and traditional personnel are provided the maximum opportunity to be considered for placement opportunities.

a. Such positions may serve as head or deputy of a major organization within a state; or direct a specialized program of marked difficulty, responsibility and statewide significance. NGB J1-TN publishes the list of positions eligible for Key Staff appointment.

b. TAG may request a Key Staff position is filled by referral of all qualified employees or by use of a Job Opportunity Announcement. Formal vacancy announcement procedures are not required.

c. Referral list actions are taken to assure that every effort is made to reach all potential candidates based on the criteria provided by the TAG (i.e., military rank , military assignment, and occupational series) or selecting official. The HRO will review personnel folders (technician and military) to determine those candidates having the necessary qualifications for the position. A list of eligible (Technicians, AGR, traditional military) personnel is established based on the results and submitted to the selecting official.

**2-3. Reemployment Priority List(s).** Establish reemployment priority list(s) (RPL) to document separation of individuals and to provide a tool for orderly reemployment consideration. A reemployment priority list contains names of individuals in tenure groups I and II who have been separated due to reorganization or reduction in force. The names are listed in order of tenure group and retention standing (highest to lowest) and will remain on the list for two years. Individuals will receive priority placement for all suitable vacancies at the same grade or representative pay rate of the former position. RPL registrants should also be queried about availability for positions at lower grades and in other commuting areas; however, their entitlement to reemployment is at the grade of the former position and in the same commuting area. Therefore, declination of reemployment opportunities at lower grades or outside the commuting area will not result in removal from the RPL.

**2-4. Temporary Appointments.**

a. T32 NG Technician Temporary Appointments (Not to Exceed – NTE). A temporary appointment is authorized outside competitive procedures if the duration of the appointment is not to exceed one year (12 months from the date hired Tenure “0”). Selections for temporary appointments must meet qualifications for the position and at the grade level for which employed.

(1) Temporary appointments for short periods of time are generally filled at the full performance level.

(2) Temporary (NTE) appointments may be terminated with no notice when the position or the employee’s services are no longer needed.

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

**(4)** Employees appointed for less than one year can be extended beyond the first year in one year increments up to a total of four years.

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

**(1)** Competitive procedures are always applied when filling positions as temporary appointments with indefinite tenures.

**(2)** A temporary appointment with indefinite tenure does not confer permanent status unless identified in the advertisement.

**(3)** Temporary appointments with indefinite tenures are terminated when the positions and/or the employees’ services are no longer required.

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

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

**c.** T5 NG Employee Temporary Appointments NTE. A Temporary appointment with a NTE date of 12 months or less:

**(1)** Competitive procedures are applied when filling positions as temporary appointments.

**(2)** Priority Placement Program does not apply for temporary appointment less than 120 days.



## CHAPTER 3

## POSITION ANNOUNCEMENT AND APPLICATION PROCESS

**3-1. Request for Filling a Position Vacancy.** When requesting that a position be filled, the supervisor of the position will submit the e52 (Request for Personnel Action) to the Human Resources Office. The request will be forwarded through the appropriate chain of command. Supervisors have the responsibility to project vacancies and submit the request in sufficient time to allow orderly and timely announcement (i.e. AGR and/or T32 Technician/T5 NG Excepted Employee). Requests for fill may be forwarded up to 180 days before a projected separation date of the incumbent of the position. The required information on the e52 will include:

- a. Position title, position description number, position number (Air) paragraph and line number (Army), grade(s) and location
- b. Type of appointment (Technician, AGR and T5 NG Excepted service employee)
- c. Military grade (Officer, Warrant Officer, Enlisted) (if applicable)
- d. Recommended area of consideration
- e. Recommended selective placement factors
- f. Designated security clearance required, and position sensitivity
- g. Travel requirements
- h. Name of Immediate Supervisor of the position to be filled (for maintaining accurate hierarchy)
- i. Vice (name of previous incumbent)
- j. Recommended number of vacancy announcement posting days (15 or 30 days)
- k. Incentive offer statement (if applicable)

**Note: Type of Appointment:** At the discretion of the HRO, positions may be advertised with more than one status.

**3-2. Incentives.**

- a. Superior Qualification (SQA) / Advanced In-Hire Rate Appointments (AIHA) (applicable to GS positions only). Provide the ability to set pay at a step higher than the

minimum step due to the candidate's superior qualifications or the agency's special need for his or her unique abilities. This authority is only applicable for initial appointment or appointment after a 90-day break in service in accordance with 5 CFR 531.212. The Selecting Official will document the need, via official memorandum, for the SQA or AIHA. Justification must specifically outline the selectee's superior qualifications for the position or the special-needs of the agency to authorize the payment of the higher rate. Request cannot exceed step 5 of the GS grade the applicant is applying for. The HRO will thoroughly screen the request IAW 5 CFR 531.212 and the HRO policy on SQA/AIHA to ensure supporting documentation justifies the action. This incentive will be on the job announcement and must be approved **prior to** the applicant accepting the position.

**b.** Recruitment Incentive (applicable to GS/FWS positions only). A recruitment incentive may be paid to an individual who is newly appointed as an employee of the Federal Government to a position the agency has determined is likely to be difficult to fill in the absence of a recruitment incentive. Coordination with the Army or Air funds representative must occur prior to announcing the incentive. This incentive must be on the Job Announcement to be offered to an applicant (TAG approval required).

**c.** Relocation Incentive (applicable to GS/FWS positions only). A relocation incentive to a current Federal employee who must relocate to accept a position in a different geographic area if the agency determines that the position is likely to be difficult to fill in the absence of an incentive. Coordination with the Army or Air funds representative must occur prior to announcing the incentive. This incentive must be on the Job Announcement to be offered to an applicant (TAG approval required).

**d.** Permanent Change of Station (PCS) authorization. Civilian permanent change of station entitlements must be authorized in vacancy announcement. Coordination with the applicable Army or Air funds manager must occur prior to requesting the PCS authorization on the vacancy announcement. HRO is final approval authority.

**3-3. Over-hire Authority for Projected Vacancies.** Over-hire authority may be requested for Key Staff, supervisory and one of a kind highly technical or long training time positions when a firm separation date has been established for the incumbent.

**a.** Requests for over-hire will be forwarded, through command channels, to the HRO, memorandum format; indicating the position for which over-hire is requested, the term of the over-hire, and specific justification for the over-hire.

**b.** Normally, over-hires will be restricted to 60 days or less. Over-hires for periods of more than 60 days require HRO approval. If the request is approved, the requesting Activity will prepare and forward the e52 requesting advertisement, as indicated in paragraph 3-1 above. A copy of the approved over-hire authority will be attached to the e52.

**3-4. Vacancy Announcement.** Unless the vacancy is to be filled as an exception competition (see Chapter 2) the vacant position will be announced. At a minimum, the vacancy announcement will contain the following information:

- a. Vacancy announcement number
- b. Opening and Closing dates
- c. Title, pay plan (GS/FWS), series, grade and salary range of the position
- d. Type of appointment (Technician, AGR, or T5 NG employee) to include tenure – Indefinite or Temporary Promotion.
- e. Military requirements AFSC/MOS and Rank of the position
- f. Organizational and geographical location of the position
- g. Area of consideration (see paragraph 3-6, c)
- h. Summary of duties and minimum qualification requirements
- i. Information regarding known promotion potential, if applicable
- j. Special conditions of employment, or developmental training, if applicable
- k. Designated security clearance required and/or driver's license
- l. Equal Employment Opportunity statement
- m. Competencies
- n. Medical standard/physical requirements and requirement for periodic evaluation when applicable
- o. For ONLY T5 Excepted Service positions, the Veteran's Preference criteria and eligibility requirements are fully explained
- p. Incentives being offered, i.e. Recruitment, Relocation Incentive or Superior Qualification
- q. PCS authorization statement

**3-5. Electronic Posting of Announcements.** Vacancy announcements will be posted electronically on the DMNA Jobs webpage and USA jobs for a minimum of 15 calendar days. The hiring official may request an increase in the number of days. The HRO will determine the specific dates, based on receipt of the SF52, processing time required to ensure that all interested persons are aware of the vacancy. Announcements, along with the procedures for how to apply, will be posted on the DMNA Jobs webpage, under the Technician Jobs webpage and listed on the announcement that will be posted on USAJobs ([www.usajobs.gov](http://www.usajobs.gov))

**3-6. Area of Consideration.**

**a. Job Analysis.** Prior to advertising, for recruit and fill, of any T32 NG Excepted Dual-Status Technician or T5 NG 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-State HR specialist's assessment strategy. The JFHQ-State HR specialist must spend adequate time in the beginning of the process to perform a thorough assessment of the position's competencies, as defined by the job analysis, and clearly identify the competencies required to minimally qualify applicants.

**b. Area of Consideration (AOC).** The area of consideration for each position vacancy announcement will be determined at the discretion of management to ensure the receipt of sufficient, qualified candidates. The type of position, availability of candidates, position qualifications, and budgetary restraints are considerations in determining the AOC. Management can extend the established area of consideration for a particular placement action when it has been determined that the initial area will not produce a sufficient number of highly qualified candidates.

**c.** The AOC being sought must be indicated on the e52, from those listed below:

<b>AOC</b>	<b>ELIGIBILITIES</b>
<b><u>Title 32 Dual Status Position</u></b>	
AOC 1: All on-board (perm) Title 32 NG Employees within the NYNG at the facility. (ON-BOARD/ON-BASE)	<ul style="list-style-type: none"> <li>• National Guard Permanent Technician (NG Perm Tech)</li> </ul>
AOC 2: All on-board (perm/temp/indef) Title 32 NG Employees within the NYNG. (ON-BOARD)	<ul style="list-style-type: none"> <li>• National Guard Permanent Technician (NG Perm Tech)</li> <li>• National Guard Temporary Indefinite Technician (NG Temp Indef)</li> <li>• National Guard Temporary Technician (NG Temp Tech)</li> </ul>
AOC 3: All on-onboard (perm/temp/indef) Title 32 NG Employees, M-Day and DSG within the NYNG. (STATEWIDE)	<ul style="list-style-type: none"> <li>• National Guard Member (NG Member)</li> <li>• National Guard - Current Army M-Day and Current Air DSG Members</li> </ul>
AOC 4: Those willing and eligible to join NYNG (NATIONWIDE)	<ul style="list-style-type: none"> <li>• Current nationwide military/prior members willing and eligible to become National Guard members</li> <li>• US Citizens – If requested</li> </ul>
<b><u>Title 5 Excepted Service Position</u></b>	
AOC 5: All perm, on-board Title 5 and Title 32 NG employees in the NYNG. (INTERNAL)	<ul style="list-style-type: none"> <li>• National Guard - All On-board Federal Employees/Technicians (NG Empl/Tech)</li> </ul>
AOC 6: All on-board (perm, temp, indef) Title 5 NG employees within NYNG. (INTERNAL)	<ul style="list-style-type: none"> <li>• National Guard - All On-board Federal Employees/Technicians (NG Empl/Tech)</li> </ul>
AOC 7: Current Federal Employees (from any Agency) (INTERNAL)	<ul style="list-style-type: none"> <li>• Current Federal Employees</li> </ul>
AOC 8: U.S. Citizens (EXTERNAL)	<ul style="list-style-type: none"> <li>• Interagency Career Transition Assistance Plan (ICTAP) (ICTAP)</li> <li>• US Citizens</li> </ul>

**3-7. Application Procedures.** The application is the basic document by which the individual's qualifications for a position are determined. It must therefore, reflect the

applicant's current and past employment data, as well as military duty assignments, qualifications and training. Complete and accurate data is essential to ensure fair evaluation of candidates. For each T5 NG Excepted Service employee position that is advertised on USAJobs for initial recruit and fill; or, for merit promotion, the job opportunity announcement must clearly define the Series' 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 qualifying factors, such as education, certifications, and specialized experience that are applied to assess all applicants.

b. In addition, each *T5 NG Excepted Service position* advertised for *external* 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, indefinite, and temporary positions for competitive processing.

**3-8. Application Submission.** Applications will be submitted as follows:

a. Applicants must submit their applications electronically via the USAJobs internet/web based program that will also be listed on the DMNA jobs webpage. Hard copies of applications, resumes, etc., will not be accepted in HRO. USAJobs faxing instructions are located on all Vacancy Announcements. Applicants must follow the instructions to fax their application.

b. Applicants not currently commissioned, applying for a position requiring commissioned status, should submit evidence of eligibility for a commission. Applicants for positions open to officers only must either be commissioned already or be able to be commissioned immediately. Individuals enrolled in Officer Candidate School (OCS) Officer Training School (OTS) or considering application in OCS will not be considered, if they cannot meet all requirements for a vacant position, outlined in the technician vacancy announcement.

c. All applicants will apply online using the electronic/emailed application located on the DMNA Jobs webpage and USAJobs and must include the following forms:

(1) A complete Assessment Questionnaire.

(2) Resume. Resumes should accurately reflect the applicants work history including salary and PD (position description grade, if applicable).

(3) Transcripts is using education to qualify for a position.

(4) OF-306 (Declaration for Federal Employment).

(5) Other documents may be required for some occupations. Applicants must submit the required additional documents in order to meet the qualification standards

(6) Applicants not currently commissioned, applying for a position requiring a commission, should submit an eligibility certificate for a commission (NYARNG) or proper certification from the Wing FSS (NYANG).

**3-9. Temporary Positions.** Generally, a temporary promotion is a management option to meet a situation requiring the service of a technician to a higher graded position. Promoting a technician recognizes the increased responsibility and properly compensates him/her for the work being performed.

a. Management determines when a temporary promotion would be an option. Competition should be held from the onset, if management feels that the position will be filled permanently. The fact that the temporary action may lead to a permanent promotion must be made known to all potential applicants. The following are examples of the most frequent use of temporary promotions:

(1) To assign a technician to perform the duties of a position during the incumbent's absence.

(2) To fill a position that has been vacant until a permanent appointment is made. Temporary promotions are not appropriate for the purpose of evaluating a technician before a permanent promotion or to train a technician in the higher graded duties.

b. Competition is not required for temporary promotion of 120 days or less. Before a technician accepts a temporary promotion, it must be clear that they understand the promotion is temporary.

c. Requests for temporary promotions without competition will be forwarded to HRO by submission of the e52.

**3-10. Stopper List.** The Department of Defense (DoD) Priority Placement Program (PPP) must be used for T5 NG employees vacancies, including on-board vacancies, if individuals are available and referred. The stopper list will be "cleared" before proceeding with action to fill the position (IAW DoD Manual 1400.20 1-M).

- a.** When a vacancy for a T5 NG Excepted position occurs, and the selecting official submits the e52 to the HRO for request to fill a vacancy, the stopper list will be “cleared” before proceeding with a request to announce the position, and throughout the advertisement timeframe.
- b.** When a Priority 1, 2, or 3 entry appears on a stopper list that matches the position on the e52, the HRO is not allowed to advertise the request and must follow procedures outlined in DoD 1400-20-1-M, Chapter 10, by requesting resume(s) of registrants indicated on the stopper list.
- c.** If a registrant accepts a placement offer, arrangements will be made with the releasing Civilian Personnel Office to effect his/her assignment to the position within 30 days.
- d.** One copy of each resume received will be annotated as to the action taken and returned to the Defense Data Support Center (DDSC) within 20 workdays from receipt of the resume.
- e.** Once the DoD stopper list has been queried, one of the employees referred to the HRO by DDSC must be selected by the selecting official.
- f.** Once the stopper list has been cleared, advertisement for the position will be IAW Chapter 3.



## CHAPTER 4

### PROCESSING APPLICATIONS

**4-1. Basic Eligibility.** Applications will be reviewed by the HRO staffing section to determine basic eligibility. Candidates must meet the general and specialized experience including any competencies indicated in the technician vacancy announcement.

**4-2. Competencies.** Competencies is an observable, measurable pattern of knowledge, skills, and abilities, behaviors, and other characteristics which an individual needs to perform work roles or occupational functions successfully. The competencies will be determined in advance of advertising a position, and will be stated in the vacancy announcement. The competencies are a part of the basic eligibility requirements for the position to be essential for satisfactory performance in the job.

**4-3. Conditions of Employment.** Conditions of employment are the requirements of the position which are necessary in order to perform the duties of the position (e.g., security and education requirements). In addition, positions may have established requirements, which must be met for continued retention (e.g., developmental training). When either condition(s) of employment or requirements for continued position retention have been established, employees will be given opportunities to comply with these conditions/requirements. Conversely, if after assignment to a position the incumbent cannot or will not undergo and satisfactorily complete required training, they may be removed from employment.

**4-4. Security Requirements.** An employee is subject to the personnel security requirements in accordance with TPR 7007(732.1). If required, Technicians have one year, from the date of appointment, to meet the security clearance requirements. The HRO must determine whether the applicant has the required security clearance for the assignment. When a technician or T5 NG employee cannot meet the security requirements of the position, action must be taken IAW TPR 715.

**4-5. Training Requirements.** All applicants for a position with a development-training requirement will be informed in advance that failure to complete the required course(s) will be cause for removal from the position. The HRO will require the applicant to submit a written statement to the effect that they understand that they must either satisfactorily complete the appropriate course(s) or they may be removed from the position either by reassignment, change to a lower grade, or termination.

**4-6. Medical/Physical Requirements.** Applicants must meet all medical standards or physical requirements of the position, which is found in the position description.

**4-7. Compatibility Requirements.** Selected applicants for technician positions must be assigned to a compatible military unit and AFSC/MOS prior to being appointed as a technician. Selectees have up to two years to become qualified in their AFSC/MOS. This can be extended an additional 12 months if no fault of the member. Extensions can only be approved by the TAG or NGB. Failure to be placed in and maintain a compatible AFSC/MOS and military assignment will result in removal of the technician unless a waiver has been granted by NGB (IAW TPR 303).

**4-8. Evaluation.** All eligible candidates will be referred to the Selecting Official, in accordance with Chapter 6 of this publication, unless there are more than seven (7) qualified applicants for non-supervisory positions. In cases of more than 7 qualified applicants for non-supervisory positions, the evaluation procedures in Chapter 5 will be used to further screen candidates prior to referral.

## CHAPTER 5

### EVALUATING CANDIDATES

**5-1. Qualification Analysis.** When it is necessary to refine a list of eligible candidates (more than seven qualified), the HRO will appoint a Qualifications Analysis Panel consisting of three members to rate the candidates using the Job Analysis Factors (JAF). One member will be an HRO representative who is trained in qualification analysis procedures and techniques, and the other two members must have technical expertise in the career field of the vacant position. The job analysis will be used to identify the seven best qualified candidates per selection certificate for referral to the Selecting Official.

**5-2. Job Analysis Factors.** The JAF will be recorded on DMNA Form 300-3, JAF and Abilities Worksheet (see Appendix A) for use in evaluating each candidate's qualifications. A minimum of three and a maximum of eight competencies will be used.

**5-3. Evaluating Experience.** The JAFs for successful performance will be identified on the vacancy announcement. The application will be used to gather job-related background data for the evaluation process. Experience will be evaluated in terms of type and quality in relation to the requirements of the position. Experience will be rated in categories as shown below on each Selective Placement Factor (SPF) determined in the job analysis.

**a. "A" Level Experience:** Candidates who possess type and quality of experience that substantially exceed the basic requirement of the position, including selective placement factors that would allow the candidate to perform effectively in the position almost immediately, or with a minimum of training and/or orientation.

**b. "B" Level Experience:** Candidates who possess type and quality of experience that exceeds the basic requirement of the position, including selective placement factors that would allow the candidate to perform effectively in the position within a reasonable period (i.e. three to six months).

**c. "C" Level Experience:** Candidates who satisfy the basic requirement of the position with respect to experience, including SPFs. However, extensive additional training and/or orientation would be required to enable the candidate to satisfactorily perform the duties of the position.

**d.** The point value assigned to A, B, and C levels is determined by the number of SPFs used (see Table 5-1). Points are then totaled for each candidate and transferred to NGB Form 300-4, (see Appendix A-1) Rating Worksheet.

Table 5-1 Point Values of Category Ratings

Three SPF Factors	Four SPF Factors	Five SPF Factors	Six SPF Factors	Seven SPF Factors	Eight SPF Factors
A. 33.33	A. 25.0	A. 20.0	A. 16.6	A. 14.2	A. 12.5
B. 28.3	B. 21.2	B. 17.0	B. 14.1	B. 12.1	B. 10.6
C. 23.3	C. 17.5	C. 14.0	C. 11.6	C. 10.0	C. 8.7

e. Using five SPFs, an individual candidate could obtain a maximum score of 100 or a minimum score of 70, depending on experience level as it relates to the published SPFs.

**5-4. Awards.** Credit is awarded for pertinent honorary and monetary awards and outstanding/excellent/fully acceptable performance ratings received when superior performance was recognized by an outstanding/excellent performance rating and an award for the same period of time, only one of the two will be credited. The HRO staffing specialist will analyze the awards record to assess the qualifications demonstrated and their bearing on the requirements of the position being filled. The regency of the award or rating is also considered to assure that current qualifications are reflected. Awards that are more than three years old will not be considered. A maximum of six points may be credited for this factor. Points credited under the awards process are recorded under item 4 of NGB Form 300-4.

Points are assigned as follows:

	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year
Outstanding Performance Rating	3	2	1
Excellent Performance Rating	2	1	0
Fully Acceptable Appraisal	1	0	0
Quality Salary Increase	2	1	1
Sustained Superior Performance	1	0	0
Suggestion Award	1	0	0

**5-5. Training and Experience.** Maximum of two points will be awarded for this factor. This refers to training and education, other than that credited for basic eligibility that was not considered elsewhere in the evaluation process, which is relevant to the position. Points will be assigned as follows: 1 point for resident courses, and ½ point for non-residence courses. Points credited for training and education are recorded under Item 5 of NGB Form 300-4.

**5-6. Overall Rating.** The overall rating for each factor (experience, training and education and awards) will be combined and the total score for all factors is recorded under the “total” column of NGB Form 300-4.

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**5-7. Referral and Selection Certificate.** The top seven candidates arrived at, through the Qualifications Analysis Panel process, will be listed in Alphabetical Order on the Selection Certificate.

## CHAPTER 6

## REFERRAL AND SELECTION PROCEDURES

**6-1. Referral of Candidates.** Following the determination of basic eligibility of candidates and review of the mandatory application documents, as outlined in Chapter 3, the HRO will forward only qualified candidates within the announced AOC (Area of Consideration) to the Selecting Official.

**a.** If a vacancy announcement has more than one type of appointment/status advertised, T32 Technician, T5 NG and AGR is published for the same position, applicants who applied and qualified under the AGR vacancy advertisement will be placed on a separate selection certificate.

**b.** For all supervisory and managerial positions ALL qualified applicants from all advertised areas of consideration will be referred to the Selecting Official.

**c.** Veterans Preference (applicable to T5 NG Excepted only):

**(1)** Veterans' preference does not apply to Professional and Scientific Occupational Series positions, in the grades of GS9 and above, per 5 CFR. All qualified applicants will be listed on the same selection certificate.

**(2)** If at least three or more Veteran's Preference candidates qualify, a Veterans Preference selection certificate will be sent forward and the activity must select from that list.

**(3)** If less than three Veteran's Preference candidates qualify, two separate selection certificates will be generated and all candidates will be sent forward at the same time (not to exceed 7 candidates on each certificate IAW Chapter 5 procedures).

**6-2. Action by the Selecting Official.** The Selecting Official is entitled to recommend selection or non-selection of any candidate. The selection process may be based on a number of recommended considerations such as: Comparison of the abilities of each candidate, the Selecting Official's judgement concerning the best qualified applicant for the position to be filled, or consideration of the candidates' potential for advancement. Upon receipt of the selection certificate, the Selecting Official will proceed with the following:

**a. Merit Placement Procedures.** When advertised with more than one type of appointment/status all candidates will receive equal consideration.

(1) Category I. All excepted service technicians in the NY Army and Air National Guard who currently work at the location advertised.

(2) Category II. All currently employed excepted service technicians in either the NY Army or NY Air National Guard.

(3) Category III. Qualified members of the NY National Guard (Army or Air), to include AGR personnel who apply for technician positions, temporary/indefinite technicians, applicants who applied under an AGR vacancy announcement, or other individuals who are willing to become members of the NY Army or Air National Guard.

**\*Note:** If there are fewer than three (3) qualified applicants in category I, then qualified applicants from category II and III, will be forwarded to the selection official, in sequential order, to provide at least three (3) qualified applicants.

**b. Interview Candidates.** The HRO staffing specialist will notify the Selecting Official via USA Staffing of all qualified technician and/or T5 NG applicants using a system generated selection certificate(s). The Selecting Official will arrange the interviews.

(1) Interview Panel Composition. The purpose of convening an Interview Panel is to create an unbiased panel to fairly and thoroughly examine each applicant's credentials and suitability for the position advertised. The Interview Panel will determine the applicant who is best qualified and the best fit for the position and the organization. Panels will be conducted in accordance with procedures in Appendix 3. Every effort will be made to conduct personal interviews with all referred candidates. In the event a personal interview is not possible, a telephone interview will be acceptable. If a candidate is not available for a personal or telephonic interview, or declines the interview, a record of the circumstances will be made a part of the selection package.

(2) When one candidate is interviewed, then all other candidates will be interviewed. Interviews will be conducted during normal duty hours.

(3) Reference checks, if performed, will be documented by the Selecting Official prior to submitting their selection.

(4) All documents, from the interview will be maintained by the Selecting Official for at least two years. If a grievance is pending on a vacancy, the documents from that interview should be maintained until the conclusion.

**c. Selection Process.** When a candidate for the position is selected, the Selecting Official will:

**(1)** Complete all entries on the Selection Certificate, date and sign in the blocks provided, all panel members must sign selection certificate. Return to the HRO, along with pertinent appointment documents, to include incentive packages, pass over requests, if applicable, and 180-day waiver documents, if applicable.

**(2)** T5 NG Excepted Service positions only. If veterans pass over is requested, forward pass over request through USA Staffing to HRO staffing specialist. No selection can be approved until the pass over request is approved.

**(a)** If a Non-Veteran is selected over any non-CPS veteran candidate, an agency level pass over request must be generated by the activity to HRO. Legal will review the agency pass over request before it is approved by the HRO. The appointment is not final until the pass over is approved by HRO.

**(b)** If a Non-Veteran is selected over a CPS veteran candidate an OPM pass over request must be generated by the activity. HRO and Legal will review the OPM pass over request before it is sent to OPM. The appointment is not final until the pass over is approved by OPM.

**d. Agency/OPM pass over required documents will be as follows:**

**(1)** Standard Form 62.

**(2)** Letter of Justification signed by the Selecting Official (refer to Appendix 4).

**(3)** Interview panel documents to include grading sheet.

**e. Pass over notifications:**

**(1)** For pass over of non-CPS Veteran Preference eligible, the agency will provide reasons for pass over to the veteran upon request.

**(2)** For pass over of Veteran Preference with a rating of CPS: If requested by the Preference Eligible applicant, the agency shall furnish the reason for pass over to applicant. The applicant then has 15 days to respond to the request for agency pass over.



(3) Forward the selection certificate back to the HRO staffing specialist through USA staffing.

(4) T5 NG Excepted Service positions only. If applicable, forward a 180-day waiver to employ retired member of the armed forces, if required. It is DoD policy that retired members of the Armed Forces have a right to seek and be considered for Federal civilian employment. Full consideration shall be given to eligible and qualified DoD career and career-conditional employees when appointing a retired member of the Armed Forces within 180 days of retirement, in accordance with section 3326(c)(1) and 5305 of title 5, United States Code. Waiver procedures are outlined in DoDI 1402.01, 09 Sep 2007, Enclosure 2. The waiver must have TAG approval prior to initial appointment. A written memorandum signed by the Selecting Official must be submitted with the packet. Additional required attachments are outlined in Appendix 3. A start date can be coordinated after waiver is approved.

(5) Verbally notify the selected/non-selected candidates of the recommendation for appointment to the position, emphasizing that final appointing authority and official start date will be determined by HRO.

(6) Coordinate a tentative effective date with the applicant and/or losing organization after the applicant accepts the offer in USA Staffing. **Note: Security check must be completed by HRO prior to start date.**

f. Non-Selection Process. If none of the applicants are selected, the Selecting Official must return selection certificate to HRO with justification as to why a selection was not made and request the next category of candidates, if available. **Note: If the selection certificate is not returned to the HRO within 60 days, the selection certificate will become invalid and the vacancy announcement will be cancelled, unless exception is approved by HRO.**

g. Acceptance of offer. If applicant does not accept the offer in USA Staffing within 15 calendar days, the offer may be requested to be rescinded by the selecting official through the HRO. A valid offer can only be rescinded by HRO.

**6-3. Action by the Human Resources Office.** The HRO will proceed with the following upon receipt of selection certificate:

a. Notify candidates of selection or non-selection with a system generated email through USA Staffing.

b. Prepare appointment, process action, and file as required by Chapter 7.

**Note:** The TAG is the final Approving Authority of panel recommendations. The HRO has been delegated authority to approve panel recommendations.

**6-4. Release of Selectee.** After selection for promotion/placement, the employee must be released promptly from his/her present position. Release will normally be within two weeks after selection. The gaining organization must coordinate this date with the losing organization when the applicant comes from another installation.

**6-5. Start date.** The effective date for personnel actions will be the first day (Sunday) of each biweekly pay period. All appointment, promotion, conversion and reassignment actions offered under this provision of the MPP are to be awaiting final approval from HRO. Under no circumstances will a Selecting Official start a new employee without prior HRO coordination and approval.

## CHAPTER 7

### PLACEMENT/PROMOTION RECORDS

**7-1. Purpose.** Completed placement/promotion records will be maintained by the agency for the following reasons:

- a. To provide a clear record of the action taken
- b. To evaluate the merit placement program
- c. Provide proof that merit placement actions are being made on a fair and equitable basis, IAW this plan.

**7-2. Records Required.** Sufficient records are required to allow reconstruction of the placement action. As a minimum, the following information and forms will be retained in the record:

- a. Selecting Official Records Retention. See memo (Appendix 3).
  - (1) Vacancy announcement
  - (2) Candidate resumes/packages.
  - (3) Selection certificate copy with all panel members signatures.
  - (4) All notes and voting material.
  - (5) Interview records, i.e., panel appointment memo, list of questions, etc.
  - (6) Requests for advance in-hire (superior qualification) or waivers.
  - (7) Pass over request, if applicable.
- b. HRO Records Retention:
  - (1) Copy of the vacancy announcement
  - (2) Forms used in the evaluation and rating process (i.e. resume, supporting documents, etc.), to include the DMNA Form 117
  - (3) The individual qualifications sheets, if used, the panel ranking sheets and selection certificate by the Selecting Official and the Approving Official.

- (4) Correspondence to and from applicants.
- (5) The referral certificate.
- (6) Supervisor's request for advance in-hire rates, or incentives.
- (7) Record of the "Stopper List" (only for T5 NG employees).

**7-3. Duration.** Retention periods may vary because of statutory, legal, financial, or administrative requirements. Records may be destroyed after 2 years or after the program has been formally evaluated by OPM (whichever comes first) if the time limit for grievance has lapsed before the anniversary date. If disputed, case files are retained by the HRO until claim is settled.

**7-4. Privacy Protection.** The Privacy Act of 1974 provides certain safeguards for employees against invasion of personal privacy. In keeping with this Privacy Act, an employee is not entitled to review information regarding another employee without the other person's written consent. Merit promotion records may be disclosed to officials of labor organizations recognized under Title VII of the Civil Service Reform Act of 1978 when relevant and necessary in the performance of their duties and exclusive representatives. When records are made available to appropriate union officials, the union official is to be advised that no employee is entitled to review any other employee's records nor may the union official otherwise disclose such information without the expressed written consent of the other employee.

**7-5. Freedom of Information Act.** This Act will be followed IAW FOUO policies, laws and regulations.

## CHAPTER 8

### PROHIBITED PRACTICES

**8-1. Changes in Qualifications Required During the Promotion Process.** From the date of issuance of the vacancy announcement to the date of final selection, the following are prohibited:

- a.** Additions to promotion certificate issued to the Selecting Official which reflect sufficient names of best qualified candidates.
- b.** Reappraisal of candidates after promotion certificate has been issued.
- c.** Submission of revised application and qualification records after closing date of the vacancy announcement

## CHAPTER 9

### GRIEVANCE COMPLAINTS

**9-1. Grievances.** An applicant who believes that proper procedures were not followed in a particular placement action, may present a grievance under applicable grievance procedures. T32 NG Dual-Status Technicians and T5 NG employees may have the right to file a grievance concerning merit promotion matters under the state NG's administrative grievance procedures or under the negotiated grievance procedure. Non-selection from among a group of qualified 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. If an applicant believes that he/she was not provided due consideration because of reprisal, 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 (EEO) program. To have complaints considered through the EEO process, individuals must contact an EEO counselor within 45 days of 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.

**Note:** 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 Systems Protection Board. Information regarding these actions may be obtained from the State HRO.

**9-2. Corrective Actions.** Failure to adhere strictly to laws, OPM regulations and instructions, DoD, or NGB instruction, policies and guidelines must be promptly rectified by the state involved. 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 verified and validated facts in the case. The provisions of this paragraph do not restrict the remedies that are afforded in resolving a grievance.

**9-3. Other.** Complaints or inquiries, including those made by applicants who are not currently employed by the agency will be directed to the HRO. All such inquiries will be considered and every effort made to resolve complaints.

**CHAPTER 10**  
**CORRECTIVE ACTIONS**

**10-1. Purpose.** There are three types of program violations for which NGB J1-TN, DoD or OPM may require corrective action:

**a.** A procedural violation occurs when a placement action does not meet the requirements of the state merit placement plan. The T32 Dual-Status Technicians and the T5 NG 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 NGB 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. In this kind of violation, an employee may be retained in the position only if:

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

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

**c.** A program violation occurs when the state merit placement place, guidelines or practices do not conform to NGB, DoD, or OPM requirements. A T32 NG technician or T5 NG 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 T32 technician or a T5 NG 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 T32 technician or T5 NG 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 T32 or T5 candidates, who were not given proper consideration, must be considered before new recruiting efforts are initiated.

**(3)** If the corrective action does not include vacating the position, all T32 or T5 candidates who were not given proper consideration, based on the violation, are given priority consideration for appropriate vacancies.

**(4)** Immediate action is taken to correct a violation or program deficiency.

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

**10-2. Corrective Action.** If the corrective action taken requires the position to be vacated, the erroneously placed employee will be returned to his or her former position or placed in another position for which qualified. All candidates who were not given proper consideration will be considered before new recruiting efforts are initiated. Corrective actions are intended to redress an improper personnel action or other individual must be directly linked to the loss of a specific opportunity or benefit.

**10-3. Priority Consideration.** If the corrective action did not include vacating the position, candidates who were not given consideration because of the violation will be given priority consideration for the next appropriate vacancy. Such priority consideration will be afforded on a one time basis, and will last for a one year period.



**CHAPTER 11**

**EMPLOYMENT OF RELATIVES**

**11-1. Employment of Relatives.** Restrictions on hiring of relatives shall be in accordance with 5 CFR 310.101(a).

## CHAPTER 12

**DoD PROGRAM FOR PERSONS WITH DISABILITIES**

**12-1. Purpose.** This chapter provides guidance for supervisors in the employment, placement and advancement of disabled individuals in the T5 NG employee program.

**12-2. Introduction.** Consistent with the policy of the Federal Government to provide equal employment opportunities for all individuals, the National Guard Bureau has taken a positive and direct role in supporting the objectives of various selective placement programs, one of which is employment of persons with disabilities.

**12-3. Background.** The FPM (Section 4-1, Chapter 306) defines a disabled individual as one who:

- a. Has a physical impairment which substantially limits one or more of the persons major life activities;
- b. Has a record of such an impairment, or
- c. Is regarded as having such an impairment

**12-4. Reasonable Accommodation.**

a. A very basic concept in affirmative action and non-discrimination is reasonable accommodation. A federal agency is required to make reasonable accommodation to the physical and mental limitations of a qualified disabled applicant or employee unless the agency can demonstrate accommodation would impose an undue hardship on the operation of its program. Reasonable accommodation includes such actions as making facilities accessible to and usable by persons with disabilities, job restructuring, acquisition, or modification of examinations, and provisions or readers for blind persons. In determining what constitutes an undue hardship, an agency may consider the size and type of its program and the nature and cost of accommodation.

b. For purposes of reasonable accommodation, affirmative action and non-discrimination, disabled individuals must be qualified for the employment they seek. With reasonable accommodation, or without, if not needed, they must be able to perform essential functions of the job safely. They also must meet experience and education requirements for the criteria for appointment under a special authority.

c. Requests for reasonable accommodation must be routed through chain of command to the HRO for approval.

**12-5. Employment of Physically Disabled Individuals.**

a. Personnel meeting the above criteria will be certified by contacting the Handicapped Program Counselor from a State Vocational Rehabilitation Agency or Veterans Administration. A physically handicapped person is considered to meet OPM's qualification standards for either the Veterans Administration or a State Vocational Rehabilitation Agency. There are two different avenues to take when making an appointment of a disabled person:

- (1) A 700-hour trial appointment authority for disabled applicants; or
- (2) Excepted appointment procedures using Section 213.3102(u) of Schedule A.

b. The 700-hour trial appointment will be considered for severely disabled individuals or when the employer is reluctant to hire the disabled individual on a regular basis for fear that they will not be able to perform on-the-job efficiently or safely. The employer will determine which appointment is to be made.

c. Conversion to competitive status (Career Conditional or Career Appointment). After two years of substantially continuous successful performance under an excepted appointment, a disabled employee may be recommended by his/her supervisor for conversion to a competitive service. It is not mandatory for retention in the position for a supervisor to recommend conversion to the competitive service. However, there will be substantial justification for not recommending conversion of an employee who meets the service requirement and has performed successfully in the position.

d. Internal Merit Promotion Opportunities. Disabled employees may compete with other employees under local merit promotion announcements after obtaining competitive status. If a disabled applicant is selected, recertification may be required. If either the physical or qualifications requirements for the new position are substantially different.

**12-6. The Supervisor's Role.** Taking advantage of this appointment authority is a viable solution to stabilizing high personnel turnover in certain types of work, and at the same time, is a way of meeting affirmative action goals. The framework for selective placement programs has been established by the law and regulation. The supervisor, in the role of a selecting official, actually makes the program become a viable employment opportunity for the disabled person. The following are what a supervisor should accomplish:

a. Think of a disabled population as a valuable, largely untapped recruitment source when filling positions at all grades

- b. Make a special effort to inform the HRO that he/she wishes to consider disabled applicants for appropriate vacancies.
- c. Evaluate the disabled applicant in terms of total capacity, aptitudes, skills, training and experience.
- d. Think of way a particular job or job environment could be modified or reengineered to accommodate persons with disabilities.
- e. Recognize disabled applicants as individuals and treat them that way. Expect them to meet performance and conduct standards.
- f. Learn as much as possible about employment of disabled individuals through participation in special programs and by frequent contact with the Disabled Employment Program Coordinator in the HRO.

**12-7. Summary.** Disabled persons have talents that are needed and a qualified person with disabilities may perform a job equally, or better than, a nondisabled person. One doesn't have to "walk" to work at a desk, "see" to be a computer programmer, "hear" to operate equipment, or "be bright" to do simple, repetitive tasks. Matching abilities of a disabled individual to the demands of a specific job is a healthy extension of the merit system's creed of employing the best qualified candidate. Selective placement programs assist to equalize opportunity; they do not confer unfair advantage. The objective is to ensure equitable consideration.

## CHAPTER 13

### NATIONAL GUARD TECHNICIAN DISABILITY PRIORITY PLACEMENT PROGRAM

**13-1. Purpose.** This chapter provides a method for registering in the DoD Priority Placement Program for National Guard technicians who are eligible for and receiving an annuity by reason of a disability that disqualifies them for National Guard membership or from holding the military grade required for continued employment. It also provides for the referral of National Guard technicians for placement in positions in the competitive or excepted service at appropriate DoD activities.

#### **13-2. Registration in the DoD Priority Placement Program (PPP):**

**a.** National Guard technicians who were separated from their position on or after 31 December 1979, due to medical disability that disqualified them for membership in the National Guard or from holding their military grades required for employment are registered by the HRO with the PPP which is provided as follows:

**(1)** OPM has determined the technician is not disabled under the provisions of Title 5 U.S. Code, Chapter 83, Section 8337 (h).

**(2)** The technician has either applied for or is receiving an annuity under Title 5 U.S. Code, Chapter 83, Section 8337 (h).

**b.** The registration of eligible technicians is mandatory.

**13-3. Program Code and Priority.** Eligible National Guard technicians will be registered under the program code "G" with a Priority 5.

**13-4. Period of Registration.** A technician will be registered in the Priority Placement Program as soon as it is determined that he/she is no longer qualified for membership in the National Guard, IAW paragraph 13-2a, above. Registration eligibility continues indefinitely. Registration will be terminated when one of the following occur:

**a.** The technician is placed in any permanent and continuing Federal position.

**b.** The technician declines a position in the Federal Service for which qualified, provided the position is of the same grade, or equivalent level, tenure, work schedule and in the same commuting area of his/her last duty station.

**c.** The technician has been restored to earning capacity as determined by OPM under Title 5 U.S. Code, Chapter 83, Section 8337.

**d.** The technician is subject to any other circumstances which terminates his/her eligibility for any annuity under Title 5 U.S. Code, Chapter 83, Section 8337(h)

**13-5. Selection.** Registrants selected under this program will be expected to enter on duty within two weeks after acceptance of the offer or NLT 30 days.

**13-6. Procedures for Registration.**

**a.** Eligible technicians will be registered only for DoD activities within the commuting area of the former technician's last duty station. Individuals will not be registered for the National Guard registering activity or for a DoD activity which would incur PCS costs (i.e., travel, transportation). T5 employees will be registered for outside the registering activity. National Guard employing agency (Wing/Army Fund Manager) will be required to pay for PCS costs for PPP placed employees from outside the commuting area

**b.** Eligible technicians will be registered only for skills for which qualified and at the grade level or the equivalent grade level of the technicians position from which separated

**c.** The HRO will complete DD Form 1817 (Program for Stability of Civilian Employment Registration) in accordance with DoD 1400.20-1-M, Chapter 8, and Appendix G, F-3, a and b.

**CHAPTER 14  
UNIFORM SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT  
(USERRA)**

**14-1. Employees Performing Active Duty.** National Guard employees who are activated for military duty, voluntary or involuntary (Title 10 U.S.C. or Title 32 U.S.C), are entitled to restoration set forth in the provisions of the Uniform Services Employment and Reemployment Rights Act (USERRA).

**14-2. HRO Checklist.** HRO will provide a checklist for National Guard employees (T32/T5) entering and returning from performing Active Duty Status.

**14-3. USERRA** does not apply when employees go on State Active Duty orders

## APPENDIX A

## ACRONYMS AND DEFINITIONS

- A-1. Definitions.** New York National Guard: All references made to the New York National Guard apply to both the New York Army and Air National Guard.
- A-2. Accession.** A personnel action that results in the addition of a T32 NG or T5 employee to the rolls (staff) of a state.
- A-3. 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.
- A-4. Appointment.** Any personnel action that brings an individual onto the rolls (staff) of a state.
- A-5. Appointment Authority.** At the lowest operating level, this authority is usually exercised by 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.
- A-6. Appointing Office.** An organizational segment with the delegated authority to effect personnel actions; 'appointing offices' are the state Human Resources Offices.
- A-7. Appointing Official.** By federal law, The Adjutant General is the individual authorized to hire, promote, terminate, etc. The Adjutant General of New York has delegated this authority to the Human Resources Officer (HRO).
- A-8. Area of Consideration.** The area (geographical, organizational or functional) in which a search for eligible candidates is made. The area(s) will be at the discretion of management and designated on the vacancy announcement.
- A-9. Bargaining unit position.** The position in an organization for which a union has been certified as exclusive representative.
- A-10. 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.
- A-11. 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.



**A-12. 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

**A-13. Change to lower grade.** A change to a 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

**A-14. 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

**A-15. 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.

**A-16. 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.

**A-17. Competitive status.** "Standing" gained through employment in a career or career-conditional appointment

**A-18. Conditions of employment.** Personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions.

**A-19. Conversion.** The change of an employee from one type of appointment to another.

**A-20. CPS.** Veterans preference rating of a veteran who served at any time and who has a compensable service-connected disability rating of 30 percent or more.

**A-21. Crediting plan.** Criterion or measures against which the eligible candidates are compared and ranked for determining the highly and/or best qualified.

**A-22. Detail.** The temporary assignment of an employee to a different position for a specified period with the employee returning to his/her original position at the end of the detail; includes positions at higher or lower grades.

**A-23. 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

**A-24. 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

**A-25. 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

**A-26. Excepted service (T32 Technician).** Positions requiring concurrent membership in the New York National Guard with assignment in a compatible military position

**A-27. Excepted service (T5 NG Employee).** Excepted service positions are any federal or civil service positions which are not in the competitive service or the Senior Executive service. Excepted service agencies set their own qualification requirements and are not subject to the appointment, pay and classification in Title 5, United States Code

**A-28. 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

**A-29. 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

**A-30. Indefinite tenure.** Refers to technician and Title 5 employees. Nonpermanent appointment, without a time limitation expected to exceed one year. Termination may be at any time with justification, preceded by a 30 day written notice

**A-31. 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

**A-32. Key Staff appointment.** Only for Title 32 manager for Dual-Status position directly supervised by or appointment as immediate staff of The Adjutant General per NGB J1-TN memorandum

**A-33. 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 a competence to perform an observable behavior; and, a behavior results in an observable product

**A-34. 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]

**A-35. On-board.** Refers to technicians who are in a permanent, temporary or indefinite status as a T32 National Guard Technician or T5 National Guard Employees

**A-36. Personal competitive status.** Competitive status that was gained through employment in a career/career-conditional appointment in the competitive service that confers reinstatement eligibility

**A-37. 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

**A-38. Promotion plan.** Procedure designed to ensure a job-related, valid and systemic means of selection for promotion based on merit

**A-39. Qualification Analysis Panel (QAP).** A panel of individuals at the Division of Military and Naval Affairs level appointed by the HRO for the purpose of reviewing qualifications of applicants for positions IAW Chapter 5

**A-40. 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

**A-41. Reasonable commuting area.** Geographical area in which people live and can reasonably be expected to travel back and forth daily to their usual employment

**A-42. Reassignment.** A permanent change to a position for which the technician/T5 NG employee is qualified, with a change in duties and responsibilities, and no change in grade.

**A-43. 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.

**A-44. Selecting official.** The Supervisor who has the authority to select/non-select candidates and make a recommendation for appointment to a position to the appointing official.

**A-45. Selection panel.** The panel developed by the Selecting Official to perform interviews and assist in the selection of an applicant for technician positions.

**A-46. 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 documents, justified, contained in the position description (PD), critical job elements, and other job related processes.

**A-47. 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.

**A-48. 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 judgement, 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].

**A-49. 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.

**A-50. Temporary appointment.** Appointment that is for normally less than one year, with a not-to-exceed date established at the time of appointment. Termination may be at any time.

**A-51. Temporary promotion.** The placement of a technician into a higher graded position for which commensurate pay is received for a temporary period, after which the technician will revert to his/her original position, grade and step.

**A-52. 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.

**A-53. Vacancy announcement.** Advertisement of a position available within the New York National Guard employee program.

**A-54. Veteran’s preference.** Veteran means a person who has been discharged or released from active duty in the armed forces under honorable conditions if the active duty was performed:

- a. In a war.
- b. In a campaign or expedition for which a campaign badge has been authorized.
- c. During the period beginning April 28, 1952 and ending July 1, 1955.
- d. For more than 180 consecutive days, other than for training, any part of which occurred during the period beginning February 1, 1955 and ending October 14, 1976.
- e. During the period beginning August 2, 1990 and ending January 2, 1992 or,
- f. for more than 180 consecutive days, other than for training, any part of which occurred during the period beginning September 11, 2001 and ending on August 31, 2010 the last day of Operation Iraqi Freedom

**\*\*AGR time under Title 32 is not considered for veterans preference IAW 5 CFR 211.102.**

**APPENDIX B**

**RERERENCES**

- B-1.** Public Law 114-328, 23 December 2016, "*National Defense Authorization Act 2017.*"
- B-2.** Public Law 114-92, section 1053, 25 November 2015, "*The National Defense Authorization Act for 2016.*"
- B-3.** Executive Order 13548, 26 July 2010, "*Increasing Federal Employment of Individuals with Disabilities.*"
- B-4.** 5 U.S.C. § Chapter 71, "*Federal Service Labor-Management Relations Statute.*"
- B-5.** 5 U.S.C. § Chapter 75, "*Adverse Actions.*"
- B-6.** 5 U.S.C. § 2103, 2105, and 3101, "*Government Organization and Employees.*"
- B-7.** 5 U.S.C. § 4303, "*Actions Based on Unacceptable Performance.*"
- B-8.** 5 U.S.C. § 6121, "*Definitions.*"
- B-9.** 5 U.S.C. § 6127 and § 6128, "*Compressed Schedules.*"
- B-10.** 5 U.S.C. § 6132, "*Prohibition of Coercion.*"
- B-11.** 10 U.S.C. § 1721, "*Designation of Acquisition Positions.*"
- B-12.** 29 U.S.C. Chapter 8, "*Fair Labor Standards.*"
- B-13.** 32 U.S.C. § 709, "*Technicians: Employment, Use, Status.*"
- B-14.** 42 U.S.C. § 2000e-16, "*Employment by Federal Government.*"
- B-15.** 5 CFR "*Administrative Personnel.*"
- B-16.** 5 CFR Part 302, "*Employment in the Excepted Service.*"
- B-17.** 5 CFR 315.103, "*Agency Promotion Programs.*"
- B-18.** 5 CFR. §315.610, "*Noncompetitive Appointment of Certain National Guard Technicians.*"

- B-19.** 5 CFR Part 332, “*Recruitment and Selection Through Competitive Examination.*”
- B-20.** 5 CFR Part 335, “*Promotion and Internal Placement.*”
- B-21.** 5 CFR Part 335, Subpart A, “*General Provisions.*”
- B-22.** 5 CFR Part 335 §335.102, “*Merit Promotion Plans.*”
- B-23.** 5 CFR 335, “*Promotion and Internal Placement.*”
  
- B-24.** 5 CFR Part 337, “*Examining System.*”
- B-25.** 5 CFR 432, “*Performance Based Reduction in Grade and Removal Actions.*”
- B-26.** 5 CFR 531-212, “*Superior Qualifications and Special Needs.*”
- B-27.** 5 CFR 532, Subpart E, “*Overtime Pay.*”
- B-28.** 5 CFR, 550, Subpart A, “*Premium Pay.*”
- B-29.** 5 CFR 551, “*Pay Administration Under The Fair Labor Standards Act.*”
- B-30.** 5 CFR 2422, “*Representation Proceedings.*”
- B-31.** Department of Labor, CA 810, Revised 2009, “*Injury Compensation for Federal Employees.*”
- B-32.** DoDI 1400.25, Volume 1100, 09 September 2010, “*DOD Civilian Personnel Management System: Civilian Personnel Information Systems.*”
- B-33.** DoDI 1400.25, Volume 711, 01 December 1996, “*Labor Management Relations.*”
- B-34.** DoDi 1400.25, Volume 771, 26 December 2013, “*DOD Civilian Personnel Management System: Administrative Grievance System.*”
- B-35.** OPM “*Guide to Processing Personnel Actions*” 27 September 2017.
- B-36.** AR 25-400-2, “*The Arm Records Management System (ARIMS).*”
- B-37.** CNGBI 5001.01, 05 December 2016, “*National Guard Bureau Records Management Program.*”

**B-38.** Chief, National Guard Bureau Memorandum, "*TAG Delegation*" 16 February 2017.

**B-39.** TPR 300, "*Title 32 Dual Status Technician Employment Program.*"

**B -39.** TPR 335, "*Title 32 Dual Status Technician Merit Program.*"

**B-40.** TPR 351, "*Title 32 Dual Status Technician Reduction-in-Force Program.*"

**B-41.** TPR 303, "*Title 32 Dual Status Technician Compatibility Program.*"

**B-42.** State Collective Bargaining Agreement, Association of Civilian Technicians (ACT).



**APPENDIX C**

**SUPERIOR QUALIFICATIONS OR SPECIAL NEEDS WORKSHEET**

**C-1. Description.** An agency may make an appointment and set the rate of basic pay of the candidate above Step 1 of the pay scale when it is determined that the candidate has superior qualifications or meets a special agency need (not to exceed Step 5).

**C-2. Purpose.** This worksheet provides a standardized format to assist in the determination of eligibility for a superior qualifications or special needs appointment. In accordance with the Office of Personnel Management (OPM), this worksheet provides documentation and recordkeeping sufficient to allow reconstruction of the action taken in this case.

**C-3. General Instructions.** Although meeting the criteria below may be sufficient to establish eligibility, all questions must be answered and additional justification provided where needed.

**C-4. Justification Process:**

- a. Candidate Name:
- b. Position Title:
- c. PP-Series-Grade:
- d. Organization:
- e. Duty Location:
- f. MPCN/UMD number:
- g. Step 1 Salary Amount:
- h. Requested Step and Salary Amount:

**C-5.** The CPS and/or approving official must maintain a record of the approved request for reconstruction purposes for a period of three years. Written approval of the advanced in-hire rate is filed permanently in the employee's official personnel file.

**C-6.** All of the following factors and/or questions must be considered and addressed when determining eligibility and the rate of pay/step at which to set an employee's pay.

- a.** Is the candidate receiving a first appointment as a civilian employee of the Federal Government?
- b.** Is the individual being reappointed after a break in service of at least 90 days from their last Federal appointment?
- c.** Is a recruitment incentive being offered in addition to a superior qualifications or special needs appointment? If yes, then document the market analysis completed to justify both payments based on comparable non-Federal salaries.
- d.** What are the specific superior qualifications of the candidate; or the skills, competencies, or other qualities that meet a special agency need, justifying a higher minimum rate?
- e.** If advanced rate is based on superior qualifications: What is the unique level, type, or quality of the individual's skills or competencies that are above other candidates applying for the same position?
- f.** What is/are the factor(s) and supporting documentation under 5 CFR 531.212(c) that were used to justify the rate at which the candidate's pay is set? (i.e. the candidate's existing salary or salary documented in a competing job offer) NOTE: Salary for employees scheduled to voluntarily or involuntarily terminate their current employment (i.e. separating military members, contract termination, workforce adjustments, furlough, etc.) may not be used for salary comparisons.
- g.** What are the significant disparities between Federal and non-Federal salaries for the skills and competencies required in the position to be filled? NOTE: Full consideration should be given to the value of the Federal benefits package (FGLI, FEHB, TSP, retirement contributions, etc.) which typically is worth an additional 1/3 (or more) of the salary amount.
- h.** How successful were recent efforts to recruit candidates for the same or similar positions (recent turnover in the same or similar positions)? Identify previous candidates and number of candidates.
- i.** If request is based on a special agency need, what is the importance/criticality of the position to be filled, and what is the effect on the agency if it is not filled or if there is a delay in filling it?

**15 November 2019**

**DMNA Pam 690-4**

j. If the request is based on a special agency need, what are your organizational workforce needs?

k. What other relevant factors can you provide to support the criticality to provide an advanced pay rate for this particular candidate?

Selecting Official Signature / Date \_\_\_\_\_

Director, WG/CC or Equivalent Signature / Date \_\_\_\_\_



DEPARTMENTS OF THE ARMY AND AIR FORCE  
330 OLD NISKAYUNA ROAD  
JOINT FORCE HEADQUARTERS – NEW YORK  
LATHAM, NY 12110-3514

MNHF

15 November 2019

MEMORANDUM OF INSTRUCTION (MOI)

SUBJECT: Panel Procedures for Filling Vacant Federal Technician, T5 National Guard Excepted Employees and Active Guard Reserve (AGR) Positions.

1. References:

- a. DMNA Pam 690-4, Merit Promotion and Placement Plan, 15 November 2019.
- b. Office of Personnel Management, Structure Interview: A Practical Guide, September 2008.
- c. NGR 600-5, The Active Guard Reserve Program, 21 September 2015.
- d. AR 135-18, The Active Guard Reserve Program, 29 September 2017.
- e. ANGI 36-101, The Active Guard Reserve Program, 3 June 2010.

2. Purpose. The MOI establishes interview procedures for recommending the best-qualified applicants to fill vacant T32 federal technicians, T5 National Guard Excepted Employee and Active Guard Reserve (AGR) positions. The Director, Federal Human Resource Office is the final approving authority of panel recommendations as delegated by The Adjutant General. The Human Resource Office (HRO) will notify applicants of the outcome of the selection process.

**Sample of Memorandum of Instruction (MOI)**

MNHF

SUBJECT: Panel Procedures for Filling Vacant Federal Technician, T5 National Guard Excepted Employees and Active Guard Reserve (AGR) Positions.

3. Initial Applicant Screening. MNHF will prescreen applicants for basic eligibility in accordance with the reference(s) in paragraph 1 prior to referring them to the selecting official. The selecting official serves as the panel chairman or delegates the designation to the senior interview panel member. Senior is defined in paragraph 4. The Selecting Official is defined as being in the supervisory hierarchy of the advertised position and who has the position to the appointing official.

4. Interview Panel Composition. The interview panel will be selected and appointed by Memorandum by the selecting official prior to the interview date. The panel's minimum Composition will include a senior person, who will serve as the panel chairman (voting) and at least two other voter members. An odd number of voting members is required to avoid deadlocks. The selecting official may appoint a non-voting recorder to assist with administrative tasks only. If a minority applicant is being interviewed, there must be a minority voting member on the panel. The minority voting member may be from a different minority group than the applicant(s). One minority panel member may represent all minorities being considered. A female is considered a minority. If a female is being interviewed, a female must be a panel member.

a. For AGR positions all voting members must be senior to the applicant pool. Senior for AGR positions is defined as any federal military duty-status by rank or date of rank (Traditional, AGR, FTNGD, T10).

b. For technician and T5 National Guard Excepted Employee positions all voting members must be the same pay grade or higher as the advertised position.

5. Interview Panel Proceedings. (Before the interview). Panel proceedings are confidential. Selecting official and interview panel members for T32, T5 and AGR positions shall review OPM Guide "Structured Interview Guide" located online and the structured interview process from the guide must be followed; the unstructured interview process is not authorized; to ensure that only appropriate questions are utilized to identify the best qualified applicant. The selecting official must develop and approve interview questions prior to convening the panel to ensure questions are appropriately framed for technician, AGR and T5 National Guard Excepted Employees. The interview questions will be limited to those essential for determining if a person is qualified for the job. Discriminatory questions regarding race, sex, national origin, age, religion, politics, marital status, occupation of spouse, sexual preferences, or other non-merit factors and matters not related to the job will not be asked. Do not commingle Unit Manning Documents/Unit Manning Rosters assignments with technician or T5 NG Employee status. Selecting officials are encouraged to contact the State Equal Employment Manager and MNHF staffing personnel regarding interview questions suitability.

**Sample of Memorandum of Instruction (MOI) (Cont'd)**

MNHF

SUBJECT: Panel Procedures for Filling Vacant Federal Technician, T5 National Guard Excepted Employees and Active Guard Reserve (AGR) Positions.

6. Interview Panel (During the interview). If only one qualified applicant applied for a position, the selecting official may choose to recommend selection without a formal panel process. The interview panel will interview all applicants. In person, interviews are highly encouraged but may not always be practical. At a minimum a telephonic interview shall be conducted. The panel will use the best qualified methodology in recommending applicants for selection. A primary and alternate selection may be made by the panel.

7. Interview Panel (After the interview). The selecting official is entitled to select or non-select any candidate referred to him or her by the interview panel. If the selecting official non-selects the primary candidate, the position has to be re-advertised. The selecting official will collect, secure and maintain all the notes and voting material used to determine the best qualified applicant. Interview records (for example, panel appointment memorandum, list of questions, panel member's notes, a copy of the selected certificate, etc.) will be maintained for a period of two years. The panel will be in recess until the recommendation is approved by MNHF. The selecting official will adjourn the panel and remind all panel members that all discussions are confidential.

8. Selection Certificate. The panel's selection certificate with primary and/or alternate selection, will be submitted to MNHF via USA Staffing System for technician and T5 NG

Employee positions. AGR selection certificate with primary alternate selection will be

Submitted to the AGR Branch. The panel appointment memorandum will be submitted along with the selection certificate. TAG or his delegate is the final approving authority. If appointing authority concurs, MNHF will notify applicants of the final decision. MNHF staffing section will use the USA Staffing System for electronic notification of technician and T5 NG Excepted Employees. The AGR Branch will notify selectees and non-selectees of selection/non-selection. A start date will be coordinated after the technician and T5 NG Employee accepts the offer in the USA Staffing System. Failure to provide required documents will delay the selection process. If selection certificates are not provided within 60 days the vacancy announcement will be cancelled. Extension requests to the 60 days may be made to HRO, director.

9. Selecting Officials are encouraged to informally notify candidates of the panel results while at the same time communicating that official notifications will be accomplished by the HRO. Selecting Officials shall also work with the selectee for a proposed start date, while at the same time communicating that the official start date is subject to HRO approval and subsequent appointment.

**Sample of Memorandum of Instruction (MOI) (Cont'd)**

**15 November 2019**

**DMNA Pam 690-4**

MNHF

SUBJECT: Panel Procedures for Filling Vacant Federal Technician, T5 National Guard Excepted Employees and Active Guard Reserve (AGR) Positions.

10. Exceptions. Subject to Director, Federal Human Resource Office approval, a position may be closed due to lack of funding or need to place a fully qualified member of the New York National Guard due to unplanned or unforeseen situations. Requests for exceptions to the procedures outlined in this memorandum, will be forwarded to the undersigned for approval.

FOR THE ADJUTANT GENERAL:

MICHELLE M. BUONOME  
Lieutenant Colonel, NYANG  
Director Federal Human Resource Office

**Sample of Memorandum of Instruction (MOI (Cont'd)).**

**D-4**



**Department of the Army**  
Organizational/Name/Title  
Standardized Street Address  
City state 12345-1234

**Official Symbol**

**Date**

Memorandum FOR MNHF-HRO 330 Old Niskayuna Road, Latham, New York

SUBJECT: Request Exception to Appoint Retired Members of the Armed Forces

1. Selecting Official (Rank, Name) requests an exception to appoint (appointee's title and name) to the position of (positions name, PP-SERIES-GRADE), in reference to RPA# xxxxx.
2. Position Information:
  - a. Position Title, PP-SERIES-GRADE.
  - b. Organization/Office Symbol.
  - c. Position Location.
3. Proposed Appointee's Information.
  - a. The effective date of the retirement from the Armed Forces:
    - (1) Rank at the time of retirement.
    - (2) Uniformed service from which retired and whether regular or non-regular take immediate active duty retirement or age 60 reserve retirement.
    - (3) Component retired from.
    - (4) Unit of assignment at time of retirement.
    - (5) Organization/Office symbol at time of retirement.

**Sample of Request Exception to Appoint Retired Members of the Armed Forces.**



- b. The proposed appointee's resume is attached.
  - c. The proposed effective date of the appointment is (date).
4. Information about the position involved:
- a. Date the position was established:
  - b. Date the position was last occupied.
  - c. The civilian position (was/was not) converted from military to civilian status. If converted:
    - (1) Date of conversion.
    - (2) Reason for conversion.
    - (3) The proposed appointee (was/was not) the last military occupant of the converted position.
  - d. The current civilian position description is attached.
  - e. Organizational/Office Symbol of civilian position being filled.
  - f. The position is (permanent/indefinite/temporary).,
  - g. The applicable OPM Qualification Standard can be found at (add hyperlink).
  - h. Have efforts to fill the position been continuous since it became vacant? If not, please explain the details for delay in filling the position.
5. Information about the referral certificate used:
- a. Number of qualified candidates listed on certificate.
  - b. Number of qualified candidates who would not need a waiver.
  - c. Number of qualified candidates who would need a waiver.
6. **Include the following information regarding the vacancy announcement.**
- a. Attach is a copy of any and all notices used to publicize the vacancy to internal candidates from USAJobs.

b. Identify how the proposed retired military appointee is better qualified than other persons given consideration on the referral certificate. Provide a comparative analysis of the qualification of the three best qualified candidates for the position and include copies of the resume for each **candidate**.

c. Were the applicable placement and promotion procedures followed: (Yes or No).

d. Attached is a copy of the referral certificate provided to the selecting official for consideration.

4 Encls

1. Appointee Resume
2. Civilian Position Description
3. USAJobs Vacancy Ad
4. Referral Certificate

SELECTING OFFICIAL  
SIGNATURE BLOCK

1<sup>st</sup> Ind, MHHF-HRO

MEMORANDUM FOR MNAG-TAG

Please review for approval

MICHELLE M. BUONOME  
Lieutenant Colonel, NYANG  
Director Federal Human Resource Office

2<sup>nd</sup> Ind, MNAG-TAG

MEMORANDUM FOR REQUESTING ORG/OFFICE SYMBOL

I approve/do not approve the request for exception to appoint retired member of Armed Forces.

**Sample of Request Exception to Appoint Retired Members of the Armed Forces (Cont'd).**

15 November 2019

DMNA Pam 690-4

The proponent of this pamphlet is the Federal Human Resource Directorate. Users are invited to send comments, suggested improvements and changes on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to The Adjutant General, Division of Military and Naval Affairs, ATTN: MNHF, 330 Old Niskayuna Road, Latham, New York 12110-3514.

OFFICIAL:

  
MICHAEL J. HASTINGS  
LTC, NYARNG  
Acting Director, MNCI-G6

RAYMOND F. SHIELDS, JR.  
Major General  
The Adjutant General

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