



NG-J1-TN

**National Guard Implementation Guidance
for the
FY17 NDAA Conversion of
Title 32 Technician Positions
to
Title 5 National Guard Positions**

Appendix P

Frequently Asked Questions (FAQs)

The enclosed guidance, prepared by the National Guard Bureau, Technician Personnel Management Division (NGB-J1-TN), provides State Human Resources Offices (HRO) information specific to the conversion of certain National Guard technicians from Title 32, Excepted Service to Title 5, Competitive Service. This guidance includes general discussion of legal issues, including collective bargaining obligations, and is derived from guidance by OPM and DoD, tailored for the National Guard.

General Questions:

How will a technician be notified if they are affected by the conversion?

Each HRO will coordinate the method and timing to notify a technician as to whether or not he or she is affected by the conversion.

Who should technicians contact for information about whether sequestration will impact them and whether they may be converted?

Technicians should contact their HRO for information about how sequestration will impact them and whether they may be converted. Bargaining unit technicians may also contact their union representatives.

Has it been determined what T32 positions will convert to T5?

All NDS positions will convert. The CNGB will provide information on what DS positions will convert. Wage Grade employees will not convert.

When it is determined what positions will convert to title 5; will there be an option to convert these positions before October 2017?

IAW the 2017 National Defense Authorization Act, conversion must be completed no later than 1 October 2017.

Is it in the best interest of the National Guard to allow the Service Members who are separated from the Army or Air National Guard also lose their Federal Technician civilian job before the conversion date knowing the position will convert to T5 no later than 1 October 2017?

As I indicated above, the DS positions to convert have not been approved, NG-TN cannot determine with any certainty that positions held by military members who separated militarily would or will convert to Title 5.

Has there been any discussion regarding allowing these individual to convert to T5 prior to October 2017 in order to remain in their civilian job?

Once a final decision is made on what positions will convert, we anticipate an analysis of the positions for conversion to identify specific issues of encumbered positions. Should a position identified be encumbered, that employee will convert. If they are identified for separation militarily, we expect that there will be options presented to them that will require a decision from the employee.

I realize that as a condition of their civilian position, current law requires dual status technicians to serve in the military; however, is it in the best interest of the National Guard to terminate well trained, knowledgeable, and experienced individuals based on a military requirement?

The change to the law will not convert all Dual Status Technicians. That means there will still be personnel that may lose their full time job resulting from loss of military membership. There may be some employees whose positions will be converted that this change will impact in that they will may be separated militarily but become Title 5 civilians and retain their current job.

How, when, and who will replace these federal civilians? T32 or T5?

Positions identified for conversion will be Title 5 National Guard employees. As we interpret the law, the intent of Congress is not for employees to bounce back and forth from Title 32 to Title 5 or AGR. As for how they will convert, we are formulating that guidance now. As for when, all identified positions will convert no later than 1 October 2017. As for who, if a position is encumbered, the incumbent will convert. Once the position is vacated, depending of the needs of the Agency, it may be filled. It could be filled by another current employee, it could be someone from another federal agency, it could be a displaced federal employee under the priority placement program, or it could be someone from outside the federal service.

Does or can 5 CFR 315.610 apply to an involuntary separation based on a QRB?

It depends. There may be situations where 5 CFR 315.610 applies but without knowing what position and whether that position is converting is premature to answer.

There is a possibility that individuals may be involuntarily separated via QRB without having misconduct of delinquency which causes loss of their federal Technician civilian job. Considering the T32 to T5 conversion, has there been any discussion regarding allowing those individuals to keep their federal civilian jobs?

The initial conversion is based on the position not the person. Keep in mind the law directs the conversion of positions (spaces), if the position is encumbered the person (faces) convert with the position. It is possible there may be positions converting that are not currently filled based on the mission needs of the State. Some states may have more or less encumbered positions than others. I anticipate we will have exceptions that will need to be considered on a case by case basis once the "positions" are identified. As an example; let's say a position is identified to convert but the incumbent is in the process of an MEB/PEB on the military side. Might they want to leave under a disability retirement as a DS Technician or maybe they want to stay as a Title 5 civilian. I anticipate those may be options presented to the employee with some time limitations attached.

What will happen to me when I convert from a T-32 to T-5?

There will be no harm – Title 32 series and grade converts to a Title 5 series and grade without a loss to an employee.

Appendix Q FAQs

Classification:

Who will classify and compare T32-T5 PDs.

If it is determined that T5 employees will be National Guard employees, then TNC will be classifying the Title 5 PDs.

What PD do we use to qualify a T5 who rolls as an incumbent?

Incumbents who convert in place will be assigned to a Title 5 PD.

How will T5 employees be coded on the voucher?

This is a G1/A1 question. T5 ANG positions are currently found on the UMD under RIC 160.

Who would be their servicing HRO for classification?

If it is determined that T5 employees will be National Guard employees, then TNC will be classifying the Title 5 PDs.

Who processes security clearance requirements for T5 (required for CAC and network access)?

Unknown at this time.

Who will decide what admin, clerk, Finance and office support positions converts T5 PD's?

ARNG/ANG with approval by the CNGB.

Who builds position descriptions?

Initially, TNH/TNC will work with DMDC to systemically build positions. After initial conversion, it will be up to the State HROs.

Can we have T32 positions now that provide a service? Doctors, mental healthcare, PA's?

That is not the purpose of a Title 32 technician.

Will we convert Wing Commander's or key staff positions?

Unlikely.

Most ANG Wing position seemed to be aligned directly to unit functions, do they convert? Or are they inherently military?

Still awaiting DS conversion list.

Who will determine/provide classification consistency between T32 and T5 employees as well as between Army and Air Force employees working in the same office and amongst the 54 States/Territories/DC?

If it is determined that T5 employees will be National Guard employees, then TNC will ensure consistency between the positions as much as possible.

Can the currently classified duties for Title 32 technicians be “approved” for continued use when they convert to Title 5? If so, who is the approval authority?

All converted positions will have Title 5 Position descriptions.

Are we converting not fewer than 20% or up to 20%? What is the percentage?

The CNGB will determine positions for conversion that will equal a percentage.

Who will identify the specific converting positions?

CNGB will provide direction to J1-TN/TNC on which positions will convert.

What PDs will be used? Current PD rewritten with T5 classification? Or completely rewritten? How will this impact grades?

Title 5 PDs will be adapted from current PDs. There should be no harm to the incumbents.

What document will the T5 show on? Current UMD (Air) and current Voucher (Army)?

Unsure. Currently on ANG UMD, Title 5 positions are shown in RIC 160. Assume this would remain the same. Unsure how ARNG will identify on voucher.

Who will be the servicing office?

If it is determined that T5 employees will be National Guard employees, then TNC will be classifying the Title 5 PDs.

Will you give T32 classifiers authority to classify T5 positions?

No.

If a T32 position is desk audited and a T5 position needs to be looked at, can the state classifier look at T5 positions?

Yes.

If a T5 position is desk audited and the outcome results in a change in grade that will have an impact on a T32 position, how will that be communicated to the T32 classifier?

If it is determined that T5 employees will be National Guard employees, then TNC will maintain consistency among the positions.

If a T5 position is appealed, does the state classifier perform the audit?

Yes.

Can the T5 position supervise a T32 position? And can a T32 position supervise a T5 position?

Yes.

Appendix R FAQs

Employee Benefits:

What is the plan with implementing MyPerformance in regards to MyBiz/DCPDS for T5 employees?

Upon conversion, employees will transition to the MyPerformance under title 5 C.F.R. part 430. All performance plans should be reviewed and modified, as appropriate, prior to conversion. Additionally, new performance plans shall be in place prior to conversion.

Will the state have an option on rolling employees who are processing a DSR or a special provisions disability?

In accordance with the CSRS/FERS Handbook, the HRO is responsible for advising the employee of their options for retirement or separation. Then the employee elects which options is best for them, their family, and financial future.

We are assuming benefits roll from T32 to T5 employees with no issues (life insurance, health)?

That is correct, benefits are the same for T32 as they are for T5.

Who would be their servicing HRO for benefits?

The local HRO is responsible for providing training to their workforce on employee benefits and entitlements. However, the employee is able to use the self-service Employee Benefits Information System to process their own benefits transactions. The Army Benefits Center-Civilian (NG Branch) also has counselors available to assist the employee with processing benefit elections.

Can an employee being military discharged pending a DSR be converted to T5?

It will depend on when the employee lost military membership. IAW 32 USC 709, if a dual status technician is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned.

Is there a discontinued or disability FERS retirements for Title 5 employees losing military membership?

Once a T32 dual status technician is converted to Title 5, the NG Special Provisions for Discontinued Service Retirement, Military Technician Retirement, or the Public Law Disability Retirement will no longer apply.

Regarding OWCP, is it easier to keep people in the NG with accommodations to work T5 positions after being hurt in dual status T32 position?

If a technician is injured on the job prior to conversion and lose military membership then the NG would need to make accommodations. When considering accommodating injured workers, placement in a T5 position may be a course of action.

Has there been any discussions or have the NGB Liaisons put together any frequently asked questions regarding the impact of the Title 5 conversions on OWCP programs?

Yes, there has been discussion.

Will we be able to offer light duty to a T32 employee that was a WG and with medical now not able to perform WG duties, but based on restrictions could perform positions that are now T5?

This matter is under review to determine applicable guidance.

Will we continue to service the T5 employees?

Yes, we will continue to service T5 technicians converting from T32. Special designators (Chargeback Codes) have been assigned to those individuals converting from T32 to T5.

How will we be able to place people that are on long term roles, now with limited work capacity, but, they can return to work? Coordination with other DoD agencies etc?

An execution plan cannot be developed until we receive formal guidance.

Will there be a pool of positions to utilize when an injured employee is no longer able to perform the duties of the date of injury (DOI) position?

Individuals with an accepted condition and unable to perform the duties of the DOI position are generally placed on Workers' Comp rolls if the agency cannot accommodate them. Concern would be the increase of Workers Compensation long term claimants which would negatively impact the funding.

With the loss of the Special Provision option, early and frequent communication must exist between the HR professionals about the permanent changes that may impact the available options for employees receiving OWCP benefits?

The employee, supervisor, and ICPA, must increase collective communication. Without proper communication and discussion of options, courses of action and benefits, it could lead to an employee losing a viable option for one that no longer exists.

Will admin leave be awarded to T5 to do funeral duty, haircut, blood donations, and physicals?

- a. IAW 32 USC 115, funeral honors duty is military duty.
- b. Haircut: No
- c. Blood donations: Yes.
- d. Physicals: Yes, if the physical is a required as a condition of employment.

What happens to Physical Fitness policies?

The TAG is responsible for establishing the local physical fitness policies.

What responsibility will agency have for accommodating employees with disabilities?

The employee must first make the agency aware of the mental/physical disability. Once the agency is on notice of the employee's mental/physical disability, the HRO will coordinate with the EEO Officer for the requirements to accommodate the employee's disabilities.

Who approves QSI's for T5?

An employee must receive a rating of record of Level 5 ("Outstanding") in order to be eligible for a quality step increase. IAW the State Awards Board process, if the supervisor nominates the employee for a QSI, than the board under the authority of the TAG may or may not approve the QSI.

Appendix S FAQs

Labor Relations:

Would T5 remain union members within the current union and adhere to the same CBA?

This will depend on each State and their local union agreement.

Any anticipated Union I&I concerns?

Certainly.

Will the conversion be anticipated to require extra staff to work Labor Relations, different CBAs?

This will depend on the State and their relationship with their local union. Consult the Collective Bargaining Agreement Guide.

What issues and concerns are being forecasted involving the uniqueness of a Title 5 Union member working for the TAG?

The relationship should be same as with a T-32 Union member working with the TAG.

Who is responsible for conduct and performance management?

Generally the Labor Relations/Employee Relations Specialist is responsible for conduct management. And the Benefits Specialist is responsible for performance management. However, the HRO is responsible for ensuring the both programs are assigned and managed.

Does the change from excepted service to competitive service require NCR and I&I obligations by the NGB and each State?

NGB is responsible for conducting NCR with the National Unions. For purposes of collective bargaining, the Federal Labor Management Relations Statute excludes from the definition of “conditions of employment” matters that are “specifically provided by Federal Statute”. The T32 to T5 conversion is a matter specifically provided for by law is not negotiable under the Statute. The duty to bargain, however, extends to related matters and the scope of bargaining is limited to impact and implementation. It is a management right to notify technicians of the statutory change, unions may request to negotiate over matters related to the notification.

Do we have to keep a current technician that is projected to convert who is pending a conduct/performance action?

Yes.

How does the state implement local policy, regulations, legislation, procedures with T5 personnel regarding MSPB and CBAs?

The Cost of litigating an MSPB claim which has been quoted by the GAO at \$100,000 in the 1990's. Costs of litigation will vary as well as any awards based on the outcome of the MSPB claim. There may be increased costs of government Bargaining Unit Elections within newly formed bargaining units. As well as, costs of Additional CBA's being negotiated for each of the new bargaining units.

Appendix T FAQs

Employment and Pay Compensation (Staffing):

Who is going to be the States servicing DEU? Will the DEU be a centralized clearing house for actions?

Guidance is pending.

Does Selfridge become the funnel to ensure consistency (army, air, 54)?

Guidance is pending.

Will the coding be adjusted to reflect T32 and T5 employees in DCPDS or a separate system and who loads the actions?

Updates and guidance are pending. We are working with NG-J1-TN HR Systems to confirm system changes and authority codes for the National Guard Title 5 employees' records.

Will we have to pay for each T5 Advertisement and will we get funding for it?

Guidance is pending.

How do we appropriately manage the transfer of employees who are going to other federal agencies and are coded as no Veteran's Preference?

Guidance is pending.

Who would be their servicing HRO for staffing?

Guidance is pending.

Who qualifies job packets?

Guidance is pending.

How does priority placement apply to T5 conversion?

Guidance is pending.

How does veteran's preference work with these position?

Veteran's preference of five or more points are allowed for all eligible military veterans who apply for Title 5 federal civilian positions. The points are added to

the applicants' total qualification score results. Each applicant must claim the veteran's preference in the application and must attach a certified copy of his or her DD 214 document(s) to the application package.

Are there are different qualification standards between a T32 position and the T5 position?

Yes. For many years to current date, the NG-J1-TN Division continues to publish the Title 32 Dual Status *Excepted Service* Position Descriptions and Series' qualifications. The HROs must use the Title 32 Dual Status *Excepted Service* Position Descriptions and Series' qualifications to hire, reassign, and promote Title 32 Dual Status *Excepted Service* Technicians.

The Title 5 OPM and DoD Series' qualifications for General Service and Federal Wage are always applied to Title 5 positions and Title 5 employees to qualify for promotions and reassignments; and, to qualify applicants for new Title 5 hires. The Title 32 NDS *Competitive Service* Technicians and Title 32 NDS *Competitive Service* applicants are always reassigned, promoted, and qualified for hire using Title 5 OPM and DoD Series' qualifications.

How do the different qualification standards apply to the incumbent?

As stated above, the Title 32 NDS *Competitive Service* on-board Technicians will continue to comply the Title 5 OPM and DoD Series' qualifications for reassignments and promotions. The Title 32 Dual Status *Excepted Service* Technician positions that convert to Title 5, will require the incumbents to adhere to the Title 5 OPM and DoD Series' qualification requirements for promotions, reassignments.

Can an AGR supervise a T5 employee?

Yes.

Can a state employee supervise a T5 employee?

Guidance is pending.

Can a T5 supervise a T32 employee and vice versa?

Yes.

Qualification of NDS/supposed to be qualified under competitive service not excepted service qualifications?

Yes. Title 32 NDS employees are competitive status civilians; therefore, by statute, standard business procedures are always applied. In response to

USAJobs vacancy announcements for specific NDS series' positions, new applicants submit their packages to the DEU. The DEU personnel specialists have always used the applicable National Guard NDS Title 32 position descriptions; then, applied the OPM and the DoD Series' qualification requirements to filter, screen, and score the applicants' qualifications. All current on-board Title 32 NDS employees, who apply for other NDS positions or who are considered for promotions, in accordance with their States' Merit Placement and Promotion Plans, are always qualified/rated by using the OPM and DoD Series' qualification requirements.

Incumbent will convert, then meet all competitive standards?

No. The on-board Title 32 NDS employees and the specified Title 32 DS technician positions are converted from Title 32 to Title 5, no later than 1 October 2017.

The expectation is that the JFHQ-State HRO staffers correctly hired qualified Title 32 NDS employees; and, correctly processed reassignments and promotions for qualified NDS employees. Therefore, these on-board NDS technicians will meet the Title 5 position series' minimum qualification requirements, as published by OPM and DoD; and, the personnel actions to complete these incumbents' Title 5 conversion, using Title 5 position descriptions' series qualifications, will not experience any challenges or concerns.

For the DS technicians' series positions, the expectation is that the HR staffers correctly qualified the applicants by applying the published NG-J1-TN Series' qualifications. The currently published NG-J1-TN dual status technician positions' series qualifications exceed the OPM qualifications and the requirements align with all applicable DoD series' qualifications; plus, many series include the positions' compatible military skill set qualifications. Therefore, if the JFHQ-State HRO staffers correctly screened and qualified DS technicians for initial hires, promotions and reassignments, the personnel actions to complete these incumbents' Title 5 conversion, using Title 5 position descriptions' series qualifications, will not experience any challenges or concerns.

However, in cases where the NDS and DS technician employees were erroneously hired/appointed to professional series positions because they did not meet the series' required positive education degrees, certifications, and/or medical qualifications, their records will require additional screening.

Prior to converting the on-board Title 32 NDS employees, the HROs must receive the required documents from these employees to verify their qualifications. Based on the Series' OPM and DoD requirements to qualify for the professional series' positions, these documents may include official college transcripts with diplomas and official certificates of certification.

Prior to converting the on-board Title 32 DS employees, whose professional series' positions were converted to Title 5 no later than 1 October 2017, the HROs must receive the required documents from these employees to verify their qualifications. Based on the Series' OPM and DoD requirements to qualify for the professional series' positions, these documents may include official college transcripts with diplomas and official certificates of certification.

As previously stated, the currently published NG-J1-TN dual status technician positions' series qualifications exceed the OPM qualifications and the requirements align with all applicable DoD series' qualifications; plus, many series include the positions' compatible military skill set qualifications. Therefore, if the JFHQ-State HRO staffers correctly screened and qualified DS technicians for initial hires, reassignments, and promotions, the personnel actions to complete these incumbents' Title 5 conversion, using Title 5 position descriptions' series qualifications, will not experience any challenges or concerns.

If the incumbent originally competed without veterans preference points, how does this apply?

The use of veterans' preference points to qualify for initial hire has no impact or application on the current Title 32 NDS and DS technicians' careers. The veterans' preference points may be used when the National Guard Title 5 employees choose to apply for other Title 5 positions in the federal competitive service and submit the required documents in their applications.