

**MERIT PLACEMENT FOR NEVADA
NATIONAL GUARD CIVILIAN
EMPLOYEES**



STATE OF NEVADA OFFICE OF THE MILITARY

OFFICE OF THE ADJUTANT GENERAL

2460 Fairview Drive

Carson City, Nevada 89701-6807

Nevada Military Department
Carson City, NV

NVNG PAM 690-10

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Nevada Army National Guard Technician Personnel Program Merit Placement for National Guard Technicians

By Order of the Governor:

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Official:

\\\\\\SIGNED\\\\\\
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Nevada Military Department
Carson City, NV

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Technician Personnel

Merit Placement for Nevada National Guard Technicians

Summary. This pamphlet provides policies, procedures and administration of the Merit Placement Program of the Nevada National Guard. The effective date of this pamphlet is 01 DEC 2017.

Revision: *This pamphlet has been revised effective 1 June 2020 and should be reviewed in its entirety.*

Applicability. This pamphlet applies to all federal technicians employed by the Nevada Army and Air National Guard, excepted and Non Dual Status.

Suggested Improvements. The proponent of this pamphlet is the Human Resource Office (NGNV-FT), State of Nevada Office of the Military. Users are invited to send comments and suggested improvements to State of Nevada Office of the Military, ATTN: Human Resources Office (NGNV-FT), 2460 Fairview Drive, Carson City, NV 89701-6807.

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CHAPTER 1 – GENERAL

1-1. PURPOSE.

- a. This plan implements the merit placement principles of Title 5 of the United States Code, sections 2301 and 2302, in accordance with regulatory guidance issued by the Office of Personnel Management, the Department of Defense and the National Guard Bureau for application in the placement and promotion of dual status technicians and Title 5 employees to positions authorized by Title 32 of the United States Code, section 709, in support of the Nevada Army and Air National Guard. Since the procedures contained in this plan are applicable to both the Army and Air National Guard, the general term Nevada National Guard will be used throughout the plan. This plan incorporates provisions of the current collective bargaining agreements, both Army and Air. Requirements of an approved collective bargaining agreement will take precedence over any conflicting provisions in this plan as applied to bargaining unit technicians.
- b. This plan incorporates and, where conflict exists, supersedes previous written guidance published by the Human Resources Office regarding merit promotion procedures.

1-2. POLICY. Policy. 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. Further understanding on hiring authority and employee status follows:

- a. The Department of Defense has determined that based on FY 2017 NDAA sections 1084 and 932, statutory authority is granted to NGB to convert dual status military technician positions to excepted service under section 2103 of Title 5, as well as make appointments under the same authority.
- b. Therefore, all incumbent personnel converting from Title 32 dual status to Title 5 will be converted to Excepted Service based on DoD determination and NGB guidance and interpretation of the above-cited legal authorities. Corrective actions, if required by law, will be made in accordance with applicable NGB and OPM regulations, legal authority, DoD determination and NGB guidance.
- c. Similarly, all Title 5 new hires will be advertised as Excepted Service based on DoD determination and NGB guidance and interpretation of the above-cited legal authorities. Corrective actions, if required by law, will be made in accordance with

applicable NGB and OPM regulations, legal authority, DoD determination and NGB guidance.

- d. Technicians who are absent uniformed service or covered by workers compensation can be considered for promotion or any other incident or advantage of employment they may have been entitled to if not absent for uniformed service.

1-3. 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 National Guard (NG) Title 32 (T32) Excepted Service Dual Status (DS) technicians and positions; current on-board NG Title 5 (T5) Competitive Service employees (formerly Non Dual Status) and Title 5 (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.

1-4. PROVISIONS:

- a. **Alternative Hiring Opportunities.** There are no authorized and allowed OPM, Service specific, or DoD special hiring provisions, such as Expedited Hiring Authority and Direct Hire Authority, for the NG T32 DS technician positions and NG T5 Excepted Service employee positions.
 - (1) **Schedule A**—This is the only authorized or allowed Expedited Hiring Authority, this applies for the T5 NG Excepted Service positions. Can be filled with or without competition. Applicants must have proof of disability documentation and meet all of the required qualifications for the position.
- b. **Converted Positions.** As current on-board T5 competitive service NG 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 individuals in the rating, ranking, evaluating and/or selecting processes for action under this plan.

- d. Prohibited Personnel Practices. There are thirteen prohibited personnel practices, including reprisal for whistleblowing, which are defined by law [T5 United States Code, Section 2302(b)]. Generally stated, 2302(b) provides that any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority:
- (1) Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation;
 - (2) Request or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
 - (3) Coerce the political activity of any person; or take any action as a reprisal for the refusal of a person to engage in such political activity;
 - (4) Deceive or willfully obstruct anyone from competing for employment;
 - (5) Influence anyone to withdraw from competition in an effort to improve or injure the employment prospects of any person;
 - (6) Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant;
 - (7) Engage in nepotism (*i.e.*, hire, promote, or advocate the hiring or promotion of relatives);
 - (8) Engage in reprisal for whistleblowing – generally, a person with personnel authority cannot take or fail to take a personnel action with respect to an employee or applicant because of a disclosure of information by the employee or applicant that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. The prohibition does not apply, however, if the disclosure is barred by law or is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs, *except* when such a disclosure is made to the Special Counsel, the Inspector General, or a comparable agency official;
 - (9) Take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law;
 - (10) Discriminate based on personal conduct which is not job-related and does not adversely affect the on-the-job performance of an employee, applicant, or others;
 - (11) Knowingly take or fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate an applicable veterans' preference requirement;

- (12) Take or fail to take a personnel action, if taking or failing to take the action would violate any law, rule or regulation implementing or directly concerning merit system principles at 5 U.S.C. § 2301.
- (13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statements:
“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to:
- (a) Classified information;
 - (b) Communications to Congress;
 - (c) Reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or,
 - (d) Any other whistleblower protection.”

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

1-5. MILITARY TECHNICIANS: A basic principle of the NG T 32 Excepted Service Military Technician Program is that only NG T32 occupy DS military technician employee positions.

- a. Requests to convert established/confirmed T32 NG Excepted Service technician positions to T5 NG employee positions, post-conversion of the percentage designated by law, must be identified by local functional management officials, coordinated with the JFHQ-State HRO. If the change will increase the current authorized T5 conversion percentage, must have TAG approval coordination with NGB-J1-TN.
- b. Requests and decisions are not influenced by the desires of the incumbent or potential candidates.
- c. NG T32 DS technicians and Title 5 Competitive employees may apply/compete for hire or be eligible for merit promotion considerations to advertised T5 Excepted Service NG employee vacant positions.
- d. NG T5 Competitive and Excepted Service employees may apply/compete for hire or merit promotion considerations to advertised T32 DS technician positions; however, to qualify, the candidates must meet the DS technician positions' series qualifications and must meet the positions' military compatibility requirements.
- e. Management Directed Reassignments (MDR) personnel processing actions are not authorized for the non-competitive placements of T32 NG DS Technicians into established T5 NG Employee positions; and are not authorized for the non competitive placements of T5 NG Employees into T32 NG DS Technician positions.

1-6. VETERAN'S PREFERENCE PROGRAMS FOR TITLE 5 NATIONAL GUARD EXCEPTED SERVICE POSITIONS

- a. Hiring Authority References: 5 USC 3320, 5 CFR, and OPM Veteran Guide.
 - 1. How Veteran's Preference is determined for hiring purposes: OPM Veteran Guide, Delegating Examining Operations Handbook.
- b. 5 CFR §335.106, Special selection procedures for T5 Excepted Service positions and veterans under merit promotion. Veterans preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

1-7. RESPONSIBILITIES.

- a. The Adjutant General (TAG) is responsible for the employment and administration of NG T32 DS Technicians, NG T5 Competitive Service employees, and NG T5 Excepted Service employees. He or she will accomplish any personnel force management actions involving employment, appointments, promotions, reassignments, other internal placements, or external recruitment in accordance with guidance provided in this plan. The Adjutant General is the highest level of authority in the State of Nevada concerning the overall application of this plan.
- b. The Human Resources Officer (HRO) is directly responsible to TAG to ensure the requirements of this plan are properly administered. The HRO reviews and ensures that personnel actions are accomplished in accordance with statute, US Office of Personnel Management (OPM), Department of Defense (DoD), and NG manual/regulation/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 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees are entitled to placement or promotion, receive full and fair consideration; ensures appropriate treatment of candidates entitled to priority consideration (e.g., DoD Priority Placement Program (PPP), Employee Reemployment Priority List (ERPL), Retained Grade List, and Interagency Career Transition Assistance Plan (ICTAP). Maintains associated records for review.
- c. Classifiers, Staffers and SEEM will:

- (1) Classifier will develop, with assistance of Manager/Supervisor, Statement of Differences (SOD) for multiple grade positions using the Position Description (PD) and grading standards.
 - (2) Prior to advertisement, classifier will verify that the position is funded/authorized.
 - (3) Classifier will verify what grade is authorized and provide guidance to the supervisor.
 - (4) Staffer will determine initial qualification of applicants.
 - (5) Staffer will work with the manager/supervisor in developing appropriate KSA statements and qualifying/disqualifying USAJOBS questions.
 - (6) Staffer will provide necessary resources and guidance for USAJOBS and selection manager utilization.
 - (7) SEEM compiles voluntary demographic information questionnaires and actions discrimination complaints as appropriate.
- c. Managers and Supervisors are responsible for complying with the requirements of this plan. They must evaluate T32 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees fairly, objectively and in a timely manner; develop job-related evaluation criteria; and, determine appropriate evaluation methods in collaboration with the HRO prior to announcing the position. They will ensure that all T32 DS Technicians, T5 Competitive Service employees, and T5 Excepted Service employees have access to the State's NG Merit Plan and are fully informed of promotional opportunities and related requirements. They will work collaboratively with human resource representatives to ensure prompt posting of job opportunity announcements (JOAs) or vacancy announcements (VAs). 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 the application process.
- d. NG T32 DS Technicians, NG T5 Competitive Service employees, and NG T5 Excepted Service employees are responsible for familiarizing themselves with the provisions of this plan, providing the HRO with current, timely, and accurate information about their qualifications, and submitting complete and timely application packages for positions. They will ensure their position appointments meet the applicable T32 DS Technician, T5 Competitive Service, or T5 Excepted Service requirements, such as, the military compatibility program requirements for T32 DS Technicians.

1-8. MANAGEMENT RIGHTS: Recognizing that it is essential to the mission of the NG that all positions are filled with the best qualified individuals available, management retains the right to:

- a. Select applicants from any appropriate source, as allowed by law and regulation.
- b. Select or non-select from among any group of qualified candidates, with certain exceptions pertaining to T5 NG Positions where Veteran's Preference rules apply.

- c. Submit pass-over requests of veteran preference qualified candidates for T5 NG Excepted Service Positions to HRO for TAG approval or endorsements to OPM for reconciliation; OPM's approval is only required for 30% or higher disabled Veterans.
 - (1) The HRO must initiate procedures as directed in the OPM Delegated Examining Operations Handbook, Chapter 6, Section D, *Object to an Eligible*.
 - (2) During this time period, the same advertised position remains vacant until the submitted pass-over request determination is resolved.

1-9 DOCUMENTATION AND REPORTING REQUIREMENTS: Documentation is maintained in accordance with the OPM and DoD reporting criteria.

CHAPTER 2 - ELIGIBILITY - QUALIFICATION

2-1. MANDATORY PLACEMENT ACTIONS: The following mandatory placement actions are accomplished in accordance with the competitive procedures of this plan:

- a. Permanent promotion to a higher-graded position or to a position with more promotion potential than any position previously held on a permanent basis.
- b. Reassignment or demotion to a position with more promotion potential than any position previously held on a permanent basis except as permitted by reduction in force regulations.
- c. Time-limited promotion for more than 120 days to a higher-graded position. Prior service during the preceding 12 months under noncompetitive time-limited promotions and non-competitive details to higher-graded positions count toward the 120 day total. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures, and the fact that it may lead to a permanent promotion was made known to all potential candidates in the appropriate area of consideration.
- d. Detail of more than 120 days to a higher-graded position or to a position with greater promotion potential. Prior service during the preceding 12 months under non-competitive detail to higher-graded positions and non-competitive time-limited promotion counts toward the 120 day total.
- e. Transfer or reinstatement to a position at a higher grade or with more promotion potential than any previously held on a permanent basis.

2-2 PLACEMENT ACTION EXEMPTIONS: The personnel placement actions exempt from the competitive procedures of this plan.'

- a. Promotion resulting from the upgrading of a position without significant changes in duties and responsibilities, due to the issuance of a new classification standard or the correction of a classification error, as published by NGB-J1-TNC.
- b. Placements made during or in-lieu of a reduction-in-force (RIF) as permitted by governing regulations.
- c. Actions involving statutory, regulatory or administrative placement, to include actions directed by NGB, DoD, or OPM, arbitration decisions, court decisions, local settlements and discrimination complaint decisions.
- d. Career ladder promotion(s), e.g., a promotion without further competition of a employee who was appointed from a civil service register, by delegated examining authority by direct hire, by non-competitive appointment or non-

competitive conversion, or under competitive procedures of this plan for an assignment intended to prepare the technician for the position being filled—the intent must be made as a matter of record and career ladders must be documented.

- e. Promotion to a grade previously held on a permanent basis, from which the technician was separated or demoted for other than performance or conduct reasons.
- f. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position a technician currently holds or previously held on permanent basis, from which he/she was separated or demoted for other than performance or conduct reasons.
- g. A non-competitive promotion resulting when an employee's position description is changed by NGB-J1-TNC as an amended PD; or, when the position description is abolished and replaced with new PD that is classified higher-grade because of additional duties and responsibilities that meets the criteria to be done non-competitively.
- h. Temporary promotions of 120 days or less, 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. Details to higher-graded positions or to positions with known promotion potential, of 120 days or less, during the preceding 12 months under noncompetitive details to higher grade positions and noncompetitive time-limited promotions, count toward the 120 day totals.
- j. Promotion or placement of an employee entitled to noncompetitive priority consideration as corrective action for failure to be given proper consideration under the requirements of this plan.
- k. If an employee fails to receive proper consideration under a previous recruitment (promotion or reassignment action), and the improper personnel action is allowed to stand, the technician is considered for the next appropriate and bona fide vacancy, i.e., at the same grade of the position previously denied and one for which the technician is fully qualified and available.
- l. An employee is entitled to only one consideration for each failure to receive proper consideration under this provision, unless otherwise directed. The selecting official is not required to select a technician referred under this provision.
- m. Placement of employees who have eligibility for special consideration for re-promotion—these technicians are those who are receiving grade or pay retention

due to involuntary placement in lower grade or declination of a functional transfer.

1. If fully qualified, they are referred to the selecting official for positions up to and including their former grade *before* a competitive referral list is issued.
 2. The selecting official is not required to select a technician referred under this provision.
 3. Declination of a valid offer at an intervening grade will terminate the technician's entitlement to re-promotion consideration at the grade level referred, but the technician will continue to receive special consideration for higher grades, up to and including that from which downgraded.
- n. Other types of actions not specified above which are permitted by regulation and are consistent with the spirit and intent of the merit principles delineated in T5, United States Code.

2-3. PRIORITY PLACEMENT OF OVER-GRADED TECHNICIANS.

- a. A technician demoted as a result of a reduction-in-force, reclassification or management directed change-to-lower grade (without personal cause) is entitled to re-promotion as a priority placement for a period of two (2) years. Consideration of a technician entitled to priority placement for re-promotion must precede efforts to fill the vacancy by other means, including merit promotion. The HRO will keep a roster of all technicians entitled to priority placement. Placement offers will be made according to retention roster standing, unless other procedures are agreed to by labor and management representatives and certified by HRO. These technicians will be afforded priority placement as outlined below:
- b. If a vacancy of equal or intervening grade occurs within the commuting area for which a technician in retained grade status is fully qualified, the technician will be offered the position. The technician must meet the full technician qualifications (and military requirements if dual status) for the position. The priority placement offer will be made by the HRO in writing with a requirement for a response within five business days from receipt of the offer. Grade and pay retention will be terminated if the technician refuses an offer of a position equal to the technician's retained grade. The technician must accept/decline the offer in writing. Failure to reply to an offer within the suspense period will constitute a declination of the offer.
- c. If a vacancy occurs and there are no qualified, retained-grade eligible technicians within the commuting area, the position will be offered to qualified, retained-grade eligible technicians outside the commuting area before any other placement action. If a qualified, retained-grade technician refuses the offer of a position outside his/her commuting area, grade and pay retention will continue if otherwise eligible.
- d. The HRO will notify technicians when they have been considered for priority placement but do not meet the qualification requirements for the position.

2-4. TEMPORARY APPOINTMENTS

- a. NG T32 DS 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 the 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.

- b. NG T32 DS Technician and NG T5 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 (30) 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. NG T5 Employee Temporary Appointments NTE. A Temporary appointment with a NTE date of 12 months or less. All NG T5 Employee Temporary Appointments must follow competitive procedures.

2-5 TEMPORARY PROMOTIONS

- a. Generally, a temporary promotion is the appropriate way to meet a situation requiring the temporary service of a technician in a higher graded position. Promoting a technician recognizes the increased responsibility and properly compensates him or her for the work being performed.

- b. Uses of a temporary promotion.
 - 1. When management needs the duties of an established higher-graded position performed for a period of 30 days or more.
 - 2. Temporary promotions are appropriate when:
 - (a) Essential work must be accomplished while the incumbent technician is absent at management's request; for example, detailed or attending school.

- (b) Essential work must be accomplished while the incumbent technician is on extended leave (military duty, personal leave of absence, sick leave, etc.).
 - (c) A position must be filled that has been obligated for a technician who is performing military service and is expected to return.
 - (d) Essential duties of a position vacated by a technician who has been promoted temporarily must be performed.
- c. In accordance with 5 CFR 335.102, competition is not required for temporary promotions of 120 days or less. Competitive vacancy announcement procedures will be used when the temporary promotion is planned to be in excess of 120 days (including prior time served in detail to the higher graded position or temporary promotion during the preceding 12 months).
- d. If a promotion is filled as a temporary promotion with the possibility that the promotion could become permanent, the position will be advertised for competitive fill and the fact that the temporary action may lead to a permanent promotion must be made known to all potential applicants.
- e. A technician selected for a temporary promotion must be given advance notice of the conditions and circumstances on which the promotion is granted. Before the temporary promotion is made effective, the selected technician must be provided the following:
1. Explanation of why the promotion is temporary;
 2. Identification of the expected length of the promotion, and an advisory that it may be terminated at any time if management determines the services are no longer needed,
 3. Right to return to his/her current position when the temporary promotion ends, and;
 4. The circumstances under which the promotion can become permanent, if applicable.
- f. Documentation of notice of these conditions will be acknowledged as received and understood by the signature of the technician to be promoted on the reverse side of the SF52 provided to the Human Resource Office requesting the temporary promotion.
- g. Temporary promotions from non-supervisory to supervisory positions must be coordinated with HRO and labor.

2-6. PERMANENT EMPLOYEES APPLYING FOR INDEFINITE POSITIONS

- (1) Permanent employees who apply for and accept an indefinite position, do so on a voluntary basis and do not have return rights to their formerly held position. An indefinite appointment does not confer permanent status. Selectees for indefinite appointments must be informed, in advance, of the conditions of the indefinite appointment

2-7. DETAIL TO A HIGHER GRADED POSITION.

- a. Details to a higher grade are discouraged. Short term supervisory absences should indicate either a temporary promotion or those duties should go to the next level of supervision. If necessary, details to a higher grade may be used when the assignment is for 30 days or less, or the full range of duties of the higher graded position will not be performed. For periods longer than 30 days Technicians should be temporarily promoted after coordination with the Human Resources Office. Employees should not be detailed from non-supervisory to supervisory positions.
- b. All detail assignments one work day or longer will be recorded by the supervisor on the technician's Supervisor's Record Brief (previously the NGB Form 904-1) and may be initialed by the employee, or a SF 52. Details in excess of 30 days will be processed on Standard Form 52, "Request for Personnel Action," and maintained in the individual's Official Personnel File.

2-8. UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT.

- a. USERRA protects the job rights of employees who voluntarily or involuntarily leave employment positions to perform service in the uniformed services. USERRA prohibits employers from discriminating against members of the uniformed services.
- b. In accordance with Title 20, Chapter IX, §1002.32, An employee who has been absent from a position of employment by reason of service in the uniformed services will be eligible for reemployment under USERRA by meeting the following criteria:
 1. The employer had advance notice of the employee's service;
 2. The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with a particular employer;
 3. The employee timely returns to work or applies for reemployment; and,
 4. The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions
- c. In accordance with Title 20, Chapter IX, subsection 1002.7(a), "USERRA establishes a floor, not a ceiling, for the employment and reemployment rights and benefits of those it protects."
- d. Employees with five years or less of cumulative service, who provided notice and request restoration in the specified time frame according to the length of their orders, will have reemployment rights according to USERRA. The employee will be entitled to their position previously held and or a like position if already filled.
- e. If Employees who have more than five years of cumulative service or did not provide notice or request restoration in the correct time frame will not have reemployment rights. The employee may be returned if it is in the best interest of the Nevada National Guard without regard to the same grade level , job or duty location.

CHAPTER 3 - POSITION ANNOUNCEMENT AND APPLICATION PROCEDURES

3-1. APPLICATION. The procedures of this chapter will be used in filling all technician positions, unless:

- a. An exception to competition as identified in Paragraph 2-2 is appropriate, or
- b. The position has been identified as a “Key Staff” position subject to the alternate certification procedures outlined in Chapter 7.

3-2 REQUEST TO FILL A VACANT TECHNICIAN POSITION.

- a. All requests to fill technician positions must be initiated by or submitted through the appropriate selecting official to the Human Resource Office. Each request will require completion of the Standard Form 52 or NVMD 52, “Request for Personnel Action”. The requesting official (selecting official) will initiate the form 52 in accordance with instructions outlined in Appendix A.
- b. If the position has the capability of being filled by either a dual-status or Title 5 technician, the type of appointment requested must be specified. The availability of Title 5 authorizations must be pre-coordinated with the Human Resource Office if that type of appointment is desired.
- c. Request for temporary limited employment will be accompanied by a detailed justification clearly identifying the basis for requesting a temporary appointment.
 1. A temporary “Not to Exceed” (NTE) appointment may be made outside competitive procedures if the appointment will not exceed one year. Selections for temporary appointments must meet the minimum qualifications for the position at the grade for which the appointee is employed.
 - (a) A temporary NTE position may or may not be advertised.
 - (b) A temporary (NTE) appointment does not confer permanent status.

Temporary (NTE) appointments may be terminated with no notice when the position or the employee’s services are no longer needed.
 2. An indefinite appointment will be used when there is a need to fill a position expected to extend beyond one year, but the position is not available to be hired permanently. Normally this occurs when the position incumbent is on a leave-of-absence for duty in the uniform service.
 3. Competitive procedures must be used when filling a position on an indefinite basis unless there is an exception to competition as identified in paragraph 2-1. Competitively bid indefinite positions may be converted to permanent appointments if a permanent vacancy occurs.
 4. An indefinite appointment does not confer permanent status. Indefinite appointments may be terminated when the position or the employee’s services are no longer required with a written notice from the HRO providing a minimum of 30 days notice of termination, as well a notice of their eligibility to MSPB rights.

3-3. TITLE 5 POSITIONS.

- a. It is the policy of the NVNG that T5 positions be filled with the best qualified individuals, that veteran's preference is credited and applied correctly, and that all employees have an opportunity to advance to their full potential. The following provisions apply to the T5 process:
1. All T5 announcements are subject to PPP procedures and requirements. If a well qualified candidate is on a PPP list, all recruiting actions will stop and the HRO will notify the selecting official. A well qualified candidate referred through PPP must be selected.
 2. All T5 announcements must be announced and competed for, to include temporary and time-limited positions (e.g. indefinite). Exceptions to T5 competition includes Emergency Hire appointments referenced in paragraph b of this section. All GS-12 and above must be advertised nationwide, exception to this policy may only be granted through coordination with the HRO office and TAG approval.
 3. Title 5 vacancy announcements will only be announced based upon collective bargaining agreements with exceptions based upon concurrence with labor organizations.
 - a. AOC I (Internal) – Current Nevada National Guard employees: Current NVNG federal employees (T5) within the Nevada National Guard (Both Air and Army National Guard) are eligible to apply. *Internal vacancy announcements are NOT subject to veterans' preference.*
 - b. AOC II (Internal) – Current Nevada National Guard members both Army and Air National Guard. (This area will include ALL NVNG members to include T5 employees, T32 Technicians, AGR's, as well as M-Day/Traditional members. *Internal vacancy announcements are NOT subject to veterans' preference.*
 - c. AOC IV (External) – Federal employees, US Citizens, Reemployment Eligibles: US citizens including, current NVNG employees/technicians, are eligible to apply. External vacancy announcements are subject to veteran's preference.
 4. Title 5 positions may be filled using the procedures in 3-4 of this document.
- b. Title 5 Emergency Hire Appointments may be made IAW 5 CFR 213.104 using the procedures in 3-2 of this document. Such appointments are temporary in nature and require close coordination with the HRO. Emergency Hires must be made in lieu of a Technician mobilized or deployed in support of Contingency Operations.

3-4. REQUEST TO ADVERTISE TECHNICIAN POSITION Requests to advertise technician positions must be initiated by or submitted through the appropriate selecting official to the Human Resource Office. Each request will require the completion of NVHRO 335-1 "Request to Advertise Technician Position". Section II of the NVHRO 335-1 covers the Job Analysis.

- a. Job Analysis. Prior to advertising, for recruit and fill, any NG T32 Excepted DS Technician or NG T5 Excepted Service employee positions, a completed formal job analysis and crediting plan are 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 and fully qualify based on the crediting plan numeric rating system.
 - b. Crediting Plan. This document provides an objective statement of the position's qualification requirements and criteria against which applicants are evaluated. For Title 5 positions, the numeric values are applied in the crediting plan to rate the candidates' capabilities and competencies to successfully perform the position's described duties and responsibilities. The crediting plan is developed as a result of a job analysis that identified the position's knowledge, skills, abilities, and behaviors.
- a. (Appendix B) The NVHRO 335-1 will be completed with the following required information:
 - (1) Position Title, series, grade, position description number and salary range
 - (2) Type of appointment – Dual or Non Dual Status
 - (3) Military Requirements (officer, warrant officer, enlisted) and compatibility and/or eligibility.
 - (4) Duty Location of the position.
 - (5) Security Clearance Requirements
 - (6) Vice-Name (Who is vacating the position if applicable)
 - (7) Number of vacancies
 - (8) Annotate AGR Vacancy# if advertising concurrent with AGR vacancy.
 - (9) Office/Unit/Squadron of assignment
 - (10) Point of Contact and phone number for selecting official.
 - (11) Area of consideration
 - (12) Work Schedule (Full or part time)
 - (13) Compatible MOS or AFSC (if appropriate)
 - (14) Select number of days to run job announcement for.
 - (15) Annotate military assignment (MPCN/PARA LINE) and DAFSC/DMOS
 - (16) Annotate position, title and name and e-mail of selecting official
 - (17) From the Position Description, list any and all Knowledge, Skills and Abilities that you want to rate each candidate on. (Minimum 3, maximum 8)
 - (18) Annotate any remarks or special instructions.
 - a. Identify in the Remarks section any selective placement factors that should be considered;

- b. Identify if position can be filled by a trainee (developmental applicant) explain in remarks. NOTE: Supervisory or managerial positions, as well as Small Shop Chief positions, may not be advertised as developmental positions.
- (19) Obtain Supervisor's certification, Commander/Director's Authorization, and Funding Certification.

b. Route the completed form to HRO for processing and posting to the USA Jobs site.

3-5. AREAS OF CONSIDERATION (AOC) The area of consideration to compete the position must be sufficiently broad to ensure the availability of a reasonable number of high quality candidates, taking into account the nature and level of the position to be filled, merit principles, affirmative action goals and objectives and applicable regulations and requirements of negotiated agreements. The Area of Consideration (AOC) is identified in the USAJOBS Job Opportunity Announcement(JOA). The area of consideration may be expanded beyond the minimum area, at any time during the recruitment process, to meet the recruitment need with the issuance of an amended or new Job Opportunity Announcement. Job Opportunity Announcements will normally remain open for receipt of applications a minimum of 14 calendar days.

AOC Categories

(1) Title 32 Areas of Consideration

AOC 1. Qualified, currently employed Title 32 Dual Status Technicians working at the location specified in the job announcement.

AOC 2. Qualified currently employed Title 5 NG Employees or Title 32 Dual Status Technicians within the Nevada National Guard (Army and/or Air)

AOC 3. Qualified current members of the Nevada National Guard (Army and/or Air). This category includes: M-Day Soldiers, DSG Airmen, Temporary Technicians or AGR Personnel.

AOC 4. Individuals who are currently serving in another branch of service who are willing to become members of the Nevada National Guard (Army and/or Air).

AOC 5. Individuals with Prior Service or No Prior Service who are willing to become members of the Nevada National Guard.

(2) Title 5 Areas of Consideration

AOC A. (Internal Certificate) Qualified, currently employed Title 5 NG Federal Employees or Title 32 Dual Status Technicians working at the location specified in the job announcement.

AOC B. (Internal Certificate) Qualified currently employed Title 5 NG Federal Employees or Title 32 Dual Status Technicians within the Nevada National Guard (Army and/or Air)

AOC C. (External Certificate) U.S. Citizens

Applicants will be referred in sequence order as applicable for each AOC. When category is selected for Title 5 positions, Veterans Preference Rules are mandated by law.

3-6. JOB ADVERTISEMENTS/ANNOUNCEMENTS. All advertised technician announcements will be posted for download from the websites in use, currently www.usajobs.gov. Technician announcements will also be published on the official Nevada National Guard web page. A link to 'Jobs' will be accessible from <http://nv.ng.mil/nvng/SitePages/departments/jobs.html>

a. Announcements will normally be opened for a minimum of 14 calendar days in accordance with collective bargaining agreements. Requests by the Agency to announce a vacancy for less than fourteen (14) days will require concurrence from the Union. To ensure all eligible candidates are aware of open positions, vacancy announcements will be given the widest possible dissemination. A copy of vacancy postings will be provided via e-mail to the Labor Organization.

a. (1) In limited circumstances, an open-ended announcement may be issued for a type of position that has a high level of turnover and/or is known to be difficult to fill. The open-ended announcement will contain instructions regarding application and evaluation/selection procedures. The use of this type announcement for bargaining unit positions will be coordinated with the labor organization prior to advertising

(2) For each NG T5 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', qualifications and numeric value groups used to assess each applicant based on the set of identified competencies directly related to the job.

1. The Human Resources specialist must use the "How You Will Be Evaluated" section of the job opportunity announcement to clearly communicate to applicants the numeric rating criteria, to include the numeric value groups and other qualifying factors, such as education, certifications, and specialized experience factors, that are applied to assess all applicants as either Highly-Qualified, Well-Qualified, or Qualified.
2. In addition, each *NG T5 Excepted Service position* advertised for *initial* 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, term, and temporary positions for competitive processing.
3. Job advertisements or announcements used to solicit candidates are uploaded to USAJOBS as required when filling vacancies through competitive procedures.

4. Job advertisements/announcements must include:
 - (a) Job advertisement/announcement number, opening, and closing dates.
 - (1) Position title/series/grade (to include full performance level, if appropriate) organization and location.
 - (2) Sufficient information for the applicant to understand the area of consideration.
 - (b) A summary of the job duties.
 - (c) A statement of the required qualification requirements or information on where the qualification requirements are printed.
 - (d) Designation of any special requirements.
 - (e) For ONLY T5 Excepted Service positions, the Veterans' Preference criteria and eligibility requirements are fully explained.
 - (f) For ONLY T5 Excepted Service positions, clearly defined numeric value groups (at least two groups) used to assess each applicant based on the competencies directly related to the job.
 - (g) EEO statement.
 - (h) That the position being filled is one with known promotion potential, if applicable.
 - (i) For ONLY T5 Excepted Service positions, Assessment Questionnaire with numeric values – determined by the position's job analysis results.
 - (j) Instructions on how to apply or information on where the instructions are found.
 - (k) Job advertisements/announcements are open for receipt of applications for a minimum period of 14 or more calendar days.
 - (l) Other factors to consider.
 - (1) Recruitment or Relocation Incentive.
 - (2) PCS
 - (3) Highest Previous Rate
 - (4) Superior Qualifications
 - (5) Special Needs Appointment
 - (6) Advanced In Hire Appointments

3-7. ASSESSMENT. Prior to initiating hiring and promoting competitive procedures through USAJOBS for NG T32 DS personnel and positions; NG T5 Excepted Service personnel and positions, the JFHQ-State HR specialist must complete a formal job analysis and crediting plan to ensure the position's competencies are correctly assessed. The competencies (knowledge, skills, abilities, and behaviors), required by the position are identified in the job analysis and serve as the foundational criteria for the assessment strategy. The candidates' qualifications to the job are assessed by the JFHQ State HR Staffing specialist using the job-related criterion as established and defined in the job analysis and crediting plan.

3-8. NUMERIC VALUE GROUPS. ONLY for T5 Excepted Service positions, the position's multiple numeric groups, defined as at least two groups (see below), are established to assess each candidate against job-related criteria defined by the job analysis and crediting plan. Applicants who meet the basic qualification requirements,

established for the position, are placed in a numeric group. The position's job analysis and credit plan's ranking factors are knowledge, skills, abilities, and behaviors that are expected to significantly enhance performance in a position; however, are not essential for satisfactory performance. Applicants who possess such competencies are ranked above those who do not; but, no one is rated ineligible solely for failure to possess all defined competencies.

- a. Highly-Qualified: The numeric value rating normally ranges from 90-100 points. This higher numeric value group is applied for those candidates who possess the type and quality of experience that substantially exceeds the minimum qualifications of the position, including all selective placement factors and appropriate numeric ranking factor(s) as determined by the job analysis and crediting plan. To be Highly-Qualified, the candidates are considered, by the human resources specialist (staffing), as highly proficient and fully competent to effectively perform all the job requirements; and, can successfully perform in the position almost immediately, or with a minimum amount of training and/or orientation.
- b. Well-Qualified: The numeric value group normally ranges from 80-89 points. This next lower numeric value group is used for those candidates that meet the minimum qualifications of the position and are proficient in most, but not all, of the requirements of the position. Candidates may require some training and/or orientation in order to satisfactorily perform the duties of the position.
- c. Qualified: The numeric value group normally ranges from 70-79 points. This lowest group is used for those candidates who meet the minimum qualifications of the position and are proficient in some, but not all, of the position's requirements. Candidates will require extensive training and/or orientation in order to satisfactorily perform the position's duties.

3-9. COMPETITIVE PROCEDURES AND CANDIDATE EVALUATIONS FOR NG TITLE 5 EXCEPTED SERVICE POSITIONS. Assessed applicants are placed in the appropriate numeric value group and ranked according to preference eligibility and non-preference eligibility. Veterans' preference points, as prescribed, are added to each veteran applicant's final numeric value score. All qualified preference eligibles are placed ahead of non-preference eligibles. Qualified preference eligibles are listed in alphabetical order within each preference order (CPS, CP, XP, and TP). Qualified non-preference eligibles are listed in alphabetical order. The following are exceptions:

- a. For scientific and professional positions at the GS Grade 09 or higher, qualified preference eligibles, with a compensable service-connected disability of 10% or more (CPS and CP), are placed ahead of non-preference eligibles within the same numeric category. Candidates within the preference groups are listed in alphabetical order.
- b. For all other positions (series) and grade levels, qualified preference eligibles with a compensable service-connected disability of 10% or more (CPS and CP) are placed at the top of the highest numeric value category; and, placed ahead of non-

preference eligibles also rated in the highest numeric value category. Candidates within the preference groups are listed in alphabetical order.

3-10. RESUME REQUIREMENT. Each NG T32 or NG T5 applicant is required to submit a resume for processing. Incomplete resumes are accepted; however, incomplete resumes are rated based on the available information to the extent a determination result is possible. All resumes received, accepted, and verified are stored in the USAJOBS database and merit case files. Receipt of applications is accepted by the Job Opportunity Announcement's closing date via USAJOBS.

3-11. MINIMUM QUALIFICATION & DATE. Each NG T32 and NG T5 applicant must meet all eligibility and minimum qualification requirements as prescribed by NGB/OPM on the closing date of the announcement.

3-12. JOB RELATED CRITERIA. Each applicant is assessed against job-related criteria as determined by the numeric values, where applicable, established in the position's job analysis and crediting plan. Each candidate's numeric score is dependent on his or her applicability and relevance of qualifying competencies to the required work position.

3-13. NUMERIC EQUITABILITY. Methods of numeric evaluations are applied consistently and equitably to applicants and are based on job-related series' qualifications and competency criteria identified in the job analysis and crediting plan.

3-14 DEVELOPMENTAL POSITIONS.

- a. A selecting official may request a position be advertised for fill at less than the full performance level under the following conditions:
 - (1) To avoid the need to re-advertise the position when there is reasonable basis to believe there would be insufficient qualified candidates at the full performance level to make a competitive selection practical, or
 - (2) To recruit candidates in support of Nevada National Guard diversity goals in accordance with affirmative employment plan initiatives, or
 - (3) To provide opportunities in support of upward mobility within the current technician program.
- b. The Human Resource Office will include qualifications for each grade level on the advertisement to provide identifiable criteria for applicant to determine qualification eligibility.
- c. The following positions may not be advertised as developmental:
 - (1) Supervisor or managerial positions.
 - (2) Small Shop Chief Positions

3-15. APPLICATION PROCEDURES

The application is the basic document by which the individual's qualification for the position is determined. A complete application must include relevant education and current employment experience, to include military duty assignments, qualifications, and training (when applicable). Complete and accurate information is essential to ensure a fair and competitive evaluation of candidates. Applicants must refer to the instructions printed on the vacancy announcements to identify requirements for completing an application. No candidate (including current Nevada National Guard technicians) will be considered for a competitively advertised technician position unless an application identifying education and experience meeting the minimum qualifications for the position is submitted. All periods of employment and unemployment during the past ten years should be addressed in the application.

The application is the basic document by which the candidate's qualifications for the position are determined. Complete and accurate data is essential to ensure fair evaluation of candidates. Members will be evaluated based upon their own documented relevant experience and training. Any applications or resume's that contain statements that have been copied/pasted from the KSA's or NGB Qualification Standards may be disqualified from consideration.

- a. Applicants will apply by completing and submitting an application in accordance with instructions on USAJOBS. Applications must include, at a minimum:
 - (1) Resume
 - (2) Current MOS/AFSC(s) and duty position for dual status vacancies.
 - (3) Current rank and grade for dual status vacancies.
 - (4) Other documents as required and identified on JVA.
- b. Applicants must specifically address how they possess each of the KSA(s) identified in the position advertisement to receive full credit for their experience and training. The applicant is responsible to ensure the application is complete, accurate and submitted in accordance with the advertised criteria. Simply restating the KSA's will not meet this requirement.
- c. Applicants must submit original and/or copies of college transcripts when substituting education for experience, or when identified as required for career fields that have specific education requirements. Credit for post-secondary education will not be given unless transcripts are provided.
- d. Applications for positions advertised at multiple grade levels (developmental position) must indicate the lowest grade the applicant is willing to accept. Applicants will not be considered for positions lower than the lowest grade indicated.

- e. An applicant not currently in a warrant or commissioned grade, applying for a position requiring such status, must submit evidence of appointment eligibility.
- f. Any additional documentation submitted that is not required as identified on the technician vacancy announcement (e.g., position descriptions, performance evaluations, letters of recommendation, certificates of training, etc.) will not be used to certify applicants as minimally qualified.
- g. Applications will be submitted through USAJOBS, no later than 23:59 Eastern Time on the closing date specified on the job vacancy announcement.

3-16. PRIORITY PLACEMENT.

Requests to fill vacant technician positions will be subject to priority placement action prior to advertising the vacancy. See Chapter 2-2.

CHAPTER 4 - PROCESSING APPLICATIONS

4-1. ELIGIBILITY FOR ADVERTISED POSITIONS.

The HRO staffing specialist will review all applications to determine eligibility based on evidence provided within the submitted application that the candidate meets or exceeds the advertised minimum qualifications for the position. Only information submitted in the application will be considered in an assessment of the qualification and eligibility of the candidate. Applicants must meet the general and specialized experience requirements, any selective placement factors and positive education requirements identified in the technician vacancy announcement. Applicants who meet the minimum qualifications will be considered eligible for competitive selection. For positions advertised at multiple grade levels, (e.g., developmental), the staffing specialist will also indicate the grade level for which each applicant is qualified. Applicants who do not meet the minimum qualifications for the position will be rated as not qualified and notified by the Human Resource Office in writing.

4-2. MILITARY GRADE REQUIREMENTS.

Dual status position applicants must meet the military grade eligibility, as advertised, and be eligible to be assigned to a compatible military position at the time of application. Military grade inversion is not permitted. Determination of eligibility for appointment or commission as an officer will be made by the appropriate Military Personnel Officer. Applicants may be required to provide certification of eligibility to meet military grade requirements.

4-3. SELECTIVE PLACEMENT FACTORS.

Selective placement factors are knowledge, skills and abilities (KSA) or other personal characteristics essential for satisfactory performance of the technician position the selecting official needs to announce. These factors are not necessarily required of all other jobs of the same type, represented by the overarching position description. The standard KSA(s) will be identified in the technician vacancy announcement along with those selective placement factors that will be considered in evaluating candidates for qualification eligibility. The KSA requirements and identified selective placement factors will be the factors used to assess minimum qualifications and are the principal ranking factors used to determine the best-qualified candidates. Applicants should specifically address each of the KSA(s) and all selective placement factors identified in the position announcement in their application. Applicants must go beyond simply copying the KSAs and selective placement factors into their application. Applicants must show in the application how they meet or exceed the KSAs and selective placement factors. Any applications or resume's that contain statements that have been copied/pasted from the KSA's or NGB Qualification Standards may be disqualified from consideration.

4-4 CONDITIONS OF EMPLOYMENT.

Conditions of employment are those requirements of the position which are necessary in order to perform duties of the position (e.g., security clearance, medical/physical requirements and specialized education). In addition, positions may have established requirements which must be met for continued retention (e.g., developmental training). When either of these type requirements has been established, they will be included in the position announcement.

- a. Security Requirement. An announcement for a technician position requiring a specialized level of security clearance for entry into the position will identify that requirement in the announcement. Applicants must provide information to verify they possess the security clearance.
- b. Training Requirement. Applicants for a technician position with an identified developmental training requirement will be informed in advance of selection for the position that failure to complete the required course(s) will be cause for removal from the position. Upon selection, the applicant will be required to submit a written statement indicating that he/she understands the requirement to satisfactorily complete the appropriate course(s) or be removed from the position.
- c. Medical/Physical Requirement. Applicants must meet any medical standards or physical requirements identified as a requirement to hold the position.

4-5. APPLICANT EVALUATION PROCEDURES.

The Agency may hire from among properly ranked and certified candidates for promotion; or any other appropriate source.

- a. A maximum of seven (7) qualified applicants per vacancy will be forwarded for to the nominating official. When more than seven (7) qualified applicants are certified for a single position the HRO will review the applicant qualifications to eliminate minimally qualified applicants from consideration until there are 7 or less applicants. HRO may appoint a Qualification Review Analysis (QRA) to evaluate candidates IAW Paragraph 4-6. Number qualified applicants on a COE may be increased up to 10 with HRO concurrence based upon special circumstances.
- b. IAW 5 CFR, §302.401, When making an appointment from a priority reemployment, reemployment, or regular list on which candidates have not received numerical scores, an agency must make its selection from the highest available preference category, as long as at least three candidates remain in that group. When fewer than three candidates remain in the highest category, consideration may be expanded to include the next category.

4-6. QUALIFICATION REVIEW ANALYSIS (QRA)

- a. The QRA will consist of three members:
 - (1) An HRO Staffing representative.
 - (2) A management representative, preferably not assigned to the work section from where the vacancy is being announced (i.e., a supervisor other than the nominating official), with technical expertise in the field relative to the position being filled.
- b. Neither nominating nor selecting officials may participate in a QRA.
- c. Persons appointed as members in a QRA will be informed that the processes and results are strictly confidential and that participants may be subject disciplinary action for revealing restricted information.
- d. The QRA will narrow the pool of candidates by rating each applicant's level of qualification, experience, past performance ratings, awards and training (both job and non-job related), and education.
- e. The top seven (7) candidates identified through the QRA evaluation process will be listed on certified list in alphabetical order.
- f. Applicants excluded from consideration using the procedures in this section will be notified that even though they met the basic eligibility requirements for the position that they did not rate high enough to be considered.

CHAPTER 5 - REFERRAL AND SELECTION PROCEDURES

5-1. REFERRAL OF APPLICANTS. Following the determination of basic eligibility and evaluation of applicants as outlined in Chapter 4, the Human Resource Office will:

- a. Notify applicants not meeting the minimum qualifications.
- b. Notify applicants who were qualified, but not referred on the certification list among the best-qualified for selection consideration.
- c. Certify to the selecting official all qualified applicants. The order of applicants on the Referral and Selection Certificate will be alphabetical order.
 - (1) Referral and Selection Certificates (identifying eligible applicants for a particular announced position) will be valid for a period of 30 days, unless an extension is requested from and approved by the HRO. If a selection is not made within 30 days, the HRO will notify the selecting official that the certificate is canceled. The selecting official will be required to return the selection package and re-initiate the request to fill the vacant position. The Human Resource Office will notify applicants the position fill action has been cancelled.
 - (2) REUSE OF A REFERRAL AND SELECTION CERTIFICATE. A selecting official may reuse a Referral and Selection Certificate from which a previous candidate was selected only if (1) the position to be filled has the same title, series, grade and is located in the same organization and geographic location as the position for which the certificate was initially issued, and (2) the certificate is not more than 90 days old from the date of issue by the Human Resource Office. If a selection is made from a reused certificate HRO will review and have final approval authority for the selection.
- c. Provide the selecting official a copy of the instructions found on the HRO Staffing Sharepoint.

5-2. PROCEDURES FOR THE SELECTING OFFICIAL.

- a. Upon receipt of a Referral and Selection Certificate for an announced position, the selecting official must review policies for planning and conducting interviews as provided in the Selecting Officials Instruction Sheet and read and understand responsibilities and procedures required as identified in Chapter 5 of this Merit Placement Plan. It is the responsibility of the selecting official, or his/her designated representative, to ensure each member of the interview team is provided access to the materials as applicable as well as scoresheets prior to conducting interviews.
- b. Upon receipt of the Referral and Selection Certificate, the selecting official will initiate the Board Request process by returning a completed NVHRO 335-2 Board Request Certificate to HRO. If the request has been made to complete a formal

board, the board members must be named on the request and a copy of the interview questions must accompany the request for review and approval by HRO.

- c. If the selection certificate contains only one eligible applicant, the selecting official may recommend the lone applicant for selection without an interview or re-announce the position to a wider area of consideration. If the selecting official chooses to re-announce the vacancy, the initial position advertisement will be cancelled and the single applicant advised. The applicant will be required to re-submit through USA Jobs for the advertised position if they are still interested. Whenever there are two (2) or three (3) qualified applicants certified for selection (including the combined total of certified applicants for a technician and AGR position announced concurrently), the selecting official will be required to conduct packet reviews and attempt to make a selection. All applicants packets, certified as eligible for consideration will be reviewed unless an applicant declines or withdraws. Whenever there are three (3) or more qualified applicants certified for selection (including the combined total of certified applicants for a technician and AGR position announced concurrently), the selecting official will be required to conduct interviews and attempt to make a selection. All applicants, certified as eligible for consideration will be interviewed unless an applicant declines or withdraws.
- d.
- d. The selecting official will appoint an interview team to assist in the interview and evaluation of all applicants to be interviewed. The selecting official will either act as the interview team chief or appoint a management representative with appropriate knowledge of the position requirements to act as the interview team chief. The interview team will be composed of at least three members. The selecting official, or a designated representative, will function as the interview team chief. One or more subject matter experts, at or above the grade of all applicants, will be identified.
 - (1) The selecting official will ensure that the interview team includes, at a minimum, a subject matter expert, a minority representative, and a disinterested party. Interview team roles will be specified by circling the applicable role on the NVHRO 335-2. This will be the requirement regardless of the gender, race or ethnicity of the certified applicants. Requests for waiver of this requirement will require Army or Air Command (as appropriate) concurrence and will be submitted to the HRO with a clear justification prior to conducting interviews.
 - (2) Interview dates must be identified with sufficient lead-time to coordinate the schedules of the interview team members, and will take place during duty hours unless extenuating circumstances apply. Interview team members will be scheduled to ensure availability for interview duty. Prospective employees will be expected to arrange their own schedules to interview for advertised positions.
 - (3) Every reasonable effort must be made to conduct personal interviews with all applicants. If a personal interview is not possible, telephone interviews should be conducted. Reasonable effort must be made to contact the applicants. Should the selecting official be unable to contact an applicant after several attempts, he/she may proceed with the interview process. A record of the dates

and times of the attempts to notify the applicant will be included on the return endorsement of the certificate to the HRO.

- e. The selecting official must identify the criteria to be used by the interview team to evaluate applicants and ensure the team understands the criteria. The evaluation and selection of all applicants will be conducted with reference only to job-related, merit-based factors. However, when the relative assessment of applicants using merit-based factors alone does not result in a clear selection, consideration of the organization's diversity goals may be used as a tie-breaker in arriving at a final selection.
 - (1) Employment references. The selecting official, or the designated interview team chief, may make employment inquiries of previous employers or supervisors of applicants. If employment inquiries are made, inquiries will be made concerning all applicants, and the results of the inquiries will be shared with the interview team prior to completing the evaluation and formulation of an interview team recommendation for selection. Derogatory reference information related to work habits, conduct or other employment suitability factors may be considered to mitigate the experience, knowledge and skills of an applicant in the evaluation. Additionally, first-hand knowledge of applicants' work habits and capabilities are valid considerations.
 - (2) Selecting officials, or their designees, must review the interview questions and expected responses with all interview team members prior to conducting the interviews.
 - (3) Selecting officials should also refer to the selecting officials instruction sheet as well as the 'Guidelines for Conducting an Effective Job Interview, as a reference for planning and conducting interviews.
- f. The interview team will function with the intent of achieving consensus in a recommendation to the selecting official derived through a fair, merit-based interview process. The selecting official is entitled to make a selection from among any of the applicants; however, a selection that differs from the consensus recommendation of the interview team or a nonselection from the certified list of eligible candidates will require justification to be submitted to the HRO.
- g. The selecting official, or designated interview team chief, will maintain the interview notes and these will become part of the placement record. When a selection has been identified, the selecting official will turn all forms and notes used in the interview along with the completed selection package into the Human Resource Office. The Standard Form 52, "Request for Personnel Action," must be completed as indicated, and the selection certificate must be annotated, signed and dated.
- h. Completed selection packages are subject to review to ensure selection procedures were in accordance with merit principles and no prohibited personnel practices were involved. The selection is not final until the selection has been administratively approved by the Human Resource Office staffing function. The selecting official will be notified when the final approval has occurred. The selecting official and interview

team participants are not authorized to release the proposed selectee's name prior to administrative approval from the Human Resource Office.

- (1) Team members will conduct themselves in a professional manner throughout all phases of the interview and evaluation process. Personal information regarding applicants must be treated as protected information, and discussions within the interview team evaluation process will be treated as confidential.
- (2) Completed selection packages may be reviewed by the State Equal Employment Manager (SEEM) and the HRO as appropriate. An Equal Employment Opportunity (EEO) review will be conducted on a random sampling of completed selection packages as a standard business practice. However, any reported or suspected irregularity in the selection process will trigger an EEO and/or Command review of the selection process.
- (3) Final authority for appointments, promotions, etc, resides with the Adjutant General and is delegated to the Director of Human Resources or his/her designated representative.

5-3. NOTIFICATION.

After the EEO and/or administrative review (as appropriate) is complete, approval of the selecting official's tentative selection and notification procedures will be as follows:

- a. The Human Resource Office staffing function will contact the selecting official and authorize him or her to notify the selected candidate and inform all other applicants of their nonselection.
- b. The selecting official will contact the selected candidate and offer the position. If the candidate accepts, the selecting official will advise the candidate the selection is to remain confidential until the non-selected candidates have been notified. If the candidate does not accept the offer, the selecting official may offer the position in turn to the next most qualified candidate as identified in the interview process and approved by staffing. The selecting official will then notify the non-selected candidates by telephone, email or letter, prior to releasing the name of the selected candidate if possible. The selecting official should document all notifications.
- c. For dual-status positions, the selecting official must notify the appropriate military personnel office of military assignment requirements to a compatible military position, and ensure any military personnel action is documented.
- d. The Human Resource staffing function will inform the immediate supervisor and/or the selectee when the proposed personnel action is approved, and initiate Standard Form 50, Notification of Personnel Action to effect promotion/placement action.

5-4. START DATE.

HRO will set the start date of any personnel actions. The effective date for new appointment actions will typically be the first scheduled workday of a biweekly pay period. (Exceptions to this policy may be justified based upon mission requirements.) If the selectee is currently an on-board technician, the gaining supervisor must coordinate a start date with the losing supervisor allowing the technician to assume his/her new position as soon as practicable. Promotion actions will typically be processed effective the first day of a biweekly pay period. The gaining supervisor must keep the HRO informed when this situation arises. Release will normally be within two weeks after selection unless a later effective date is coordinated with the Human Resource Office. Disputes over a release date will be resolved by the Director of Human Resources.

CHAPTER 6 - ADMINISTRATION

6-1. RECORDKEEPING. States will maintain a record of each position filled, using processes described in this plan, sufficient to allow for reconstruction of the placement action. The NG follows *The Army Records Management System (ARIMS)*, AR 25-400-2.

- a. Complete placement/promotion records will be maintained by the HRO to:
 - (1) Provide a clear record of the action taken.
 - (2) Evaluate the Merit Placement and Promotion Program.
 - (3) Provide proof that merit placements action are being made on a fair and equitable basis.
- b. The required information includes, but is not limited to:
 - (1) The Job Opportunity Announcement,
 - (2) The resume and supporting documents submitted by all applicants,
 - (3) The individual qualification sheets, if used--the panel ranking sheets,
 - (4) Correspondence to and from applicants.
 - (5) The referral certificate.
 - (6) Supervisor's request for advanced in-hire rates, or incentives.

6-2. RECORD RETENTION. Retention periods may change occasionally because of statutory, legal, financial, or administrative requirements. The records must be retained in the local files area (for up to two years(5 CFR 335.103). If disputed, case files are retained by the HRO until claim is settled.

6-3. MERIT PLACEMENT PROGRAM REVIEW. At a minimum, Nevada HRO will make provisions to review its merit promotion and internal placement program annually. To support continued use of specific procedures, and to ensure proper administration, use, and control, the HRO must have a system for reviewing the need and appropriateness of its procedures. This includes gathering of data to illustrate the effectiveness of each procedure and subsequent documentation. Where NG-J1-TN determines an HRO does not meet the requirements of this plan, it will require the state HRO to modify or suspend any procedures which NGB determines are deficient and/or unsatisfactory. The NGB, DoD, and/or OPM may/will inspect states to see that the provisions of this and other regulatory guidance is followed; and make periodic reviews of the use of evaluation procedures in the states in order to evaluate the effectiveness of this plan. Each has the authority to require states/HROs to modify or suspend any procedures, which do not meet the requirements in this plan.

- a. **COMMENTS OR SUGGESTIONS:** Users of this plan are invited to send comments and suggested improvements to the Director for Human Resources, 2460 Fairview Drive, Carson City, Nevada 89701-6807

6-4. PRIVACY PROTECTION.

Information relating to individual placement actions or to the applicant will not be discussed with or shown to unauthorized individuals. Supervisors and personnel

specialists participating in merit placement actions will not disclose the details of their work to unauthorized persons.

- a. An employee is not entitled to review information regarding another employee without the written consent of the other employee.

- b. Merit promotion records may be disclosed to officials of labor organizations when relevant and necessary in the performance of their duties as exclusive representatives of the bargaining unit. In these circumstances, access to records will be provided within the Human Resource Office under staff supervision, and the union official will be advised that no employee is entitled to review any other employee's records nor may the union official disclose such information without the written consent of the employee whose records are being reviewed.

CHAPTER 7 - KEY STAFF APPOINTMENTS FOR ONLY NG T32 DS TECHNICIANS.

- a. Key Staff position is a T32 DS Technician senior managerial position whose incumbent is a member of the immediate staff of TAG; or, who reports directly to or under the direction of TAG. Key Staff positions are filled solely on the basis of merit. All NG employees are provided the maximum opportunity to compete for placement opportunities.
- b. Such positions may serve as head or deputy of a major organization within a state; or direct a specialized program of marked difficulty, responsibility and statewide significance.
- c. Key Staff positions are intended to be unique within the organization.
- d. TAG must request a Key Staff position be filled by use of a Job Opportunity Announcement.
- e. 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 eligibles (Dual Status, Technicians, AGR, Traditional Guardsmen, or Title 5 employees that have maintained military membership) is established based on the results and submitted to the selecting official.

CHAPTER 8 - CORRECTIVE ACTIONS AND GRIEVANCE COMPLAINTS

8-1. GRIEVANCES AND COMPLAINTS: NG T32 DS Technicians and the NG T5 employees may have the right to file a grievance concerning merit promotion matters under the state NG's administrative grievance procedures or under a negotiated grievance procedure, as appropriate. Non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for a grievance. NGB or OPM may conduct investigations of violations of the merit placement program or selection processes and direct corrective action(s). Management and the HRO staff will make every effort to informally resolve employees' concerns regarding placement actions. An employee may not file both a formal grievance and an EEO complaint at the same time for the same issue. However, if an applicant believes that he/she was not provided due consideration because of reprisal or race, color, national origin, gender, religion, age (over 40), disability, or sexual orientation, he/she may file a complaint through the appropriate state NG Equal Employment Opportunity program. To have complaints considered through the EEO process, individuals must contact an EEO counselor within 45 days from the date of the matter alleged to be discriminating or, in the case of personnel action, within 45 days of the effective date of the action.

**Under the Whistleblower Protection Act, some actions alleging prohibited personnel practices must first be appealed to the Office of Special Counsel. Some actions may be appealed to the Merit System Protection Board. Information regarding these actions may be obtained from the State HRO.*

8-2. 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 Nevada National Guard. An example of a required corrective action may be to rectify a violation incident that involved an applicant who was erroneously promoted or appointed. The nature and extent of actions taken in any case must be determined on the basis of all the verified and validated facts in the case. The provisions of this paragraph do not restrict the remedies that are afforded in resolving a grievance.

8-3. VIOLATIONS: There are three types of program violations for which NGB, DoD, or OPM may require corrective action.

1. A procedural violation occurs when a placement action does not meet the requirements of the state merit placement plan. The NG T32 DS Technicians and the NG T5 employees may remain in the position only if reconstruction of the action shows that he/she could have been selected if proper procedures were followed at the time the action was taken, or if NG-J1-TN gives approval. In this kind of violation, a technician is retained in the position only if –
 - (a) Reconstruction of the action shows that he /she could have been selected had the proper procedures been followed at the time the action was taken; or
 - (b) The NGB, DoD, or OPM gives approval.
2. A regulatory violation occurs when the NG applicant did not meet the qualification or regulatory requirements at the time of placement. The NG T32 or NG T5 employee may be retained in the position, only if, on current date, he/she meets

all of the position's qualification requirements. In this kind of violation, a technician may be retained in the position only if:

- (a) He or she meets the necessary qualifications or regulatory requirements at current date; and, no other candidates were adversely impacted; and,
 - (b) The NGB, DoD or the OPM office with geographic jurisdiction, gives written/signed approval.
3. A program violation occurs when the state merit placement plan, guidelines, or practices do not conform to NGB, DoD, or OPM requirements. A NG T32 technician or a NG T5 employee may be retained in the position only if there was no accompanying procedural or regulatory violation involved.
- (a) The general rule is that an erroneously promoted/placed NG T32 technician or a NG T5 employee may be retained in the position *only if* the action can be corrected to conform essentially to all OPM/DoD/NGB requirements as of the date the action(s) were taken. Corrective action decisions must be tempered by all the facts surrounding the violation.
 - (b) If the corrective action taken requires the position to be vacated, the NG T32 technician or a NG T5 employee occupying the position is returned to his or her former position; or, if newly hired, placed in another position for which he or she is qualified. All NG T32 or NG T5 candidates, who were not given proper consideration, must be considered before new recruiting efforts are initiated.
 - (c) If the corrective action does not include vacating the position, All NG T32 or NG T5 candidates who were not given proper consideration, based on the violation, are given priority consideration for appropriate vacancies.
 - (d) 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.

APPENDIX A**GLOSSARY – PART I: ACRONYMS**

ANG	Air National Guard
ARNG	Army National Guard
ASARS	Automated Stopper and Referral System
DoD	Department of Defense
CFR	Code of Federal Regulation
DS	Dual Status Title 32 Excepted Service Military Technician
EEO	Equal Employment Opportunity
FOIA	Freedom of Information Act
HR	Human Resources
HRO	Human Resources Officer/Human Resources Office
IAW	In Accordance With
ICTAP	Interagency Career Transition Assistance Plan
JOA	Job Opportunity Announcements
KSAB	Knowledge, Skill, Ability and Behaviors
MPP	Merit Placement and Promotion Program
NGB	National Guard Bureau
NG	National Guard
OPM	U.S. Office of Personnel Management
PA	Privacy Act
PCS	Permanent Change of Station
PPP	Priority Placement Program
RPL	Reemployment Priority List
SME	Subject Matter Expert
T5	Title 5 United States Code (Competitive or Excepted Service)
T32	Title 32 United States Code DS Technicians
USC	United States Code

GLOSSARY – PART II: DEFINITIONS

Accession – A personnel action that results in the addition of a NG T32 or T5 employee to the rolls (staff) of a state.

Application – The form or method utilized by applicants and employees to indicate interest in promotion, demotion, change to lower grade, or reassignment to a particular position or category of positions in the state NG.

Appointing authority - At the lowest operating level, this authority is usually exercised by the Human Resources Officer (HRO). The HRO is usually designated in writing to act *for* the appointing authority (TAG) but is not considered to *be* the appointing authority.

Appointing office – An organizational segment with the delegated authority to effect personnel actions; ‘appointing offices’ are the state Human Resources Offices.

Appointing official – The person having power, by law, to make appointments. For the NG, the State Adjutant General is authorized to employ NG technicians and employ NG T5 employees; this authority may be delegated, in writing, to the NG Human Resource Officer.

Appointment – Any personnel action that brings an individual onto the rolls (staff) of a state.

Area of consideration - The area designated by the Plan in which it can reasonably be expected to locate enough highly qualified candidates to fill vacancies in the positions covered by the Plan.

Bargaining unit position – The position in an organization for which a union has been certified as exclusive representative.

Behavioral indicators - Crediting plan used to assess a candidate’s potential for successful job performance. These indicators are the measurable aspect of behaviors that predict a potential level of success for the competency.

Best qualified candidates – A highly or well qualified candidates who rank at the top when compared with other highly qualified candidates and who are referred to the selecting official for consideration and selection.

Bonafide consideration - A priority consideration (PC) eligible is referred to the selecting official alone on a certificate, or with other PC eligibles. The certificate containing the PC eligible(s) name will be referred before applicants with lesser priority in the order of consideration.

Career promotion - The promotion of an employee without competition when competition was held at an earlier stage, i.e. the employee was selected from the Office of Personnel Management (OPM) register (or under other competitive promotion procedures), *and* the fact that the initial selection could lead to promotion was made known to all potential candidates (career ladder promotions); or an employee's position is 'modified' to a higher grade because of the accretion of additional duties and responsibilities.

Change to lower grade – A change to lower grade occurs when an employee is moved either voluntarily or involuntarily from one General Schedule grade to a lower General Schedule grade, or to a different pay system with a lower representative rate.

Commuting area – The geographic locality that constitutes one area for employment purposes. It includes any population center and the surrounding localities within which people live and can reasonably be expected to travel back and forth daily to their usual place of employment.

Competencies: Are defined as the attributes: Knowledge, Skills, Abilities, and Behaviors required to perform a job and are generally demonstrated through qualifying experience, certifications, education, and/or training.

Competitive service – All civilian positions in the Federal Government that are not specifically excepted from the civil service laws by, or pursuant to, the President, or by the OPM.

Competitive status – “Standing” gained through employment in a career or career-conditional appointment.

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

Conversion – The change of an employee from one type of appointment to another.

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

Demotion – Typically a management driven action, the change of an employee to a lower grade when both the old and the new positions are under the General Schedule, under the same type of graded Wage Schedule, or to a position with a lower rate of pay when both the old and new positions are under the same type of ungraded Wage Schedule.

Detail – The temporary assignment of an employee to a different position for a specified period with the employee returning to regular duties at the end of the detail; includes positions at higher or lower grades.

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

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

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

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

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

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

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

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

Knowledge, Skills, Abilities and Behaviors (KSABs) – The competency attributes and other elements (i.e., professional certification) required for successful performance in a job that are generally demonstrated through qualifying experience, education, and training. Knowledge is a body of information applied directly to the performance of a function. Skill is an observable competence to perform a learned psychomotor act.

Ability is competence to perform an observable behavior; and, a behavior results in an observable product.

Management official – An individual employed in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency; [5 USC 7103]

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

Promotion – The change of an employee to a position at a higher grade when both the old and the new positions are under the general schedule, or under the same type of graded wage schedule; or to a position with a higher rate of pay when both the old and new positions are under the same type of ungraded wage schedule.

Promotion Plan – Procedure designed to ensure a job-related, valid and systematic means of selection for promotion based on merit.

Qualification Standards – A series' description of the knowledge, skills, abilities and behaviors along with specialized and general experience requirements needed to meet basic eligibility requirements for appointment or placement.

Ranking Official/Panel – Person(s) charged with the responsibility of determining the highly qualified and best qualified candidates as described by the evaluation criteria when an automated ranking system is not utilized.

Reassignment – The change of an employee from one position to another, without promotion or demotion, within the State NG.

Reinstatement – Reinstatement allows individuals to re-enter the Federal competitive service workforce without competing with the public. Reinstatement eligibility enables him/her to apply for Federal jobs open only to status candidates

Selecting official – Manager/supervisor with the authority or delegated authority to make a selection.

Selective placement factors – 'KSABs' that go beyond minimum qualification standards but are prescribed as necessary for meeting basic eligibility. These factors are essential to successful performance in the position to be filled and are not readily attained after placement/promotion into the position. The selective placement factors must be documented, justified, contained in the position description (PD), critical job elements, and other job related processes.

Series Qualification standards – A description of the minimum requirements necessary to perform work of a particular occupation successfully and safely. These minimum requirements may include specific job-related work experience, education,

medical or physical standards, training, security, and/or licensure. The Qualification Standards prescribed by NGB.

Supervisor – An individual having authority to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to resolve their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term “supervisor” includes only those individuals who devote a preponderance of their employment time to exercising such authority; [5 USC 7103]

Status applicant - a current or prior employee who has attained competitive status through a current or prior appointment to a career or career-conditional appointment in the federal service. Status pertains to a person, not a position.

Time-limited promotion – A promotion made under specific and written conditions with a not to-exceed-date to meet a need of a short-term nature. Upon expiration of the short-term need, the employee normally reverts to the former position. Time-limited promotions include both "temporary" and "term" promotions.

REFERENCES

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Public Law 114-92, section 1053, 25 November 2015, "*The National Defense Authorization Act for 2016*"

Executive Order 13548, 26 July 2010, "*Increasing Federal Employment of Individuals With Disabilities*"

5 U.S.C. § Chapter 71, "*Federal Service Labor-Management Relations Statute*"

5 U.S.C. § Chapter 75, "*Adverse Actions*"

5 U.S.C. §§ 2103, 2105, and 3101, "*Government Organization and Employees*"

5 U.S.C. § 4303, "*Actions Based on Unacceptable Performance*"

5 U.S.C. § 6121, "*Definitions*"

5 U.S.C. § 6127 and § 6128, "*Compressed Schedules*"

5 U.S.C. § 6132, "*Prohibition of Coercion*"

10 U.S. C. § 1721, Designation of Acquisition Positions

29 U.S.C. Chapter 8, "*Fair Labor Standards*"

32 U.S.C. §709, "*Technicians: Employment, Use, Status*"

42 U.S.C. § 2000e-16, "*Employment by Federal Government*"

5 CFR "*Administrative Personnel*"

5 CFR Part 302, "*Employment in the Excepted Service*"

5 CFR 315.103, Agency Promotioun Programs

5 CFR § 315.610, "*Noncompetitive Appointment of Certain National Guard Technicians*"

5 CFR Part 332, "*Recruitment and Selection Through Competitive Examination*"

5 CFR Part 335, "*Promotion and Internal Placement*"

5 CFR Part 335, Subpart A, "*General Provisions*"

5 CFR Part 335 §335.102, *Merit Promotion Plans*

5 CFR 335, "*Promotion and Internal Placement*"

5 CFR Part 227, "*Examining System*"

5 CFR, 432, "*Performance Based Reduction in Grade and Removal Actions*"

5 CFR 511 Classification

5 CFR 531-212, "*Superior Qualifications and Special Needs*"

5 CFR 532, Subpart E, "*Overtime Pay*"

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20 CFR 1002, Subpart E, "*Reemployment Rights and Benefits (USERRA)*"

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OPM "*Guide to Processing Personnel Actions*", 27 September 2017

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CNGBI 5001.01, 05 December 2016, "*National Guard Bureau Records Management Program*"

Chief, National Guard Bureau Memorandum, Subject: *TAG Delegation*, 16 February 2017

TPR 300, "*Title 32 Dual Status Technician Employment Program*"

TPR 335, "*Title 32 Dual Status Technician Merit Program*"

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

TPR 303, "*Title 32 Dual Status Technician Compatibility Program*"

TPR 511 Classification and Workforce Management

Agreements between The Adjutant General of Nevada and the Laborers International Union of North America. (11NOV2016)

Nevada Air National Guard Labor/Management Agreement between the Adjutant General, State of Nevada and Silver Barons Chapter, Association of Civilian Technicians. (2013)

NGB Qualification Standards

- a. NGB FWS qualification standards found at:
<https://gkoportal.ng.mil/joint/J1/D06/B03/FWS%20Qual%20Standards/Forms/AllItems.aspx>
- b. NGB GS qualification standards found at:
<https://gkoportal.ng.mil/joint/J1/D06/B03/GS%20Qual%20Standards/Forms/AllItems.aspx>
- c. Title 5 Qualification Standards found at:
<https://gko.portal.ng.mil/joint/J1/D06/B03/Title%205%20Excepted%20Service%20Series%20Qualification%20Standards/Forms/AllItems.aspx>