

ORNGTPR 335

Human Resources

**Technician Merit
Placement Program**

**Joint Force Headquarters
Oregon National Guard
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UNCLASSIFIED

Human Resources

Oregon National Guard Technician Merit Placement Program

By Order of the Governor:

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Major General
The Adjutant General

Official:



History. This publication replaces previous Oregon National Guard Technician Personnel Regulation (TPR) 335, Oregon National Guard Technician Merit Placement Programs. A merit promotion program is required by 5 Code of Federal Regulations (CFR) 335.103. This version changes actions taken by the Human Resources Office when it evaluates PVA requests (Sec 4), adds non-dual status evaluation procedures and refers applicants both dual and non dual status (Sec 6-8) adds NDS areas of

consideration to glossary (sec III).

Summary. This regulation contains the program establishing procedures and information on the merit placement program for Federal Technicians in the Oregon National Guard (ORNG). These policies and processes apply to Dual-Status Technicians and Non-Dual-Status Technicians employed under Title 32 United States Code (USC). Non dual status policies are being added to the program based on National Guard Bureau (NGB) guidance. The glossary definitions section is critical to understanding of the regulation.

Applicability. This regulation applies to all Oregon National Guard Federal Technicians, including both bargaining unit positions and non-bargaining unit positions.

Proponent and exception authority. The proponent for this regulation is the Human Resources Officer (HRO). The HRO has authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The HRO may delegate this approval authority in writing, to a branch chief or specialist in the proponent office.

Suggested Improvements. Users are invited to send comments and suggested improvements to: Joint Force Headquarters - Oregon, ATTN: J1/HR, PO Box 14350, 1776 Militia Way, Salem, OR 97301-5047.

Distribution. This publication is available through links on several ORNG web sites or in print media, through the Human Resources Office at 503-584-3975.

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Glossary

Section 1 General

1-1. Purpose

This program establishes procedures and provides information on the merit placement program for Federal Technician positions in the Oregon National Guard. The Oregon National Guard will utilize these procedures exclusively for posting, hiring and promoting Federal Technicians.

1-2. References

Required and related publications and prescribed and referenced forms are listed in Appendix A

1-3. Explanation of abbreviations and terms

Abbreviations and special terms used in the regulation are referenced in the glossary. Commonly used terms have specialized meanings in the context of this regulation which are critical to the understanding of the policies and processes mandated herein. Definitions are listed in Section III of the Glossary and should be reviewed before reading the remainder of this regulation.

1-4. Responsibilities

- a. The Adjutant General of Oregon (TAG) is the appointing authority for the Oregon National Guard Technician program, and is the highest level of authority in the State concerning the overall application of this Merit Placement Program.
- b. The Human Resources Officer (HRO) is responsible to TAG for ensuring that the processes outlined in this Merit Placement Program are carried out. The HRO will:
 - (1) Develop, maintain, evaluate, and revise this program as necessary.
 - (2) Assure compliance with this program.
 - (3) Provide guidance and assistance to Technician supervisors concerning their responsibilities under this program.
 - (4) Assure applicants are properly evaluated and certified for placement.
 - (5) Maintain necessary records.
- c. Managers and supervisors will:
 - (1) Ensure Technicians under their supervision are aware of this program.
 - (2) Ensure personnel actions effected within their area of responsibility are based on merit principles.
 - (3) Encourage Technicians under their supervision to participate in developmental opportunities and to apply for positions for which they are qualified.
 - (4) Recommend changes in this program to the Human Resource Office.
 - (5) Assist Technicians under their supervision who are absent (military duty, service schools, etc.) and wish to apply for positions announced during their absence.
- d. Individual Technicians are responsible for:
 - (1) Pursuing developmental opportunities and preparing to assume higher level duties.
 - (2) Familiarizing themselves with provisions of this program.
 - (3) Ensuring position vacancy application forms contain accurate and current information concerning qualifications and self-development activities.
 - (4) Arranging with their supervisors to submit applications for vacancies when temporarily absent from their jobs.
 - (5) Obtaining and maintaining the security clearance required for the position they are hired for.

1-5. Policy

It is the policy of the Oregon National Guard that:

- (1) Human resources personnel and leaders will make every effort to attract and retain high quality fully qualified employees to Federal Technician positions. To that end,

individuals seeking to become Federal Technicians or to be promoted within the Technician system will be evaluated using merit system principles and job related factors.

- (2) All actions under this program will be made only on the basis of job related factors, without regard to political, religious, labor organization affiliation or non-affiliation, marital status, race, color, religion, sex, sexual orientation, national origin, age or non-disqualifying handicap (except for military requirements of dual-status Technicians).
- (3) Oregon National Guard Technicians are required as a condition of employment to maintain military membership (dual-status) in the Oregon National Guard. For purposes of this program, military requirements are considered as job related qualifying factors. Exception - A limited number of Technicians are Non-Dual Status (NDS), are not required to maintain military membership, and have no military requirement. NDS Technicians may be placed only in certain work centers and positions as a requirement of law (P.L. 106-65, FY00 National Defense Authorization Act).
- (4) Military grade inversion in itself is not reason to turn down an applicant for a Technician position. However, the applicant who is recommended for a position must be eligible for assignment to a compatible military assignment and be eligible for promotion to a military grade that would eliminate the grade inversion. (See section 6-5)

1-6. Management Rights

Oregon National Guard Management seeks to staff positions with the best qualified individuals available. Management achieves that goal by using its statutory right, under 5 USC 7106, to:

- (1) Recommend selection or non-selection from among a group of qualified applicants referred to the Interviewing Official.
- (2) Recommend an applicant from any appropriate source Position Vacancy Announcement (PVAs), (reassignments, etc.) to meet Oregon National Guard mission objectives.
- (3) Choose to fill positions or leave them vacant.
- (4) Not forward an otherwise qualified applicant based on previous severe performance or disciplinary issues.
- (5) Decide if positions will be filled by Dual Status Technician, Active Guard Reserve (AGR) or, non-dual-status Technicians.

Section 2 Exceptions to Competition

2-1. Purpose

This section identifies the limited situations where competition for positions is either not required or would be inadvisable.

2-2. Actions Exempt from Competition

- (1) Promotion due to promulgation of new classification standards or the correction of classification errors.
- (2) Placement of Technicians entitled to grade retention as a result of a Reduction In Force (RIF) or reclassification.
- (3) Reinstatement, transfer, or non-competitive promotion of a Technician to the highest grade they had previously held on a permanent basis under an excepted, career or career conditional appointment, provided the employee was not demoted or separated from that grade because of deficiencies in performance or "for cause" reasons.

- (4) Promotion resulting from a Technician's position being reclassified at a higher grade because of additional duties and responsibilities.
- (5) Reassignment to a position with no promotion potential.
- (6) Position change required by RIF regulations.
- (7) Temporary promotion of 120 days or less.
- (8) Detail to a higher graded position or to a position with known promotion potential for 120 days or less.
- (9) Selection of a former Technician from the Reemployment Priority List for a position at the same or lower grade than the one last held.
- (10) Reassignment of a Technician with the concurrence of the gaining and losing supervisor.

Section 3 Filling Key Staff Positions

3-1. Purpose

This section identifies those full-time positions in the Oregon National Guard considered to be Key Staff positions and outlines selection process options used to fill these positions. These positions are exempt from the normal Technician position vacancy announcement procedures contained in this regulation.

3-2. Background

- a. Key Staff positions are those considered and identified by the Adjutant General to be so critical to the success of the organizational mission that they must be filled by only those select few who have clearly demonstrated and are well known for their outstanding technical skill and leadership potential. The Nominating Official for a Key Staff position may choose to use the Technician vacancy announcement procedures in Chapter 5 of this regulation or to select from an Human Resources Office generated list of all qualified Technicians. The list is called a Key Staff Referral (KSR).
- b. The Adjutant General has the authority to select an AGR member for a Key Staff position without regard to the Technician Key Staff Referral Process.
- c. The Adjutant General may appoint Drill Status Guardsmen (DSG) to KSR positions. The DSG appointee must meet the minimum requirements for the Technician position he or she is appointed to and any positive education requirements the position requires.

3-3. Key Staff Referral Selection Procedures

To use the KSR process, the Nominating Official requests a KSR for the vacant position from the Human Resources Office. The request will include the position to be filled and any job related qualifying factors necessary to be successful in the position. The Human Resources Office will screen current Technician personnel records to determine eligible candidates and then prepare a KSR for the Nominating Official. The Nominating Official may use a records review, résumé, and/or personal interview process to determine whom he or she will recommend for appointment. The Nominating Official will coordinate through the HRO to obtain the Adjutant General's concurrence on the appointment.

3-4. Key Staff Positions

Key Staff Positions have been selected by the Adjutant General and are listed in Appendix B to this regulation. This appendix may be updated as a consequence of organization or force structure changes.

Section 4 Position Announcement and Application Procedures

4-1. Purpose

This section outlines the Position Vacancy Announcement (PVA) process - how supervisors request a PVA, how the Human Resources Office evaluates PVA requests, and how PVAs are crafted and posted.

4-2. Supervisor Request for a PVA

A supervisor seeking to fill a position through the PVA process submits a Standard Form (SF)-52, Request for Personnel Action, to the Human Resources Office. The SF-52 must include the following information:

- (1) Position title, job number, grade(s), and location.
- (2) Type of appointment (for those positions that can be filled by either excepted or competitive Technicians). Position may be announced for both types of appointments if a competitive position (NDS) is available/authorized.
- (3) Military position type and grade (officer, warrant officer, enlisted and minimum/maximum grade eg. E-4 to E-7), Unit Manning Document (UMD) / Table of Organization & Equipment (TO&E) / Table of Distribution and Allowance (TDA) position and associated Military Occupational Speciality (MOS) / Air Force Speciality Code (AFSC) (not to be confused with basic MOS/AFSC compatibility required by the Position Description).
- (4) Recommended areas of consideration (see glossary section III Abbreviations and Terms).
- (5) Recommended selective placement factors (see glossary section III Abbreviations and Terms).

4-3. Human Resources Office Evaluation of PVA Request

- a. The Supervisory Human Resources Specialist (SHRS) reviews the PVA request to ensure all critical items for the processing of the request are included and adds any information that will ensure accurate and timely processing of the action. The SHRS also monitors the cumulative workload of the HRSS and if necessary notifies the requesting official that the PVA processing could be delayed.
- b. The Manpower Specialist reviews the PVA request to ensure it meets the criteria needed for further processing and notes any changes to include:
 - (1) Availability of an employment authorization and identification of the proper position
 - (2) Any known initiatives which could impact the request.
- c. The Classification Specialist will review the Position Description (PD) for the particular occupational series.
- d. The HRSS then processes the PVA request. He or she will:
 - (1) Review the request and call the requesting official if necessary to discuss any items that remain unclear or need further clarification
 - (2) Establish the areas of consideration to ensure a sufficient number of applicants

- (3) Send the PVA request package to the Human Resources Office Personnel Assistant who publishes and distributes the final PVA.

4-4 Human Resources Office Publication and Posting of the PVA

a. The Human Resources Office Personnel Assistant coordinates a final draft of the PVA with the HRSS and the requesting official. Both approve the PVA prior to publication. At the minimum, a vacancy announcement must contain the following information:

- (1) Title, series, grade, and salary range of the position.
- (2) Type of appointment (i.e. excepted or competitive).
- (4) Organizational and geographical location of the position.
- (5) Opening and closing dates (Open period of the PVA will be for a minimum of 21 calendar days).
- (6) Area of Consideration.
- (7) Military grade requirement (officer, warrant officer, enlisted) and compatibility requirements (AFSC or MOS).
- (8) Summary of duties and job related qualifying factors, Desirable Qualification Factors (DQFs), Potential Performance Indicators (PPIs).
- (9) Conditions of Employment Factors and Assessment Questions applicable for the position.
- (10) Information regarding known promotion potential, if applicable.
- (11) Equal employment opportunity statement.
- (12) Complete instructions on application procedures.

b. The Human Resources Office Personnel Assistant will post the PVA electronically on the USA Jobs website www.usajobs.gov once the draft has been approved by the requesting supervisor.

4-5 Internal Staffing Review Process

a. The Internal Staffing Review (ISR) Process is utilized in specific situations when upgrading current Technician positions from non supervisory to supervisory, adding lead duties or responsibilities to a Technician position, or when reorganizing a work area by filling a “newly” defined position within a work area and utilizing an existing Employment Authorization (EA) from within the work area. The following guidelines must be met in order to utilize the ISR process:

- (1) The ISR process may be used for internal restructuring and reorganization only.
- (2) When there is no additional EA available.
- (3) Must apply to small sections (less than 20 potential applicants).
- (4) Geographically dispersed units may be considered.
- (5) May be applied to bargaining unit positions, small shop chiefs (SSC, also known as one grade additives) positions, wage leader (WL) positions, and supervisory positions. However, when converting a bargaining unit position to a management position, the union will be notified prior to engaging in the ISR process.

b. The supervisor of a section who believes they meet the ISR guidelines will notify the HRSS to apply the ISR guideline provisions. If the ISR process is approved the following process will be utilized:

- (1) The HRSS will notify personnel within the affected section. The application period will be open for 14 days. The supervisor will ensure that all individuals in the section have been made aware of the ISR position.
- (2) Interested personnel will then be responsible for submitting a résumé to indicate their interest in competing for the newly described duties or position and answer any potential questions. The Human Resources Office (HR) will make all reasonable attempts to contact employees who have been deployed or are on orders to notify and assist them

- with submitting a résumé. If an employee in the affected section is deployed or anticipates being deployed they should leave a résumé with their supervisor and/ or HR.
- (3) The HRSS screens the submissions for position qualifications and military rank compatibility requirements if applicable.
 - (4) The HRSS develops the Certificate of Eligible Applicants and delivers it along with résumés to the supervisor.
 - (5) The supervisor sets up and conducts interviews IAW the Merit Placement Plan.
 - (6) The supervisor or HR Liaisons deliver the selection package back to the HRSS with a recommendation.
 - (7) The HRSS validates the selection and coordinates the start date with the supervisor utilizing the Certificate of Eligible Applicants. Start date must be signed by both the Staffer and Nominating Official prior to notification of the selectee.
 - (8) After the signed certificate has been sent to the supervisor for verification of approval, he/she then informs the individuals of the outcome.
 - (9) The HRSS will then notify via mail both the selectee and non-selectees the status of the position.

4-6 OCONUS Deployed Technician Staffing Process

Technicians deploying OCONUS will provide the HR with a résumé, and fill appropriate blocks of the mobilization checklist to notify HR of their interest in promotion opportunities within their current occupational series while deployed. The résumé is only used for the duration of the deployment. HR will automatically consider the résumé of deployed Technicians for any Position Vacancy Announcement (PVA) within the same occupational series as the Technician, as determined by the information provided by the Technician on the mobilization checklist.

- (1) Permanent Technicians will only be considered for permanent positions. Indefinite Technicians will be considered for other indefinite and permanent positions. This process does not apply to temporary Technicians.
- (2) Deployed Technicians wanting consideration for jobs outside of their current occupation series will research the USAJOBS website usajobs.gov where all ORNG Federal Technician jobs are posted, and follow the PVA instructions to apply.
- (3) Supervisors will make every effort to contact deployed Technicians referred to them on a certificate by the Human Resources Office for interviews. Supervisors will document the attempts and work with the Human Resources Office to validate the sufficiency of the attempted efforts.

Section 5 Applicant PVA Application Process

5-1. Purpose

This section outlines the process and procedures used to submit an application for a Technician position in response to an open Position Vacancy Announcement.

5-2. Application Process

a. The application is the key document by which the individual's qualification for the position is determined. It should therefore reflect the applicant's current and past employment data as well as military duty assignments, qualifications, AFSC/MOS and training received. Complete and accurate data is essential to ensure fair evaluation of applicants. With the mandated use of USA Jobs, all applications will be submitted through that automated process. Applicants will be responsible for creating an account on USA Jobs and uploading a résumé along with any other required documentation. The applicant will also be required to answer a preset questionnaire, known as the Assessment, based on the particular position description requirements and the needs of the requesting supervisor. This process is the only authorized application process unless an individual is deployed, away at a long term TDY/School. If it is determined that an applicant is unable to apply online; or they may request to the HRSS to consider their emailed, faxed or mailed résumé, the HRSS will add that to the PVA file.

b. The application is used by the Human Resources Office staff to establish the individuals basic qualifications for the position. Application packages that sufficiently establish qualifications are forwarded to the Interviewing Official for consideration.

5-3. Application Procedures

Application procedures will be stated on each PVA as shown in Appendix C (HR may make minor modifications when necessary).

Section 6 Application Evaluation, Referral, Nominating, and Appointing Process

6-1. Purpose

This section outlines the process used by the Human Resources Office to evaluate applications and produce a list of qualified applicants. The following actions take place after the PVA closes and applications have been received.

6-2. Action by the HRSS

a. Once the PVA has closed, the HRSS will receive a list from USA Jobs with the qualified applicants determined by the questionnaire and other determining factors through the assessment of the application process. The HRSS will review all applicants to ensure the automated system did not preclude any applicant erroneously. Applicants who meet the qualifications as stated in the PVA will be considered eligible.

b. The HRSS will then develop the final Certificate of Eligible Applicants (sometimes called the Referral List) that will include the appropriate number (outlined below) of qualified applicants. The list of applicants is developed differently based on whether the position is a non-bargaining unit or bargaining unit position each type of employee requires specific procedures. The HRSS will:

- (1) **For Non-Bargaining Unit Positions:** Coordinate with the nominating official on the number of applicants he or she wishes to be referred. Refer the agreed to number of applicants without arbitrarily excluding any qualified applicant. Applicants will be listed alphabetically.
- (2) **For Non-Bargaining Unit Competitive (Non-Dual Status) Positions:** After clearing the Department of Defense priority placement list, the procedures in paragraph (1) of this section will be followed.
- (3) **For Bargaining Unit Positions:**

- (a) With the exception of para (b) below, In the event the number of qualified applicants exceeds eight, the Nominating Official will be notified. If the Nominating Official agrees to more than eight qualified candidates, the HRSS will contact the Union President for authorization to coordinate additional qualified applicants.
 - (b) ANG Exception: When an Air National Guard (ANG) AGR applies for a Technician resourced position and desires to remain an AGR, they will adhere to the process in Appendix C. If the AGR Manager qualifies the AGR applicant, then the AGR Manager will develop a separate Certificate of Eligible Applicants and treat the AGR the same as the Tenure group 1 Technician and use para (a) above to develop the referral list. If the AGR applies as a Technician, the process in Section 5 shall be followed.
 - (c) For Bargaining Unit Non-Dual Status Positions: After clearing the Department of Defense priority placement list, the procedures in paragraphs (2 a through c) of this section will be followed.
 - (d) On all referrals, list applicants alphabetically.
- c. The HRSS will send the completed Certificate of Eligible Applicants to the Nominating Official with instructions on how to complete the nomination process.

6-3. Action by the Interviewing Official

- a. Upon receipt of the Certificate of Eligible Applicants from the Nominating Official, the Interviewing Official will evaluate the applicant's qualifications and potential in terms of the Desirable Qualification Factors (DQF's) and Potential Performance Indicators (PPI's) by reviewing the applicant's résumé and conducting a thorough interview.
- b. The Interviewing Official will check references and may contact former supervisors, and/or observe the applicants work habits if a current employee. The Interviewing Official will also give due weight to prior discipline, performance appraisals and incentive awards.
- c. The score of the interview alone is not the sole basis for the selection decision. The selection should be based on all relevant information gathered in the interview process (DQF's, PPI's, references prior discipline, performance appraisals, incentive awards and even military rank and unit of assignment) as outlined above.
- d. The Interviewing Official will make every effort to conduct personal interviews. If not possible, he or she should make a reasonable effort to interview all those on the certificate by other means.
- e. The interview panel will be comprised of members equal to or greater than the military rank OR civilian grade of all the applicants being interviewed for the position. The panel can be comprised of management officials or non-management officials, Technicians, AGR and DSG's or NDS civilian employees as needed.

6-4. Action by Nominating Official.

- a. A list of approved Nominating Officials appears in Appendix D.
- b. The Nominating Official either acts as or appoints an . Nominating officials are strongly encouraged to involve the immediate supervisor of a position to be filled in the interview and recommendation process.
- c. After receiving the Certificate of Eligible Applicants from the , the Nominating Official or designated representative will:
 - (1) Add written justification for the selection if nominating a non-Tenured applicant over Tenure 1, 2, or 3 applicants or a Tenure 3 applicant over a Tenure 1 or 2 applicants. The justification will address how Job Related Qualification and Selection Factors (chapter 2) that led the, board members, and/or Nominating Official to select the non-tenured or Tenure 3 applicant over other applicants.

- (2) Sign Certificate of Eligible Applicants in order for the nomination to be valid. This action constitutes a nomination or recommendation only.
- (3) If all applicants are rejected, return the certificate to the HRSS justifying the circumstances why all applicants were rejected.
- (4) After being informed by the HRSS the nominated applicant has been approved for appointment, notify selected applicant(s) first, then notify non-selected applicants of their selection or non-selection for the position.

6-5. Action by Human Resources Office Appointing Official.

a. Appointing authority by law has been vested in the Adjutant General and delegated to the HRO. Nominating official's recommendation must be processed by Human Resources before it becomes an official action. The HRO or the HRO's designated representative accomplishes this by signing (either electronically or wet signature) the action's resulting SF 50, Notification of Personnel Action.

b. If the appointment will result in Military Grade inversion or the prospective employee does not yet meet the basic dual status, security, medical, or training conditions of employment, the Human Resources Office staff will coordinate a waiver or get-well plan (NTE 24 months) with the Nominating Official. The Human Resources Office may elect to place a new employee in indefinite status until the grade inversion has been eliminated.

c. The Human Resources Office Staff will notify applicants in writing of official selection/non-selection; maintain official records; and coordinate a reporting date with appropriate supervisors.

Section 7 Employee Request for Reassignment

7-1. Purpose

This section outlines the process used by the Human resources Office to evaluate and facilitate employee requests for reassignment. The policy of the ORNG is to help facilitate reassignment of personnel when it is in the best interest of the requesting employee and the ORNG. However, both the gaining and losing supervisory chain must approve any reassignment and there are no guarantees that a voluntary reassignment can be accomplished. In addition, permanent change of station (PCS) costs may be the responsibility of the employee when he or she initiates the reassignment request.

7-2. General

A permanent Technician may, at any time, request a reassignment or change to a lower grade (hereafter simply referred to as "reassignment"). A Technician's requests for reassignment will not be considered negatively and will not be cause for reprisal of any kind. The reassignment action placing a Technician in a position for which a PVA has been published must be accomplished prior to the PVA closing date unless the PVA is rescinded.

7-3. Action by Technician

To request the reassignment, the Technician will submit to the Human Resources Office Staffing Section:

- (1) An SF 52, Request for Personnel Action, indicating the desired duty location and the position, title, and grade requested. The SF 52 must indicate the concurrence of the first and second level supervisor.
- (2) A complete, comprehensive résumé.

7-4. Action by HRSS

The HRSS is responsible for facilitating the reassignment.

- (1) Upon receipt of the reassignment request, the HRSS will review current and forecast position vacancies for possible reassignment opportunities. If none exist, the HRSS will notify the requesting employee and the first level supervisor then continue to monitor position vacancies for opportunities until the employee is either placed in a new position or withdraws the request.
- (2) If an opportunity for reassignment is found, and the HRSS determines that the gaining supervisor is willing to consider a non-competitive placement action, he or she will facilitate a dialog between the requesting Technician, the gaining supervisor, and the losing supervisor. If all parties agree to the reassignment, the HRSS will ask the gaining supervisor to determine whether the move is beneficial to the gaining unit and if the move involves a PCS.
- (3) If the HRSS and gaining unit determine PCS payment is appropriate, the HRSS will gather the appropriate information to publish the PCS order. If not, he or she will simply publish a reassignment personnel action and the Technician will be responsible for any necessary moving expenses.
- (4) If an opportunity for reassignment is found but the parties do not agree on the action, the HRSS will encourage the requesting Technician to apply for the position through the PVA application process and continue to monitor position vacancies for opportunities until the employee is either placed or withdraws the request.

7-5. Action by Losing and Gaining Supervisors

The losing supervisor will ensure the Technician is provided a closeout performance evaluation prior to the reassignment. The gaining supervisor will ensure the Technician is provided a new performance standard within 30 days of reassignment.

Section 8 Placement Records

8-1. Record of Placement Process

Complete placement records will be maintained by the Human Resources Office to:

- (1) Provide a clear record of the action taken.
- (2) Evaluate the merit placement program.
- (3) Provide answers concerning merit placement actions.

8-2. Records Required

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

- (1) Copy of the vacancy announcement.
- (2) List of all applicants' names.
- (3) Copy of applications of all applicants.
- (4) Forms used in the Human Resources Office evaluation and rating process.
- (5) Interviewing and Nominating Official evaluation of each applicant including interview notes, confidentiality statements and score sheets if applicable.
- (6) Certificate of Eligible Applicants signed by appropriate official.

8-3. Duration

Records will be maintained for a minimum of four years. If a hiring grievance is pending, records will be maintained beyond the four year minimum until resolution.

8-4. Privacy Protection

Information relating to individual placement action 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.

Section 9 Grievances and Complaints

9-1. Grievances

A vacant position applicant who is a current employee and believes proper selection procedures were not followed may present a grievance under applicable grievance procedures. A grievance based only on non-selection will not be considered.

9-2. Discrimination Complaints

Allegations of discrimination because of race, color, religion, sex, sexual orientation, age, handicap condition, or national origin made during any phase of selection process will be submitted to the State Equal Employment Manager (SEEM). Such an allegation is also grievable by the union when the position involves bargaining unit membership.

9-3. Other

Other complaints or inquiries including those made by non-Technician applicants should be directed to the HRO. All such inquiries will be considered, and every effort made to resolve such complaints.

Section 10 Recruitment Incentives and Pay Setting for New Hires

10-1. Purpose

This section outlines the Adjutant General's policy regarding incentives available to attract new employees and setting the starting pay for new Technicians who are former federal employees. To view the process for requesting use of these incentives see Oregon National Guard Technician Personnel Regulation (ORNG TPR) 575 Recruitment and Incentive Pay for Federal Technicians.

10-2. Recruiting Incentives - General

TAG has been delegated the authority to use recruitment bonuses, superior qualification appointments and other recruiting options by the Office of Personnel Management for use in the Title 32, Federal Technician program. TAG has further delegated to the HRO the authority to approve the use of these options whenever they are fully justified, affordable, and necessary to assure that Oregon National Guard Technicians have the requisite competence to perform demanding functions in a highly competitive employment market. ORNGTPR 575, describes the various options available to recruit and retain quality Federal Technicians. It provides specific guidelines and procedures for requesting and approving recruitment bonuses and retention allowances under 5 CFR 575 and superior qualification appointments under 5 USC 5333, 5 USC 5753, 5 USC 5754 and 5 CFR 531. Options available include:

- (1) **Recruitment Bonus.** A one-time payment to entice a applicant to accept an offer of Federal employment.
- (2) **Relocation Bonus.** A one-time payment to entice a current Federal employee to accept a position in a different commuting area.
- (3) **Advanced In-hire Rate Based on Superior Qualifications.** An appointment to a General Schedule Federal position at an initial rate of pay above the minimum based on superior qualifications of the applicant or the special need of the agency for the applicant's services.
- (4) **Travel and Transportation Expenses.** Paid to any applicant for a pre-employment interview or payment of travel and transportation expenses for a new appointee to the first duty station.

10-3. Recruiting Incentives – Policy

The above incentives will only be offered to prospective employees or be used when:

- (1) A nationwide advertisement has failed to attract a sufficient number of applicants.
- (2) The most recent advertisement has generated an insufficient number of fully qualified applicants (less than three).
- (3) The Human Resources Officer has approved, on a case by case basis, the use of incentives prior to accession.
- (4) There are sufficient funds available to the Selecting Official to cover any costs associated with the incentive offer.

10-4. Highest Previous Rate - General

Federal law and regulations permit the Adjutant General to establish policy for the utilization and application of the maximum payable rate rule and the highest previous rate rule within the Oregon National Guard. For the purposes of this policy, the terms maximum payable rule and highest previous rate rule are synonymous and mean the highest scheduled rate of pay previously paid to a person while employed in a position in a branch of the Federal Government. The policy established by the Adjutant General allows the HRO to determine where to place a new Technician on a pay scale if he or she was previously employed by the federal government.

10-5. Highest Previous Rate - Policy

a. The following policy applies to all permanent, indefinite, and temporary General Schedule (GS) and Federal wage schedule, Wage Grade (WG), Wage Leader (WL), Wage Supervisor (WS), Technicians of the Oregon National Guard. It applies to military and competitive personnel who are reassigned, transferred, promoted, hired, or changed to a lower grade if such Technicians were previously employed by the federal government as a federal employee.

b. **Policy.** Previously employed federal employees, who are re-employed, transferred, promoted, reassigned or in some cases, changed to a lower grade, may be considered for placement on the pay scale at any rate that does not exceed their highest previous rate of pay, or, if their highest previous rate of pay falls between two rates of the new grade, they may be considered for the higher rate. There is no automatic entitlement to the maximum application of the rule in the setting of pay. The request must be submitted in writing to the HRO prior to appointment along with justification for the request.

c. **Scope.** In order to establish the best rate of pay, the HRO's designated representative may discuss relevant factors with the employee, and the supervisor. Some of the factors that may be considered are as follows:

- (1) The span of time that the employee has been away from the career field.
- (2) Equity among the work force.
- (3) The impact on the morale of the workforce.

(4) Length of previous appointment

d. **Exceptions.** In some cases, the highest previous rate rule will not be applicable. These special cases are as follows:

- (1) From one temporary appointment to another with or without a break in service.
- (2) Temporary appointment to permanent appointment when there is a break in service between appointments.
- (3) Changes from temporary promotions to previously assigned grades.
- (4) Service breaks in excess of 5 years except when the non-creditable period of service is in a line of work directly related to the duties required in the position to which employed.
- (5) Voluntary requests for change to lower grade for personal reasons or in response to the merit announcement process when the Technician has been in the higher grade for less than one year.
- (6) Changes to lower grades resulting from cause based on conduct or inefficiency.

e. **Responsibility.** There is no automatic entitlement to the maximum application of the highest previous rate rule in the pay setting process. Approval authority for utilization of the highest previous rate rule in the setting of pay is delegated to the HRO. When unusual circumstances are involved the HRO may appoint a panel to review the merits of the case. Recommendations by the panel will be considered and exceptions can be made to this policy as deemed necessary by the HRO.

Appendix A - References

Section I – Required Publications

This section contains no entries

SectionII – References

Code of Federal Regulations

5 CFR 575, Recruitment, Retention and Relocation Incentives and 5 CFR 531, Determining Basic Rate of Pay.

National Defense Authorization Act

Title 5 United States Code (USC)

5 USC 5753, Recruitment and Relocation Bonuses and 5 USC 5754 Retention Bonuses

Title 32 USC Ch. 709, Technicians, Employment, Use and Status

Technician Personnel Regulation (TPR) 303, Military Technician Compatibility

ORNG TPR 575, Recruitment and Retention Pay for Federal Technicians

Section III – Prescribed Forms

This section contains no entries

Section IV – Referenced Forms

Standard Form 50, Notification of Personnel Action

Standard Form 52, Request for Personnel Action

Appendix B – Designated Key Staff Positions

This Appendix to OTPR 335 provides the current list of Key Staff Positions approved by the Adjutant General. The Key Staff Referral process will only be used for Technicians being considered for the following positions:

Army National Guard

	Title	Tech Grade
1.	Chief of Staff	GS-14
2.	Supervisory Logistics Management Officer (Deputy USPFO)	GS-14
3.	Plans, Operations and Training Officer (DCSOPS)	GS-14
4.	Supervisor Aircraft/Pilot (SAO)	GS-14
5.	Army Aviation Support Facility Commander (AASF #1)	GS-14
6.	Army Aviation Support Facility Commander (AASF #2)	GS-14
7.	Military Personnel Management Officer (DCSPER)	GS-13
8.	Surface Maintenance Manager (SMM)	GS-13
9.	Commander, 41 st Infantry Brigade Combat Team (IBCT)	GS-15
10.	Command Logistics Management Officer (DCSLOG)	GS-14
11.	Heavy Mobile Equip. Supervisor (OSMS Foreman)	WS-14
12.	Heavy Mobile Equip. Supervisor (OSMS Asst Foreman)	WS-13
13.	Oregon Military Academy Administrative Officer	GS-12
14.	Information Systems Program Officer (DCSIM)	GS-14

Air National Guard

	Title	Tech Grade
1.	Wing Commander (Pilot), 142FW	GS-15
2.	Director of Staff-Air	GS-14
3.	Vice Wing Commander, 142FW	GS-14
4.	Airplane Flight Instructor (Safety), 142FW	GS-13
5.	Operations Group Officer (Pilot), 142OG	GS-14
6.	Maintenance Group Officer, 142MXG	GS-14
7.	Mission Support Group Officer, 142MSG	GS-14
8.	Wing Commander (Pilot), 173FW	GS-15
9.	Vice Wing Commander, 173FW	GS-14
10.	Airplane Flight Instructor (Safety), 173FW	GS-13
11.	Operations Group Officer (Pilot), 173OG	GS-14
12.	Maintenance Group Officer, 173MXG	GS-14
13.	Mission Support Group Officer, 173MSG	GS-14
14.	Detachment Commander, 116ACS	GS-13
15.	Detachment Commander, 270ATCS	GS-13
16.	Detachment Commander, 125 STS	GS-13

Joint Positions – Positions that may be filled by either ARNG or ANG personnel

	Title	Tech Grade
1.	Chief of the Joint Staff	GS-15
2.	Human Resources Officer (JFHQ-OR/HR)	GS-14

Appendix C - Position Vacancy Announcement (PVA) Application Procedures

The following instructions will be included in all Technician PVAs published by the ORNG. Human Resources Office may make minor modifications when necessary.

HOW TO APPLY:

Applicants for a Technician position will apply through USA Jobs. Applicants for an Air Force AGR position (or current Air Force AGRs applying for a Technician position but wishing to remain in AGR status) must submit NGB Form 34-1.

The Human Resource Office needs certain information to evaluate your qualifications and determine if you meet the requirements for Federal employment in this position. If your résumé or application does not provide all information requested in the Position Vacancy Announcement or through the USA Jobs Assessment process you may not receive full consideration for this position. As a minimum your application should include the following:

1. **Job Information:** Technician Vacancy Announcement Number if not applying through the automated process.

2. **Personal Information:** Full name, mailing address with zip code, home and work phone numbers, country of citizenship, highest Federal civilian grade held (indicate whether grade held as permanent, indefinite or temporary), current military unit of assignment, duty MOS/AFSC, and military grade. *If not currently a permanent full-time Technician, submit a copy of all DD214s to show military duty where applicable.*

3. **Education:** High School attended - name, city, and state – with date of graduation or receipt of GED. Colleges or universities attended - name, city, state, and major – with date and type of diploma or hours completed toward degree. *If the position requires a degree, have the college or university send certified transcripts to the HRO. You may upload all transcripts to USA Jobs and attach to the announcement that requires positive education requirements.*

4. **Work Experience:** Provide job title (include series and grade for Federal employment and MOS/AFSC and grade for military); duties and accomplishments; employer's name, address, supervisor, and phone number; start and end dates (month and year) with hours of work and ending salary. Include both paid and volunteer work.

5. **Other Information:** Include job related training courses (title and year); job related skills; job related certificates and licenses (current only); job related honors, awards, memberships, or special accomplishments (including membership in a professional or honor society, leadership activities, public speaking, and performance appraisals). Remember to sign and date the application.

6. **For Positions Requiring a Warrant or Commission:** If you are applying for a position limited to Warrant and/or Commissioned Officers but you do not currently hold a Warrant or Commission, you must submit a statement showing that, to the best of your knowledge, you are eligible for a warrant or commissioning program. If recommended for the position, you will not be appointed until you obtain the necessary Warrant or Commissioned Officer status.

7. **Method of Evaluating Applicants:** You must address the required general and specialized experience and education requirements listed in the announcement and answer the assessment questionnaire. Failure to do so may prevent you from receiving full consideration for the position. HRO will use your application to determine basic qualifications and forward only qualified applicants to the recommending official for further consideration.

8. HINTS:

- To speed the process, read and understand the position vacancy thoroughly.
- Do not send/upload photographs with the application.
- Complete the Assessment questionnaire ADD
- Government postage paid envelopes may not be used to mail résumés or applications.
- E-mailing and faxing are reserved for situations such as deployment, military schooling and extended TDY's. Prior approval is required for each application submitted.
- Applications will not be returned.

Appendix D - Designated Nominating Officials

The following list outlines those positions designated as Nominating Officials and the positions they may nominate:

DIRECT APPOINTMENT AUTH	POSITIONS COVERED
The Adjutant General	ORARNG CoS Human Resources Officer (HRO) Log Mgmt Officer (Deputy USPFO) All Technician Personnel
The Human Resources Officer	Appointment Authority delegated to the HRO
NOMINATING OFFICIAL	POSITIONS COVERED
ARNG Chief of Staff	State Aviation Officer (SAO) Deputy CoS, Operations (DCSOPS) Deputy CoS, Personnel (DCSPER) Deputy CoS, Information Mgmt (DCSIM) Deputy CoS, Logistics (DCSLOG) Surface Maintenance Manager (DOL-SMM) Director of Installations (AGI) Administrative Officer, 41 IBCT Administrative Officer, 82 BDE (Trp Cmd) Administrative Officer, 249 RTI Heavy Equip Forman, OSMS All ARNG Techs Positions in JFHQ-OR/Army
USPFO	Supv Log Mgmt Specialist All Division/Branch Supervisors
JFHQ-OR Deputy Chiefs of Staff	All Technicians in their directorate
Human Resources Officer	All Technicians in the Human Resources Office
Surface Maintenance Manager	Heavy Equip Asst Forman, OSMS All Surface Maintenance Technicians
Field Maintenance Manager	All FMS and UTES Technicians
Hvy Mech FMN, OSMS	All Technicians, OSMS
Hvy Mech Asst FMN, OSMS	All Technicians, OSMS
State Army Aviation Officer	Commander AASF#1 Commander AASF#2 Operational Support Airlift OIC
AASF Commanders	All Technicians, AASF

Operational Support Airlift OIC	All OSA Technicians
Administrative Officer 41SIB (E)	All Technicians, 41 IBCT
Administrative Officer 82 BDE, (Trp Cmd)	All Technicians, 82 BDE (Trp Cmd)
Bn and Squadron Administrative (Training Officer)	All Technicians, Battalion/Squadron and Officers subordinate levels
Commander, ORANG	JFHQ ANG Director of Staff-Air Wing Commander, 142 FW Wing Commander, 173 FW Det Commander, 116 ACS Det Commander, 125 STS Det Commander, 270 ATCS All Technicians at subordinate levels
Wing Commander, 142 FW	Administrative Officer (MSF) Operations Group Officer Maintenance Group Officer Mission Support Group Officer Acraft Flight Instructor (Safety) Civil Engineer All 142FW Technicians
Operations Group Off, 142OG Maint Group Off, 142MXG Mission Spt Group Off, 142MSG	All Technicians in the 142OG All Technicians in the 142MXG All Technicians in the 142MSG
Wing Commander, 173 FW	Administrative Officer (MSF) Operations Group Officer Maintenance Group Officer Mission Support Group Officer Acraft Flight Instructor (Safety) Civil Engineer All 173FW Technicians
Operations Group Off, 173OG Maint' Group Off, 173MXG Mission Spt Group Off, 173MSG	All Technicians in the 173OG All Technicians in the 173MXG All Technicians in the 173MSG
Det Commander 270 th ATCS	All Technicians in the 270ATCS
Det Commander, 125 STS	All Technicians in the 125 STS
Det Commander, 116 ACS	All Technicians in the 116ACS

Glossary

Section I - Abbreviations

AFSC

Air Force Speciality Code

AGR

Active Guard Reserve

ANG

Air National Guard

ARNG

Army National Guard

CFR

Code of Federal Regulations

COS

Chief of Staff

HRO

Human Resources Officer

DQF

Desirable Qualification Factors

GS

General Schedule

HRSS

Human Resources Staffing Specialist

KSR

Key Staff Referral

MOS

Military Occupational Speciality

NDS

Non Dual Status

NGB

National Guard Bureau

OF

Optional Form

ORNG

Oregon National Guard

PCS

Permanent Change of Station

PD

Position Discription

PVA

Position Vacancy Announcement

RIF

Reduction in Force

SEEM

State Equal Employment Manager

SF

Standard Form

SHRS

Supervisory Human Resources Specialist

TAG-OR

The Adjutant General-Oregon

TDA

Table of Distribution and Allowance

TPR

Technician Personnel Regulation

TO&E

Table of Organization and Equipment

USC

United States Code

UMD

Unit Manning Document

Section II - Terms

This section contains no entries

Section III - Special Abbreviations and Terms**Areas of Consideration.**

The defined segment of the potential applicant population in which an intensive search is made for eligible applicants in specific recruitment or promotion actions. Areas of consideration are either mandatory or optional for inclusion in Positions Vacancy Announcements. The following list defines areas of consideration for the ORARNG and ORANG.

(1) ARNG

Area 1 - Current permanent Technicians of the Oregon ARNG. (*Mandatory*)

Area 2 - All members of the Oregon ARNG. (*Optional*)

Area 3 - Individuals in the Active Duty Army, Army Reserve or Army National Guard who hold have held the MOS and are eligible to meet the military requirements for membership in the Oregon ARNG. (*Optional*)

(2) ARNG NDS Positions

Area 1 - Current permanent NDS Technicians of the Oregon ARNG.

Area 2 - Current Members of the Oregon ARNG.

Area 3 - Individuals eligible to become NDS employees of the Oregon ARNG

(3) ANG

Area 1 - Current permanent Technicians full time support personnel of the Oregon ANG. (*Mandatory*)

Area 2 - All members of the Oregon ANG. (*Optional*)

Area 3 - Individuals in the Active Duty Air Force, Air Force Reserve or Air Force National Guard who have held/hold the AFSC and are eligible to meet the military requirements for membership in the Oregon AFNG. Individuals eligible to meet the military requirements for membership in the ANG. (*Optional*)

(4) ANG NDS Positions

Area 1 - Current permanent Technicians full time NDS support personnel of the Oregon ANG.

Area 2 - Current members of the Oregon ANG.

Area 3 - Individuals eligible to become NDS employees of the Oregon ANG

Bargaining Unit Members

Federal Technicians of the Oregon Army and Air National Guard and Title V Employees except management officials, supervisors, personnel employed in the Human Resources Office, classified employees and security guards. (Collective Agreement between TAG-OR and AFGE, Local 2986)

Bargaining Unit Positions

Positions designated by management to be filled by any Title 32 Federal Technicians of the Oregon National Guard except management officials, supervisors, personnel employed in the Human Resources Office, confidential employees and security guards.

Competition

The process of selecting the most qualified applicant for a position. This is distinctly different from “Competitive Service.”

Confidentiality Statement

A statement of understanding signed by the , Interview Board Members, and Nominating Official to ensure confidentiality of the selection process prior to appointment of the nominated applicant.

Eligible Applicants

Those applicants who meet qualifications for the position and who will be placed on a Certificate of Eligible Applicants.

Evaluation of Applicants

The process of assessing a applicant’s eligibility for appointment or position change and the degree to which they possess the job related qualifying and selection factors needed to fill the position.

Excepted Civil Service

Positions not included in the Competitive Civil Service are Excepted Civil Service positions (5 USC 2103). Many Federal positions are deemed “excepted” due to their national defense functions or sensitive operations, but not all. 5 CFR 213 Schedule A lists Technicians (both dual-status and NDS) as excepted service positions.

Full Time Support (FTS) Personnel

Personnel who are full-time employees of the Oregon National Guard and performing duty as a dual-status Technician, a Non-Dual Status Technician, or an Active Guard and Reserve (AGR) member.

- (1) **Competitive and Excepted Federal Service.**

As a general rule, Federal employees are in “competitive service” if they are placed through a system that includes examination and service for a specified period of time in probationary and conditional appointments. Competitive service status grants the Federal employee rights inherent in the competitive placement system. Federal employees in the “excepted service” are outside the competitive service of the Federal government and are placed without taking examinations.

(2) Dual-Status Technician.

A person who is employed under the provisions of section 3101 of Title 5 or section 709(b) of Title 32. As a condition of employment, the dual status Technician is required to maintain membership in the Oregon National Guard in a compatible military position and unit of assignment as specified by the appropriate NGB compatibility regulations. Dual status Technicians are “excepted service” Federal employees. Dual status Technician positions involve the administration and training of Oregon National Guard members or in the maintenance and repair of supplies or equipment issued to the Oregon National Guard or the armed forces. (10 USC Sec. 10216.)

(3) Non-Dual-Status Technician.

A person who is employed under Title 32, section 709(a) and (c) of Title 32 but is not required as a condition of that employment to maintain membership in the Selected Reserve. A person may be employed under subsection (a) as a Non-Dual Status Technician (as defined by section 10217 of title 10) if the Technician position occupied by the person has been designated by the Director of the National Guard Bureau on a Position Description to be filled only by a non-dual-status Technician. (32 USC Sec 709).

(4) Active Guard and Reserve (AGR) Member.

The term "Active Guard and Reserve (AGR) duty" means full-time National Guard duty performed by a member of the National Guard, pursuant to an order to active duty or full-time National Guard duty for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components. (10 USC Sec. 101). "Full-time National Guard duty" means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of Title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States (32 USC Sec. 101).

Management.

Supervisors and in limited cases non-supervisory program managers within the ORNG.

Merit System.

Merit System Principles are defined in Federal law. It establishes a system of competitive hiring that seeks to remove nepotism and political influence from employment decisions, and to shield federal employees from the effects of political forces on the performance of their duties. The Merit System replaced the spoils system, which allowed federal employment to be passed out by executive fiat after an election.

Merit System Principles. (5 USC Sec. 2301)

- (1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.
- (2) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color,

religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(3) Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.

(4) All employees should maintain high standards of integrity, conduct, and concern for the public interest.

(5) The Federal work force should be used efficiently and effectively.

(6) Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

(7) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.

(8) Employees should be –

(a) protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and

(b) prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

(9) Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences;

(a) a violation of any law, rule, or regulation, or

(b) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Military Grade Inversion.

The situation in which an FTS employee has a higher military grade than his or her FTS supervisor.

Personnel Actions.

(1) Change to a Lower Grade.

(AKA “Demotion” or “Reduction in Grade”) A personnel action that moves an employee, while serving continuously in the same agency, to (1) a position at a lower grade when both the old and new positions are under the General Schedule or under the same type graded wage schedule, or (2) to a position with a lower rate of basic pay when both the old and the new positions are under the same type non-graded wage schedule or in a different pay-method category.

(2) Grade Retention and Pay Retention Entitlements.

(5 CFR 536). Title VIII of Public Law 95-454 (The Civil Service Reform Act of 1978) provides that an employee who is placed in a lower grade as a result of reduction-in-force procedures, or whose position is reduced in grade as a result of reclassification of the position, is entitled to retain for a period of 2 years the grade held immediately before that placement or reduction. It also provides the authority for granting an employee indefinite pay retention under certain conciliations specified in 5 CFR 536.

(3) Initial Appointment.

The first appointment as a Federal employee regardless of tenure.

(4) Non-Competitive Promotion.

A personnel action that promotes an employee without competition based on prior Federal service or as a result of accretion of duties or a job reclassification as a result of a new OPM occupational standard.

(5) Position Change.

A personnel action that moves an employee to another position that establishes the employee's eligibility for grade retention.

(6) Promotion.

A personnel action that moves a Technician to a new position and:

- (a) To a higher grade when both the old and the new positions are under the General Schedule.
- (b) From one grade to a higher grade under the same wage schedule.
- (c) From a job or grade under a Federal Wage Schedule to a job or grade with a higher rate of pay under the General Schedule, even though the amount of increase is less than a within grade increase.
- (d) From a position under the General Schedule to a job or grade with a higher representative rate under a Federal Wage Schedule.

(7) Reassignment.

A personnel action that changes a Technician from one position to another without promotion or change to lower grade. Reassignments may be requested by management or employee and may be made without competition.

(8) Reinstatement.

A personnel action that appoints a former employee to a position of equal grade of that which he or she previously held. A former employee is eligible for reinstatement if he or she has resigned, been dismissed or furloughed, and been certified as qualified for an available position in the agency.

(9) Transfer.

A personnel action that moves an employee, without a break in service of one full workday, from a position in one agency to another position in the same agency or to a position in another agency that can be filled under the same appointing authority.

Placement Program.

A written program to identify the procedures that will be used in filling Technician positions.

Position Vacancy Announcement (PVA).

An announcement published to attract applicants for known or projected vacancies.

Prohibited Personnel Actions.

Merit System Principles prohibit a number of discriminatory or retaliatory actions, known as Prohibited Personnel Practices. These acts are listed at 5 USC Sec. 2302, and are reprinted here for convenience. This copy is accurate as of September 1, 2013, but could change. Please consult the current version online at <http://uscode.house.gov/browse.xhtml>.

USA Jobs.

The federally mandated website www.usajobs.gov which is the repository of all federal government job postings.

5 USC 2302

Any employee, who has authority to take, direct others to take, recommend, or approve any personnel actions, shall not, with respect to such authority:

- (1) Discriminate for or against any employee or applicant for employment –
 - (a) on the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

- (b) on the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a);
 - (c) on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d));
 - (d) on the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C.791); or
 - (e) on the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation;
- (2) Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of –
- (a) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or
 - (b) an evaluation of the character, loyalty, or suitability of such individual;
- (3) Coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity;
- (4) Deceive or willfully obstruct any person with respect to such person's right to compete for employment;
- (5) Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment;
- (6) Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment;
- (7) Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110(a)(3) of Title 5) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110(a)(2) of Title 5) or over which such employee exercises jurisdiction or control as such an official;
- (8) Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of –
- (a) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences - (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically

prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

(b) any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences - (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

(9) Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for employment because of –

(a) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

(b) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (a);

(c) cooperating with or disclosing information to the Inspector General of an agency, or the Special Counsel, in accordance with applicable provisions of law; or

(d) for refusing to obey an order that would require the individual to violate a law;

(10) Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States;

(11) Knowingly -

(a) take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

(b) fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or

(12) Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of Title 5.

Qualifying and Selection Officials

(1) **Appointing Official.** The Adjutant General. Appointing Authority by law has been vested with the Adjutant General and delegated in writing to specific representatives in the Human Resources Office.

(2) **Interviewing Official.** Management Official appointed to personally interview applicants or chair an interview board. The Interviewing Official is normally a first line supervisor above the position being filled.

- (3) **Nominating Official.** A management official designated by the Adjutant General to receive and act on a Certificate of Eligible Applicants. The Nominating Official is usually the manager of the office, facility, unit or section that contains the position being filled.

Qualifying and Selection Factors

(1) **Conditions of Employment Factors.** As a condition of their employment, Federal Technicians are required to obtain and/or maintain a status in key areas. An applicant for a Technician position may be required to have a Condition of Employment status before being considered for an FTS position. Conditions of Employment include:

- (a) Be a member of the Oregon National Guard in a compatible military position and unit of assignment (see Dual Status Technician definition above)
- (b) Posses a Security Clearance.
- (c) Meet medical/physical standards of the Technician position or military assignment associated with the Technician position.

(2) **Desirable Qualification Factors (DQFs).** DQFs are those job-related factors that the supervisor sees as desirable in a potential employee. They may be unique to one position but not to all like positions. DQFs include specific military experience, certification to perform a specific duty, qualification on a specific weapons system, etc. Human Resources Office approved, supervisor developed DQFs will be added to Position Vacancy Announcements, but the HRSS will not use DQFs to keep an applicant from qualifying for the Certificate of Eligible Applicants.

(3) **Job Related Qualifying Factors -** The only factors used by the HRSS to qualify an applicant for referral to the Interviewing/Nominating Official for further consideration. They are used by the Interviewing/Nominating Official as part of the basis for making a final recommendation for appointment by the HRO.

(4) **Optional Job Related Selection Factors.** Factors used with Job Related Qualifying Factors by the interviewing/Selecting Official to make a final recommendation for appointment to the HRO.

(5) **Potential Performance Indicators (PPIs).** Job related factors evaluated by the Interviewing and Nominating Officials during the applicant evaluation process. PPIs are those factors that will be used to evaluate the employee's performance after they are appointed. PPIs include: accuracy of work, judgment and decisions, effectiveness of written documents and oral communication, participation in work group activities, ability to encourage and guide other team members, ability to deliver high quality work, and courtesy to co-workers and customers.

(6) **Representative Rates.** A rate used to determine the nature of action (promotion, change to lower grade, or reassignment) where different kinds of pay schedules are involved.

- (a) General Schedule (GS) representative rate is Step 4 of the grades in question.
- (b) Wage Schedule (WG, WL, WS) representative rate is Step 2 of the grades in question.

(7) **Tenured Employees.**

- (a) Tenure 1 - Permanent. A permanent employee who has completed a trial or probationary period.
- (b) Tenure 2 – Permanent Conditional. A permanent employee still serving a trial or probationary period.
- (c) Tenure 3 – Indefinite. An employee who competed for his or her position but whose term of service is indefinite and who may be released with a 30-day notice due to lack of work, funds, etc. Tenure 3 employees are not required to complete a probationary period. Tenure 3 employees may be converted to permanent without further competition if so stated in the original PVA for the indefinite position.
- (d) Tenure 0 – Temporary. An employee who has not competed for his or her position and who has a definite not-to-exceed date for termination. Tenure 0 employees are not in the bargaining unit and may be separated at any time for lack of work, funds, etc.

