

ORNG CER 335

Human Resources

Civilian Employee Merit Promotion and Placement

Joint Force Headquarters
Oregon National Guard
19 November 2019

UNCLASSIFIED

SUMMARY of CHANGE

ORNG CER 335

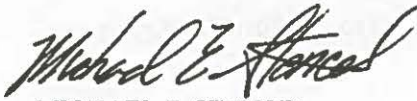
Civilian Employee Merit Promotion and Placement

- This version is a major revision, replacing ORNG TPR 335, dated 16 February, 2018.
- Renaming Regulation from Technician Personnel Regulation (TPR) to Civilian Employee Regulation (CER).
- Updated Applicability to include Title 5 (T5) civilian personnel.
- Added references throughout to T5.
- Updated references throughout CER.
- Further defined Areas of Consideration.
- Updated Key Staff Referral position listing.
- This revised regulation includes formatting changes through-out and adds several document templates in the appendices.

Human Resources

Oregon National Guard Civilian Merit Placement Program

By Order of the Governor:



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Major General
The Adjutant General

Official:



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Joint Chief of Staff

History. This publication replaces previous ORNG Technician Personnel Regulation (TPR) 335, Oregon National Guard Technician Merit Placement Program. The program is required by 5 Code of Federal Regulations (CFR)

335.103. This version also includes Title 5 (T5) employees, and updated systems.

Summary. This regulation implements and supplements as necessary those provisions of the Office of Personnel Management (OPM), Department of Defense, National Guard Bureau, 5 CFR part 335, 5 United States Code (USC) section 2301, and Title 32 USC section 709 law and policies governing merit promotion matters in the federal sector,

Applicability. This regulation applies to all Oregon National Guard federal employees, including both Title 32 USC and 5 USC employees under the administrative control of the Adjutant General (hereafter referred to as employee(s)).

Proponent and exception authority. The proponent for

this regulation is the Director of Human Resources (DHR). The DHR has authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The DHR may delegate this approval authority in writing, to the Deputy Director of Human Resources (DDHR), or a branch chief.

Suggested Improvements. Users are invited to send comments and suggested improvements to the Human Resources Office inbox at: ng.or.orang.mbx.jl-hro@mail.mil.

Distribution. This publication is available through the links on the ORNG web site <https://www.oregon.gov/omd/fe/dhro/Pages/default.aspx> or in print media, through the Human Resources Office at (503) 584-3975.

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Chapter 1

General Information

General

1-1. Purpose

This regulation implements and supplements, as necessary, those provisions of the 5 United States Code Section (USC) 2301 and Title 32 (T32) USC Section 709, law, 5 CFR Part 335, the Office of Personnel Management (OPM), Department of Defense (DoD), and National Guard Bureau (NGB) policies governing merit promotion and placement matters. The Appendices and Glossary contain information on references, definitions, and oversight agencies.

1-2. References

See appendix A

1-3. Definitions, Special Abbreviations, and Terms

See glossary.

1-4. Responsibilities

a. The Adjutant General of Oregon (TAG) is the appointing authority for the Oregon National Guard, and is the highest level of authority in the State concerning the overall application of this Merit Placement Program.

b. The Director of Human Resources (DHR) is responsible for ensuring the processes outlined in this merit placement program are carried out. The DHR will:

(1) Develop, maintain, evaluate, and revise this program as necessary.

(2) Assure compliance with this program.

(3) Provide guidance and assistance to employee 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 employees 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 employees 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 employees under their supervision who are absent (military duty, service schools, etc.) and wish to apply for positions announced during their absence.

d. Individual Employees 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) Obtaining and maintaining the security clearance required for the position as a

condition of employment.

(5) Required certifications and education information including diplomas, transcripts, and continuing education requirements.

(6) Required background information for Police Record Background Check through Department of Defense form 369 (DD 369). This is part of our law enforcement data system (LED's) review.

1-5. Policy

It is the policy of the Oregon National Guard that:

a. Human resources personnel and leaders will make every effort to attract and retain high quality, fully qualified employees to federal technician and T5 employee positions. To that end, individuals seeking to become federal technicians and T5 employees or to be promoted within the technician / T5 employee system will be evaluated using Merit System Principles and job related factors.

b. Full consideration for promotion opportunity will be afforded to current employees on the basis of merit. All actions covered by this regulation 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).

c. Oregon National Guard T32 technicians are required (as a condition of employment) to maintain military membership (dual-status) in the Oregon National Guard. For purposes of this regulation, military requirements are considered job related qualifying factors.

d. For T32 positions - military grade inversion in itself is not a sufficient 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.

1-6. Scope

a. This regulation encompasses all National Guard (NG) T32 excepted service dual status (DS) technicians positions; current on-board NG T5 competitive service employees and T5 excepted service employees and positions in the Oregon Army (ORARNG) and Air National Guard (ORANG), with the exception of certain Key Staff Referral (KSR) positions. It will be used in T32 dual status and T5 Excepted Service positions through initial appointment, promotion, reassignment, reinstatement, change to lower grade and transfer.

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

c. Where this regulation is silent, the flexibilities provided by regulation or guidance from higher authority are preserved.

1-7. Management's Rights

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

- a. Recommend selection or non-selection from among a group of qualified applicants referred to the interviewing official/hiring supervisor.
- b. Recommend an applicant from any appropriate source (e.g., Position Vacancy Announcement PVA's, reassignments, etc.) to meet Oregon National Guard mission objectives.
- c. Choose to fill positions or leave them vacant.

Chapter 2

Specific Case Competition and Exceptions to Competition

2-1. Purpose

All permanent or indefinite tenure positions are subject to fair and equal competition. Select temporary positions are subject to competition. There are specific cases where competition is required. The following section identifies the limited situations where competition is either required or not required and may be inadvisable.

2-2. Specific Case Competition

Time-limited promotions for more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions count toward the 120-day total) must be competed. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and advertised indicating further competition was not necessary to make the promotion permanent.

- a. Details for more than 120 days to a higher-grade position or to a position with higher promotion potential (prior detail service during the preceding 12 months under noncompetitive details to higher graded positions and noncompetitive time-limited promotions count toward the 120-day total) must be competed.
- b. Reassignment or demotion to a position with more promotion potential than a position previously held on a permanent basis (except as permitted by RIF regulations) must be competed.
- c. Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis must be competed.
- d. Reinstatement to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis must be competed.
- e. Permanent promotion to a higher-graded position or to a position with more promotion potential than any position previously held on a permanent basis must be competed.

2-3. Actions Exempt from Competition

The following list of actions are statutory exemptions to competition actions. These are the only promotion actions that are exempt from competition.

- a. Promotion due to new classification standards or the correction of classification errors.
- b. Placement of Employees entitled to grade retention as a result of a RIF or reclassification.

c. Reinstatement, transfer, or non-competitive promotion of an employee 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.

d. A promotion based on accretion of duties (non-competitive action that must be documented through a desk audit or position review).

e. Reassignment to a position with no promotion potential.

f. Position change required by RIF regulations.

g. Temporary promotion of 120 days or less in a calendar year.

h. Detail to a higher graded position or to a position with known promotion potential for 120 days or less.

i. Selection of a former employee from the reemployment priority list for a position at the same or lower grade than the one last held.

j. Grade for grade reassignment of an employee with the concurrence of the gaining and losing supervisor due to a hardship transfer request.

k. 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 regulation.

l. 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 employee 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 employee is fully qualified and available.

m. Career ladder promotion(s), e.g., a promotion without further competition of an 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 regulation for an assignment intended to prepare the employee for the position being filled—the intent must be made as a matter of record and career ladders must be documented.

Chapter 3

Filling Key Staff Positions

3-1. Purpose

This section identifies full-time T32 dual status technician 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, due to inherently military duties.

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 they must be filled by only those who have clearly demonstrated and are well known for their outstanding technical skill and leadership potential. The hiring official for a key staff position may use the technician vacancy announcement procedures in Chapter 5 of this regulation or select from a 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 Active Guard Reserve (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/M-day) 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 for the position.

3-3. Key Staff Referral Selection Procedures

To use the KSR process, the supervisory 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 personnel records to determine eligible candidates and then prepare a KSR for the hiring official. The hiring official may use a records review, résumé, and/or personal interview process to determine whom he or she will recommend for appointment. The hiring official will coordinate through the Human Resources Office 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.

Chapter 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 Responsibilities

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

a. 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 T32 dual status technicians or T5 employees). Position may be announced for both T32 and T5 if available and authorized.
- (3) Military position type and grade if applicable to the PVA i.e., officer, warrant officer, enlisted, and minimum/maximum grade (e.g., E-4 to E-7).
- (4) Recommended areas of consideration (see glossary section III, Abbreviations and Terms).
- (5) Recommended selective placement or qualitative ranking factors (see glossary section III, Abbreviations and Terms).
- (6) Identify education and job training certification requirements.
- (7) Submit pass-over requests of Veteran preference qualified candidates for T5 NG excepted service positions to the Human Resources Office for endorsements to OPM for reconciliation.

(a) The Human Resources Office must initiate procedures as directed in the OPM Delegated Examining Operations Handbook, Chapter 6, Section D, *Object to an Eligible*.

(b) During this time period, the same advertised position remains vacant until the submitted pass-over request determination is resolved.

(8) Air National Guard supervisors filling AGR vacancies must submit an SF-52 to advertise concurrent technician announcement. This submission will allow permanent technicians to apply to AGR job announcements.

4-3. Human Resources Office PVA Request Evaluation

The Human Resources Office reviews the PVA request to ensure all critical items for the processing of the request are included and adds any information that will ensure accuracy, completeness, and validate PVA's in accordance with all applicable and timely processing of the action. The Human Resource Staffing Specialist (HRSS) then processes the PVA request. The HRSS will:

a. Review the request and call the requesting official if necessary to discuss any items that remain unclear or need further clarification. Establishes area of consideration to ensure sufficient number of applicants.

b. Clear any required Re-Employment Priority List and Priority Placement List prior to job announcement being advertised.

c. Prior to advertising for recruitment and fill positions of any T32 excepted service DS technician or T5 excepted service employee positions, a completed formal job analysis and crediting plan is required. This mandatory personnel action is a systematic method for gathering information. It focuses on the position's work behaviors, tasks, and outcomes. The competencies (knowledge, skills, abilities, and behaviors) must be identified in the job analysis and serve as the basis for the HRSS assessment. The HRSS 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 OPM and NGB qualification standards, and clearly identify the competencies required to minimally qualify and fully qualify based on the crediting plan and non-numeric or numeric rating system.

d. The HRSS will use all applicable position reference material to create the crediting plan. This crediting plan document provides an objective statement of the position's qualification requirements and criteria against which applicants are evaluated. For T5 positions under the category rating process, non-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. This will be on the basis of possession or proficiency of position competencies. The crediting plan is developed as a result of a job analysis that identified the position's knowledge, skills, abilities, and behaviors. This plan is used to establish category ranking and criteria for Highest Qualified, Well-Qualified, and Qualified for both T32 and T5 positions.

e. Evaluate the PVA request package and publish/distribute the draft PVA.

f. Will not use any other method outside of USA Jobs to fill federal positions within the organization.

4-4. Human Resources Office Publication and Official Notice of Posting PVA

a. The Human Resources Office coordinates a final draft of the PVA with the requesting official. Both must 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, and

(2) Type of appointment, and

(3) Organizational and geographical location of the position, and
(4) Agency name and announcement number, and
(5) Opening and closing dates. The open period of a PVA will be set for the minimum dates as listed:

(a) Internal staffing/merit promotion minimum of seven days
(b) T5 minimum of five days
(c) T32 minimum of 14 days
(d) Cut-off dates can be used, but only in open-continuous job announcements for hard-to-fill positions and an urgent need to fill a position immediately. Cut-off dates will be clearly identified in the job announcement.

(e) Extensions are authorized as long as no criteria changes affect the eligibility of applicants already in consideration. Any changes to the PVA, which affects the rating of applicants, will result in either a cancellation or amended PVA. These changes will be reviewed by the HRSS. The HR Office will not allow for changes that violate any of merit system principles or prohibited personnel practices.

(f) Any amended PVA requires a new advertisement period and official notices must be sent to all current applicants summarizing changes, and

(6) Area of Consideration (AOC), and

(7) Military grade requirement (officer, warrant officer, enlisted) and compatibility requirements such as Air Force specialty code (AFSC) or military occupational specialty (MOS) if applicable to the PVA, and

(8) Summary of duties and job related qualifying factors, selective placement factors (SPF) or quality rating factors (QRFs), and

(9) Qualification requirements (general or specialized experience/competencies/KSA's required), and

(10) Conditions of employment factors and assessment questions applicable for the position, and

(11) Information regarding known promotion potential, if applicable, and

(12) Equal employment opportunity statement, and

(13) Complete instructions on application procedures, and

(14) How to apply (including point of contact, telephone number and email address, if appropriate), and

(15) Information on how to claim veterans' preference, and

(16) Reasonable accommodation statement, and

(17) Basis for rating for applicants, and

(18) Type of rating procedure-category rating, and

(19) Type of assessment(s) to be used, and

(20) If using an interview, whether the interview is pass/fail or scored, or

(21) If using category rating, description of each quality category, and

(22) Background and security clearance requirement

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

4-5. Education Requirement for Consideration

For positions with minimum education requirements, with limited exceptions, only education from

institutions which are accredited or pre-accredited/candidate for accreditation may be used to meet those requirements. For further information on the acceptability of higher education for meeting minimum qualification requirements, please refer to www.opm.gov/qualifications. For a list of schools which meet these criteria, please refer to <http://www.ed.gov>.

4-6. 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 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 to utilize the ISR process:

The ISR process may be used for internal restructuring and reorganization only.

- (1) When there is no additional EA available.
- (2) Must apply to small sections (less than 20 potential applicants).
- (3) Geographically dispersed units may be considered.
- (4) May be applied to bargaining unit, small shop chief, wage leader (WL), 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 Human Resources Office to apply the ISR guideline provisions. If the ISR process is appropriate, the following process will be utilized:

(1) The application period will be open for seven days via an internal job announcement on USA Jobs. The supervisor will ensure all individuals in the section have been made aware of the ISR position. HR will be sent a courtesy copy of notification.

(2) Interested personnel will then be responsible for submitting a résumé to indicate their interest. Supervisors 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.

(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 in accordance with (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 Supervising 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.

Temporary promotion opportunities for all candidates within a small section can be accomplished by a records review beyond 120 days at HR discretion.

Chapter 5

PVA Application Process

5-1. Purpose

This section outlines the process and procedures used to submit an application for a Title 32 Dual Status technician or T5 employee position in response to an open Position Vacancy Announcement.

5-2. Application Process

a. The federal government does not require a standard job application. Your résumé is your main required portion of the application packet. Résumés need to have complete current contact information. Start and end dates for each job in month/year format. Number of hours per week. Detailed level and examples of experience along with accomplishments. All other required documents will be listed in the required documents portion of the job announcement. The application packet is the key document(s) 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 voluntary work, military duty assignments, competencies, knowledge, skills, and abilities, AFSC/MOS, and other supporting qualification 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 the 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. If an individual is deployed, away at a long term temporary duty (TDY) station, they can still apply online but they must apply by the closing date. If it is determined that an applicant is unable to apply online, they may request to the HRSS to consider their other means of applying. Examples are emailed, faxed, or mailed applications. Upon receipt the HRSS will add applications to the PVA file.

b. The application is used by the Human Resources Office staff to establish the individual's 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).

Chapter 6

Veteran's Preference Programs for T5 Excepted Service Positions

6-1. Purpose

This section outlines basic information for consideration of Veteran's Preference.

6-2. Veteran's Preference Consideration

The Veteran's Preference Hiring Authority References: 5 USC 3320, 5 CFR, and OPM Veterans Guide. The section for 5 CFR 335.106, outlines special selection procedures for T5 Excepted Service positions and veterans under merit promotion. Veteran's preference will be considered for vacancies when the agency accepts applications from individuals outside its own workforce. Job

announcements within the Oregon National Guard full time technician workforce are not subject to Veteran's Preference. Veteran's Preference for current on-board individuals is only under consideration for T5 employees for RIF identification purposes. Veteran's Preference T32 is subject to the NG Technician Act of 1968 (PL 90-486) which specifically excludes the use of Veteran's Preference for appointments made under the authority of 32 USC 709.

Chapter 7

Application Evaluation, Referral, Nominating, and Appointing Process

7-1. 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.

7-2. Action by the HR Staffing Specialist (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 minimum qualifications as stated in the PVA will be considered eligible. Qualified individuals will undergo either a category rating like process or numeric rating process. The Human Resources Office by default will utilize the category rating process to evaluate all applicants and will not use a numeric rating process unless specified in exception cases. Veterans' preference points as prescribed in 5 USC 3309 will not be applied in category rating procedures and Veteran's will be rated and ranked in accordance to quality categories and floating procedures if applicable in accordance with law. If a numeric rating process is considered, then a numeric ranking list will take into account Veterans' preference points.

b. The HRSS will then develop the final certificate of eligible applicants (sometimes called the referral list) that will include the highest qualified applicants or a merged list of qualified applicants when applicable to the referral. The list of applicants is developed differently based on whether the position is a non-bargaining unit or bargaining unit position. Each type of employment opportunity requires specific procedures. T5 and T32 referrals are subject to the following:

(1) **For all T5 Positions:** The HRSS must send **all** eligible candidates in the highly qualified category on the certificate of eligibles' or equivalent to the selecting official. Veterans' preference candidates will be considered prior to all non-Veterans preference candidates in all categories. HRSS will issue a Veterans' only referral list in these instances.

(2) **For all T5 Positions:** Merging categories will be considered when there are fewer than three candidates in the highest qualified category. The highest qualified category may be merged with the next category of well qualified or qualified. Merging may take place before issuing a certificate of eligibles' or before selecting an eligible applicant. When merging categories, Veterans preference eligibles' from the lower categories will be placed in the highly qualified category above the non-Veterans preference eligibles' in the newly merged highly qualified category.

(3) **For Non-Bargaining Unit Positions:** Refer the agreed to number of applicants without arbitrarily excluding any qualified applicant. Applicants will be listed alphabetically.

(4) **For Bargaining Unit Positions:**

(a) In T5, the HRSS will send all eligible candidates in the **highly qualified category** as stated above per all oversight agency requirements. Merging will be considered when applicable with selecting official concurrence. In T32, the HRSS will send **all** qualified applicants. The T32 process has military requirements and other selective placement factors which reduces the applicant pool significantly. With the exception of para. (b) below, in the event the number of qualified applicants exceeds 20, the supervising official will be notified. The HRSS will notify the union president of the excess amount of applicants to specific job announcement types and if any legitimate union concern exists.

(b) Air National Guard (ANG) Exception: When an 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 an AGR referral list. If the AGR applies as a technician, the process in Section 5 shall be followed.

(c) On all referrals, list applicants alphabetically.

c. The HRSS will send the completed referral certificate of eligible applicants to the supervising official with instructions from the required Oregon National Guard selection form on how to complete the interview and nomination process. The HRSS will send out a notice of the results after the certificate has been issued.

7-3. Action by the Interviewing Official

a. Upon receipt of the certificate of eligible applicants from the supervising official, the interviewing official will evaluate the applicant's qualifications by reviewing each application packet and conducting a thorough interview.

b. The interviewing official will check references and may contact former supervisors. 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 (references, prior discipline, performance appraisals, incentive awards, agency certifications, suitability, interpersonal skills, medical capabilities, military membership, and even military rank and unit of assignment) as outlined above. The use of formal interview panel ranking or preliminary scoring matrix evaluations is authorized when supervisors or designated officials receive more than 10 qualified candidates as an option.

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 such as but not limited to electronic video communications, telephone communications, and written electronic correspondence.

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.

f. The panel can be comprised of management officials, non-management officials, AGR and DSG, M-Day or civilian employees (T5 or T32) as needed.

g. If the interviewing panel is unable to reach an applicant after three failed attempts, they will create a formal memorandum citing that the individual failed to respond. Cases where an applicant declines the position can be documented with any written electronic correspondence or a formal memorandum citing details as to when the individual gave their notice of declination.

h. During select, hard to fill job announcements, if only one applicant has been referred during the assessment and referral process due to a lack of applicants. The interviewing, supervising, or designated official can elect to not conduct a formal interview. Examples include individuals who are currently employed federal technicians/employees, prior federal technicians/employees, and DSG/M-Day service members within the Oregon National Guard.

7-4. Action by Supervisory Official

a. The supervising/designating official either acts as or appoints an interviewing official. The interviewing official ensures confidentiality and a fair and equal evaluation process. Interviewing officials are strongly encouraged to involve the immediate supervisor of a position to be filled in the interview and recommendation process. The use of panel ranking sheets or scoring matrixes is authorized in referrals with an excess of 10 applicants to establish the highest ranking eight applicants to conduct formal interviews.

b. After receiving the certificate of eligible applicants from the HRSS, the supervising official or designated representative will observe the following:

(1) Referral lists are valid for a period of 60 working days from the date of issue. Extensions can be granted when requested. The Human Resources Office can authorize multiple selections if advertised as such. If the primary selecting official is absent for an extended period, the senior manager must designate an alternate supervisor or manager, in writing, to review the list, conduct interviews, and make a selection.

(2) Documents the selection in a letter of justification to the HRSS. The supervising official will add written justification for the selection, if nominating a non-tenured/tenure 3 applicant over 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 supervising official to select the non-tenured or Tenure 3 applicant over other applicants. This justification must be comprehensive enough to explain why a selection was made.

(3) Fill out all necessary agency forms, letters of justification, and apply official signature to the Oregon National Guard selection form in order for the nomination to be valid. This action constitutes a nomination or recommendation only.

(4) If all applicants are rejected, return the certificate to the HRSS justifying the circumstances why all applicants were rejected. All declinations or failures to reply must be supported by electronic correspondence from the applicants or a memorandum for record in a detailed explanation to the Human Resources Office.

(5) The HRSS will review the nomination package. Once the nominated applicant has been approved for appointment, the supervisory official and/or HRSS will notify selected applicant(s). If the nominated individual accepts the offer, supervisors and/or HRSS will then notify non-selected applicants of their non-selection for the position. HRSS will coordinate the tentative entry on duty date. Official entrance on duty will be established after the selectee has passed background and suitability requirements for their position. Any conflict with the start date must be coordinated with the HRSS. Failure to verify entrance date will affect individuals being appointed to their nominated position.

(6) Supervisory selections are subject to one-year trial period. During this year probation period, positions may be backfilled with an indefinite employee. If the supervisor doesn't satisfactorily meet the one-year supervisory probation period requirements, they will return to their previous position. If the supervisor is still within their two year conditional trial period, the supervisor may be separated from employment. It is the responsibility of the supervisor or

designated hiring official to ensure a NGB-650 development plan is in place and on file with the Human Resources Office. Supervisors who have completed a satisfactory one year probation period are exempt from additional probation periods.

(7) Select position(s) will have requirements such as but not limited to initial education, training, and continuing education requirements that must be met as a condition of employment. The supervisor or designated hiring official are responsible for implementing a NGB-650 development plan that is completed and on file with the Human Resource Office.

(8) T5 Nominations: 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 select applicants from any appropriate source. Select or non-select from among any group of qualified candidates. Prior to any T5 nomination being approved, the HRSS will need to obtain a pass-over request if applicable from the supervisor or designated hiring official. Supervising officials must submit a pass-over request of Veteran preference qualified candidates for T5 NG excepted service positions to the Human Resources Office for endorsements up to OPM for approval.

(a) The Human Resources Office must initiate procedures as directed in the OPM Delegated Examining Operations Handbook, Chapter 6, Section D, *Object to an Eligible*. Passovers are done in accordance with 5 CFR 302.401(b) and must have reasons for selecting non-preference eligible over a Veteran preference eligible. Office of Personnel Management approves 30% or more disabled Veterans passovers.

(b) During this time period, the same advertised position remains vacant until the submitted pass-over request determination is resolved.

(c) The Human Resources Office can passover Veterans identified as 10-Point compensable disability preference (CP) and below with a memorandum for record and an SF-62 from the hiring official. If the Passover is sustained by the Human Resources Office, the Supervisor will be notified to proceed with selection.

7-5. Action by Human Resources Office Appointing Official

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

b. If an appointment will result in military grade inversion or the prospective employee does not yet meet the basic dual status, agency certifications, military education, security, medical, 12-month supervisory probation period, or any other conditions of employment, the Human Resources Office staff will coordinate a waiver or an Individual Development Plan (IDP) Not to Exceed (NTE) 12-24 months with the supervisor. The National Guard Bureau form NGB-650 Individual Development Plan, is the agency official document. The Human Resources Office may elect to place a new employee in indefinite status until the situation has been remedied or eliminated.

c. The Human Resource Office staff will only finalize an action if the nominated individual has accepted the official offer from the hiring official and the Human Resource Office has received official notice of acceptance.

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

e. The Human Resource Office staff will maintain records of individual development plans for

each applicable selection within the PVA file for reconstruction.

Chapter 8

Employee Request for Reassignment

8-1. 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 request and there are no guarantees that a voluntary reassignment will be granted or 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.

8-2. General Information

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.

8-3. Action by Technician

To request the reassignment, the technician will submit to the Human Resources Office staffing section:

- a.* 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.
- b.* A complete application packet with a comprehensive résumé.

8-4. Action by HR Staffing Specialist (HRSS)

The HRSS is responsible for facilitating the reassignment.

a. 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.

b. 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.

8-5. Action by Losing and Gaining Supervisors

The losing supervisor will ensure the technician is provided a performance evaluation prior to the reassignment. The losing supervisor will provide a certification statement citing the satisfactory performance of the technician. The gaining supervisor will ensure the technician is provided a new performance standard within 30 days of reassignment.

Chapter 9 Records Management

9-1. Purpose

This section outlines the process for maintaining the necessary records to ensure the Human Resources Office complies with federal record retention requirements.

9-2. Record of Placement

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

- a.* Provide a clear record of the action.
- b.* Evaluate the merit placement program.
- c.* Provide answers concerning merit placement actions.

9-3. Records Required

Sufficient records are required to allow reconstruction of the placement action. The National Guard follows the Army Records Management System (ARIMS), AR 25–400–2. As a minimum, the following information and forms will be retained in the record:

- a.* Copy of the vacancy announcement,
- b.* The résumé and supporting documents submitted by all applicants,
- c.* The PVA qualification sheet or if used--individual ranking sheets,
- d.* The referral certificate,
- e.* Forms used in the Human Resources Office evaluation and rating process,
- f.* Interviewing panel and supervisor evaluation of each applicant including interview notes, confidentiality statements, scoring matrixes, panel ranking sheets, and scoring sheets, and if applicable, letter of justification or memoranda for record,
- g.* Supervisor's request for advanced in-hire rates, or incentives,
- h.* Correspondence to and from applicants,
- i.* Final certificate of eligible applicants signed by appropriate officials.

9-4. Records Retention

Records will be maintained for a minimum of two years (5 CFR 335.103). If a hiring grievance is pending, records will be maintained beyond the minimum retention period until resolution.

9-5. 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 placement actions will not disclose the details of their work to unauthorized persons. All individuals are subject to the Privacy Act of 1974 and must complete protecting personal identifiable information training annually.

Chapter 10 Grievances and Complaints

10-1. Purpose

This section outlines the process an applicant must utilize to grieve an action completed under this regulation.

10-2. 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.

10-3. 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 a bargaining unit member.

10-4. Non-employee Complaints

Non-employee applicant's complaints about the hiring process should be directed to the Human Resources Office.

10-5. Qualification

Any applicants who believe their application packet was not given proper consideration may contact an HRSS. The HRSS will review each case by case determination for qualification and suitability.

The HRSS will do a secondary review of the application process. The HRSS will respond to the inquiry with a written correspondence.

a. If the applicant disagrees with the formal assessment, a second HRSS can do a review of the application. They will provide a written response in regards to the outcome.

b. If the applicant disagrees with the second HRSS review, the HRSS will consult with the Staffing Advisory Council Representative for their region and State HR Staffing Functional Supervisor. Those parties will conduct the final review. Upon final review the individuals will provide a written response in regards to the final outcome.

Chapter 11

Recruitment Incentives and Pay Setting for New Hires

11-1. Purpose

This section outlines the Adjutant General's policy regarding incentives available to attract new employees and setting the starting pay. To view the process for requesting use of these incentives, see Oregon National Guard Civilian Employee Regulation (ORNG CER) 575 Recruitment and Incentive Pay for federal technicians.

11-2. 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 federal technician program. TAG has further delegated to the DHR 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. ORNG CER 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:

a. Recruitment Bonus. A one-time payment to entice an applicant to accept an offer of federal employment.

b. Relocation Bonus. A one-time payment to entice a current federal employee to accept a position in a different commuting area.

c. Advanced In-hire Rate and Superior Qualifications. An appointment to a general schedule or FWS 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.

d. 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.

e. The agency must ensure that these items are specifically written into PVAs if they are being offered to all applicants. This will ensure fair and equal knowledge and public notice to all potential applicants. Travel and transportation allowances are not automatically tied to a vacancy announcement issued pursuant to a merit promotion program per the Joint Travel Regulation, Chapter 5, Part B, Section 5502(a)(1).

11-3. Recruiting Incentives – Policy

The above incentives will only be offered in accordance with civilian employee regulations and the CFR when:

a. A nationwide advertisement has failed to attract a sufficient number of applicants.

b. The most recent advertisement has generated an insufficient number of fully qualified applicants (less than three).

c. The Human Resources Officer has approved, on a case by case basis, the use of incentives prior to accession.

d. There are sufficient funds available to the selecting official to cover any costs associated with the incentive offer.

11-4. 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 (HPR) rule within the Oregon National Guard. For the purposes of this policy, the terms maximum payable rate and highest previous rate rule are synonymous. The highest previous rate must be a rate of basic pay received by an employee while serving on a regular tour of duty under an appointment not limited to 90 days or less. The employee could also have gained it for a continuous period of not less than 90 days under one or more appointments without a break in service.

a. The highest previous rate applies to all permanent, indefinite, and temporary general schedule (GS) and federal wage schedule (FWS), wage grade (WG), wage leader (WL), wage supervisor (WS), positions in the Oregon National Guard. It applies to all civilian employees who are reassigned, transferred, promoted, hired, or changed to a lower grade if the employees were previously employed by the federal government as a federal employee.

b. 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 DHR. When unusual circumstances are involved, the DHR 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 rule as deemed necessary by the DHR.

11-5. Creditable Service for Annual Leave Accrual

a. An agency may provide service credit that otherwise would not be creditable for the purpose of determining the annual leave accrual rate to:

(1) A newly-appointed or reappointed employee with a break of at least 90 calendar days after his or her last period of civilian employment in the civil service; or

(2) A retired member of the active duty uniformed service as defined by 38 USC 4303.

b. The agency must determine that the skills and experience the employee possesses are:

(1) Essential to the new position and were acquired through performance in a non-federal or active duty uniformed service position having duties which directly relate to the duties of the position to which he or she is being appointed; and

(2) Necessary to achieve an important agency mission or performance goal.

The amount of service credited may be up to the actual amount of service during which the employee performed duties directly related to the position to which he or she is being appointed. Once an employee is permanently credited with a period of non-federal service or active duty uniformed service (after completion of 1 full continuous year with the appointing agency), that period of service may not be considered for further credit if the employee has a future break in service. See 5 USC 2101(1), 5 USC 6303(e), and 5 CFR 630.205.

Chapter 12

Temporary Positions and Promotions

12-1. Purpose

This section outlines NGB guidance in regards to temporary agency promotions and appointments.

12-2. Temporary Promotion – General

Temporary promotions have general guidelines that must be followed in accordance with the CFR such as:

a. Temporary promotions must be for one year or less; the State may extend the promotion for one additional year.

b. An extension of a temporary promotion beyond 2 years must have prior written approval from National Guard Bureau J1 Technician Civilian Personnel office (NGB J1 TCP).

c. Competitive procedures must be used when the promotion will last for more than 120 days (prior time served in detail to the higher graded position or temporary promotion during the preceding 12 months is included when computing the time period).

d. Temporary promotion may be made permanent without further competition if competitive procedures were used originally, and all potential candidates were made aware that it could lead to a permanent position.

e. Temporary promotion should not be used for the sole purpose of training or evaluating an employee.

f. Employee must be informed in writing that the promotion is temporary and he/she may be returned to his/her former position without adverse action procedures.

g. Temporary (NTE) appointments may be terminated with no notice when the position or the employee's service is no longer needed. A temporary appointment does not confer permanent status.

12-3. Temporary Appointment in Excess of 12 months

Temporary appointments based on indefinite tenure (“3”) are used when there are needs for the position to accomplish special projects. Competitive procedures are always applied when filling positions as temporary appointments with indefinite tenures. Temporary appointment with indefinite tenure does not confer permanent status unless the potential for future automatic conversion is identified in the advertisement. Temporary appointments with indefinite tenures are terminated when the positions and/or the employees’ services are no longer required. All temporary appointments with indefinite tenure terminations require thirty (30) day written notifications by the DHR or their designee to the affected employees.

Appendix A - References

Section I – Required Publications

This section contains no entries

Section II – References

Public Law 114-328, 23 December 2016, “*National Defense Authorization Act 2017*”

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 USC § Chapter 71, “*Federal Service Labor-Management Relations Statute*”

5 USC § Chapter 75, “*Adverse Actions*”

5 USC § 2103, 2105, and 3101, “*Government Organization and Employees*”

5 USC § 4303, “*Actions Based on Unacceptable Performance*”

5 USC § 6121, “*Definitions*”

5 USC § 6127 and § 6128, “*Compressed Schedules*”

5 USC § 6132, “*Prohibition of Coercion*”

10 USC. § 1721, “*Designation of Acquisition Positions*”

29 USC Chapter 8, “*Fair Labor Standards*”

32 USC §709, “*Technicians: Employment, Use, Status*”

42 USC § 2000e–16, “*Employment by Federal Government*”

5 CFR, “*Administrative Personnel*”

5 CFR Part 302, “*Employment in the Excepted Service*”

5 CFR 315.103, “*Agency Promotion 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, Subpart A, “*General Provisions*”

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

5 CFR 335, “*Promotion and Internal Placement*”

5 CFR 337, “*Examining System*”

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

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

5 CFR 532, Subpart E, “*Overtime Pay*”

5 CFR 550, Subpart A, “*Premium Pay*”

5 CFR 551, “*Pay Administration Under The Fair Labor Standards Act*”

5 CFR 2422, “*Representation Proceedings*”

Department of Labor, CA 810, Revised 2009, “*Injury Compensation for Federal Employees*”

DODI 1400.25, Volume 1100, 09 September 2010, “*DOD Civilian Personnel Management System: Civilian Personnel Information Systems*”

DODI 1400.25, Vol. 711, 01 December 1996, “*Labor Management Relations*”

DODI 1400.25, Vol. 771, 26 December 2013, “*DOD Civilian Personnel Management System: Administrative Grievance System*”

OPM “*Guide to Processing Personnel Actions*”, 27 September 2017

AR 25–400–2, “*The Army Records Management System (ARIMS)*”

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

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

NGB TPR 300, “*Title 32 Dual Status Technician Employment Program*”

NGB TPR 335, “*Title 32 Dual Status Technician Merit Program*”

NGB TPR 351, “*Title 32 Dual Status Technician Reduction-in-Force Program*”

NGB TPR 303, “*Title 32 Dual Status Technician Compatibility Program*”

Collective Bargaining Agreement, between the ORNG and AFGE Local 2986 as applicable

Joint Travel Regulation Chapter 5 Part B Section 5502(a)(1)

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 the Civilian Employee Regulation 335 provides the current list of Key Staff Positions approved by National Guard Bureau and the Adjutant General. The Key Staff Referral process will only be used for T32 technicians being considered for the following positions:

Army National Guard

	<u>Title</u>	<u>Grade</u>
1.	Command Administrative Officer (LCC CoS)	GS-15
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-14
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 (CSMS Foreman)	WS-15
12.	Heavy Mobile Equip. Supervisor (CSMS Asst Foreman)	WS-14
13.	Oregon Military Academy Administrative Officer	GS-12
14.	Information Systems Program Officer (DCSIM)	GS-14

Air National Guard

	<u>Title</u>	<u>Grade</u>
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 142FW (Safety)	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-15
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

	<u>Title</u>	<u>Grade</u>
1.	Chief of the Joint Staff (CoJS)	GS-15
2.	Director of Human Resources	GS-14

Appendix C - Position Vacancy Announcement (PVA) Application Procedures

The following instructions are for all individuals applying to technician PVAs published by the ORNG. Human Resources Office may make minor modifications when necessary.

HOW TO APPLY:

The federal government does not require a standard job application. Your résumé is the primary required document of the application packet. All other required documents will be listed in the required documents portion of the job announcement. Complete and accurate data is essential to ensure fair evaluation of applicants. Applicants are responsible for creating an account on the USA Jobs website 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. If an individual is deployed or away at a long term TDY/school, they can still apply but must have their packet received by the closing date. If it is determined that an applicant is unable to apply online, they may request to the HRSS to consider other means of applying, such as email, fax, or mail applications. Upon receipt, the HRSS will add applications to the PVA file. The application is used by the Human Resources Office staff to establish the individual's basic qualifications for the position. Application packages that sufficiently establish the highest qualifications are forwarded to the interviewing official for consideration.

At a minimum, an application should include the following:

1. **Job Information:** Technician vacancy announcement number if not applying through the USA Jobs 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 Department of Defense 214's (DD-214) 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. For positions with minimum education requirements, with limited exceptions, only education from institutions which are accredited or pre-accredited or candidate for accreditation may be used to meet those requirements. For further information on the acceptability of higher education for meeting minimum qualification requirements, please refer to www.opm.gov/qualifications. For a list of schools which meet these criteria, please refer to <http://www.ed.gov>. *If the position requires a degree, the college or university should send certified transcripts to the Human Resources Office. An applicant may upload all transcripts to USA Jobs and attach to the announcement that requires positive education requirements.*
4. **Work Experience:** Start and end dates for each job in month/year format. Number of hours per week. Detailed experience, knowledge possession, demonstrated skills, and ability level along with accomplishments. The application packet is the key document(s) 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 voluntary work, military duty assignments, competencies,

knowledge, skills, and abilities, AFSC/MOS, and other supporting qualification training received.

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). Applicants must sign and date the application.

6. For Positions Requiring a Military Service as a Warrant or Commissioned Officer: If applying for a position limited to Warrant and/or Commissioned Officers and you do not currently hold a warrant or commission, applicants must submit a statement showing that, to the best of their knowledge, they are eligible for a warrant or commissioning program. If recommended for the position, applicants will not be appointed until they obtain the necessary warrant or commissioned officer status.

7. Method of Evaluating Applicants:

Once the announcement has closed, résumés and supporting documentation will be used to determine if applicants meet the qualifications listed in the announcement. If applicants are minimally qualified, their resume and supporting documentation will be compared to their responses on the assessment questionnaire to determine the applicant's level of experience. If applicants rate themselves higher than is supported by their application package, their responses may be adjusted and/or the applicant may be excluded from consideration for this position. If applicants are found to be among the top qualified candidates, they will be referred to the selecting official for employment consideration.

8. Category Rating and Ranking: The application will be evaluated and rated under category rating selection procedures. Once the application process is complete, a review of the applicant's qualifications will be conducted to determine if they are qualified for this job. Qualified candidates will be assigned to a quality category. The quality categories are highly qualified, well qualified, and qualified. For T32 excepted service positions only two categories may be utilized highly qualified and qualified. After identified for a quality category the applicant will be ranked in accordance with their quality category and if applicable Veterans' preference. The rating will be based on both the entire application package as well as the responses to the assessment questionnaire. Please note that if, after reviewing the résumé and or supporting documentation, a determination is made that the applicant inflated their qualifications and or experience, the category rating will be adjusted to more accurately reflect the applicant's abilities, or the applicant may lose consideration for the position. Errors or omissions may affect the applicant's eligibility.

9. Veterans Information: Veterans' preference must be validated by formal submissions including all necessary supporting documentation. Applicants must provide acceptable documentation of Veterans' preference or appointment eligibility. Acceptable documentation may be:

(1) The most current copy of the applicants DD-214, Certificate of Release or Discharge from Active Duty, which shows dates of service and discharge under honorable conditions

(2) A certification that is a written document from the armed forces that certifies the service member is expected to be discharged or released from active duty service in the armed forces under honorable conditions not later than 120 days after the date the certification is signed.

(3) Applicants may obtain a letter from the Department of Veterans Affairs reflecting their level of disability for preference eligibility by visiting a VA Regional Office, contacting a VA call center or going to the VA website.

(4) NOTE: Prior to appointment, an agency will require the service member to provide a copy of the DD-214.

(5) If claiming 10 point preference, applicants will need to submit a Standard Form, SF- 15, "Application for 10-point Veterans' Preference."

Applicants must submit all complete documentation in order to be verified for Veteran's Preference. If applicants fail to include any required documentation, it will affect their Veteran's Preference verification.

10. PROFESSIONAL APPLICATION:

(1) To speed the process, read and understand the position vacancy thoroughly. The Human Resource Office needs certain information to evaluate an applicant's qualifications and determine if the applicant meets the requirements for federal employment in a particular position. If the applicant's official résumé or application does not provide all information requested in the Position Vacancy Announcement or through the USA Jobs Assessment process the applicant may not receive full consideration for the position.

(2) Do not send/upload photographs with the application.

(3) Complete the Assessment questionnaire.

(4) Government postage paid envelopes may not be used to mail résumés or applications.

(5) E-mailing and faxing are reserved for situations such as deployment, military schooling and extended TDYs. Prior approval is required for each application submitted.

(6) Applications will not be returned.

(7) For more details on how to write a federal résumé please refer to:

a. USA Jobs Resume Writing Video

i. <https://www.youtube.com/watch?v=8YX7o1PBoFK>

b. USA Jobs FAQ Center

i. <https://www.usajobs.gov/Help/faq/application/documents/resume/what-to-include/>

c. Go Government

http://gogovernment.org/how_to_apply/write_your_federal_resume/create_your_resume.php

Glossary

Section I Abbreviations

AFSC

Air Force Specialty Code

AGR

Active Guard Reserve

ANG

Air National Guard

ARNG

Army National Guard

CER

Civilian Employee Regulation

CFR

Code of Federal Regulations

COS

Chief of Staff

DQF

Desirable Qualification Factors

GS

General Schedule

DHR

Director of Human Resources

HRSS

Human Resources Staffing Specialist

KSR

Key Staff Referral

MOS

Military Occupational Specialty

NDS

Non Dual Status

NGB

National Guard Bureau

OF

Optional Form

ORNG

Oregon National Guard

PCS

Permanent Change of Station

PD

Position Description

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 Allowances

TPR

Technician Personnel Regulation

TO&E

Table of Organization and Equipment

USC

United States Code

UMD

Unit Manning Document

Section II

Terms

T32 Excepted Service - Military technicians (dual status) who are required to be military members of the National Guard as a condition of employment.

T5 Excepted Service - Civilian employees who are not required to be members of the National Guard as a condition of employment, but are not members of the competitive service.

Area of Consideration - An area of consideration is the area (geographic, organizationally, or functionally) in which a search for eligible applicants is focused.

Commuting Area - The geographical area in which a person can reasonably be expected to travel to and from work on a daily basis.

Competitive Service - Competitive service employees (for the purposes of this regulation are those employees formerly known as Non-Dual Status technicians) who are not required to be members of the National Guard as a condition of employment.

KSA's – The knowledge, skill, and ability (KSA) an applicant must possess to successfully perform the duties and responsibilities of the position. KSA's are used to rate and rank applicants.

Conditions of Employment – Conditions of employment are those requirements necessary to perform the duties of the position. Some of these requirements must be attained prior to appointment and others must be attained or maintained after appointment.

Detail - A temporary change of job assignment for a specified time period without a change in pay, with the employee returning to his or her regular duties at the end of the period.

Minimum Qualification Requirements – The minimum education, experience and qualification requirements an applicant must possess to be considered qualified to compete for the position. These qualifications must be possessed by the applicant at the time of application to the position.

Reassignment - A change from one position to another position without promotion or change to lower grade.

Grade Retention – Retention of an eligible employee's pay grade for a period not to exceed two years when demoted by reduction in force (RIF), reclassification, or management directed change to lower grade with the employee's concurrence.

Pay Retention – Entitlement of eligible employee to current pay when it exceeds the maximum rate of the grade of the position in which placed.

Representative Rate – The representative rate in the Federal Wage Schedule (FWS) is step 2 for all grades. The representative rate on the General Schedule (GS) is step 4 for all grades.

Interviewing Official – Immediate supervisor or a supervisor delegated by the activity director to conduct the employment interviews.

Employee – Unless otherwise specified, the term “employee” as used in this pamphlet applies to T32 military technicians (dual status) and T5 excepted and competitive employees.

Temporary Promotion - The placement of an employee into a higher-graded position for which commensurate pay is received for a temporary period after which the employee will revert to the position from which was promoted.

Transfer - A change of an employee, without a break in service of one full workday, from a position in one agency to a position in another agency.

Veteran's Preference - Veterans who are disabled, who served on active duty in the Armed Forces during certain specified time periods or in military campaigns are entitled to preference over others in hiring for virtually most federal government jobs. Veteran's Preference must be claimed during the application process and during RIF identification for current agency employees.

Section III

Special Abbreviations and Terms

Areas of Consideration

The area of consideration to compete for the position must be sufficiently broad to ensure the availability of a reasonable number of highly qualified 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 position vacancy announcement (PVA). 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 PVA.

Position vacancy announcements will normally remain open for receipt of applications a minimum of:

T32 PVA's – 14 Days Minimum

T5 PVA's – 5 Days Minimum

Internal staffing review/internal merit promotion –7 Days Minimum

Areas of consideration are mandatory and select areas are optional for inclusion in position vacancy announcements. The following list defines areas of consideration for the ORARNG and ORANG.

(1) T5 Excepted

HRSS and hiring manager will determine the best area of consideration for broad consideration. The following are areas of consideration for open to public and merit promotion vacancy announcements:

Area 1: All on board permanent T5 federal employees within the Oregon National Guard (*Mandatory*)*

Area 2: All on board permanent T32 federal technicians within the Oregon National Guard (*Mandatory*)*

Area 3: All current non-permanent technicians/employees (T5 and T32) of the Oregon National Guard (*Optional*)

Area 4: All current or re-employable federal employees (*Optional*)

Area 5: U.S. citizens (*Optional*)

Note Required to have **one** of the mandatory areas of consideration. Optional for the other areas of consideration based on appointment type and range of advertisement.*

T32 PVAs will list the following areas as options for all position vacancy announcements. HRSS and hiring official will determine the best area of consideration for broad consideration:

(2) T32 Excepted ARNG

Area 1 - Current permanent or conditional T32 technicians of the Oregon ARNG. *(Mandatory) **

Area 2 - Current permanent or conditional T5 employees of the Oregon ARNG. *(Mandatory)**

Area 3 - Current service members in the Oregon ARNG. *(Optional)*

Area 4 - Individuals in the active duty Army, Army Reserve or Army National Guard.

Area 5 – US citizens eligible to meet the military requirements for membership in the Oregon ARNG. *(Optional)*

Note Required to have **one** of the mandatory area of consideration. Optional for the other areas of consideration based on appointment type and range of advertisement.*

(3) T32 Excepted ANG

Area 1 - Current permanent or conditional T32 technicians of the Oregon ANG. *(Mandatory)**

Area 2 -Current permanent or conditional T5 employees of the Oregon ANG. *(Mandatory)**

Area 3 - Current service members in the Oregon ANG. *(Optional)*

Area 4 - Individuals in the active duty US Air Force, Air Force Reserve, or Air National Guard.

Area 5 – US citizens eligible to meet the military requirements for membership in the Oregon ANG. *(Optional)*

Note Required to have **one** of the mandatory areas of consideration. Optional for the other areas of consideration based on appointment type and range of advertisement.*

Bargaining Unit Members

Employees of the Oregon Army and Air National Guard except management officials, supervisors, personnel employed in the Human Resources Office, classified employees and security guards are bargaining unit members and covered under the collective agreement between TAG and AFGE, Local 2986.

Bargaining Unit Positions

All federal civilian positions of the ORNG except management officials, supervisors, personnel employed in the Human Resources Office, “confidential employees” and security guards.

Category Rating and Ranking

Candidates will be assessed against job-related criteria assigned quality categories highly qualified, well-qualified, qualified, depending upon the quality and relevance of their qualifications to the job. The categories will be defined through a job analysis conducted in accordance with the “Uniform Guidelines on Employee Selection Procedures,” prior to starting any recruitment activity. The competencies and knowledge, skills, and abilities (KSA) identified in the job analysis will serve as the foundation for the Oregon National Guard assessment strategy. Oregon National Guard will spend adequate time in the beginning of the process performing a thorough assessment of the needed competencies/KSAs. Multiple categories (at least two categories) will be established for all job announcements to assess each candidate against job-related criteria. Applicants who meet the basic qualification requirements established for the position will be placed in a quality category. Qualified individuals will undergo either category or numeric rating process. The Human Resources Office by default will utilize the category rating

process to evaluate all applicants and will not use a numeric rating process. Veterans' preference points as prescribed in 5 USC 3309 will not be applied in category rating procedures and Veterans' will be rated and ranked in accordance to quality categories and floating procedures, if applicable, in accordance with law.

Guidance issued by the Office of Personnel Management (OPM) requires that all candidates in the highly qualified category must be referred to the selecting official for selection consideration, "allowing managers to select from among applicants in the highly qualified category without regard to the rule of three (from OPM's fact sheet).

OPM has recognized that

(1) the extraordinary number of individuals applying for vacant positions places an undue burden on operating Human Resources Offices to conduct qualifications determinations, and

(2) referring non-preference eligibles' when there is no opportunity for selection raises false expectations because if a preference eligible is in the category, an agency may not select a non-preference eligible unless the agency requests to pass over the preference eligible in accordance with 5 USC § 3318, and the request is approved.

Therefore, OPM has reconsidered its original position, and on September 15, 2010, revised its guidance to allow agencies the discretion to decide whether to send all the names (veterans and nonveterans) or only the names of all the veterans in the highly qualified category if agency policy specifically allows this option. The Oregon National Guard Human Resources Office recognizes that this option is discretionary at the request of the selecting official and HRSS.

Category Rating - Oregon National Guard Quality Categories

(1) **Highly Qualified:** Candidates in this category possess exceptional skills and experience to exceed well above the minimum requirements for the position. Candidate expresses high proficiency knowledge and skill level. 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 a 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. (If numeric values are applied to this category, the value rating is 90 -100 pts.)

(2) **Well Qualified:** This next lower quality category 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. Candidates express moderate amount of proficiency in competencies. (If numeric values are applied to this category, the value rating is 80-89 pts.)

(3) **Qualified:** Candidates in this category meet the minimum education and/or experience requirements for the position. 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 and fail to meet the well qualified definition. Candidates will require extensive training and/or orientation in order to satisfactorily perform the position's duties. (If numeric

values are applied to this category, the value rating is 70-79 points.)

(4) **T32 Quality Categories:** Candidates under evaluation for T32 excepted service positions will be considered under highly qualified and qualified categories defined above. T32 excepted positions require military service, military career experience, and a commensurate level of military leadership. Individuals in this group will be assessed for their possession of knowledge, skills, abilities, competencies, and applicable military service requirements. When referring T32 excepted service positions, the HRSS will refer all individuals that are highly qualified and qualified and follow procedures for bargaining unit positions if applicable.

(5) **Assessment:** Candidates will be assessed against job-related criteria assigned to at one of the previously defined quality categories. The highly-qualified, well-qualified, qualified category depending upon the quality and relevance of their qualifications to the job. The categories will be defined through a job analyses conducted in accordance with the “Uniform Guidelines on Employee Selection Procedures,” prior to starting any recruitment activity. The competencies and knowledge, skills, and abilities (KSAs) identified in the job analysis will serve as the foundation for the Oregon National Guard Human Resources Office assessment strategy. Applications are reviewed and assessed for either proficiency or possession of selective placement factors, knowledge, skills, abilities, and competencies. The Human Resources Office will spend adequate time in the beginning of the process performing a thorough assessment of the needed competencies/KSAs.

(6) **Ranking:** Assessed applicants will be placed in the appropriate quality category and ranked according to preference eligibility and non-preference eligibility. Within each category, 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 grade 9 levels (or equivalent) 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 qualification category. Candidates within the preference groups will be 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 highly qualified category regardless of the quality category in which they were placed and ahead of non-preference eligibles’ rated in the highly qualified category (CPS and CP eligibles’ “float” to the highly qualified category). Candidates within the preference groups will be listed in alphabetical order.

(7) **Merging Categories:** When there are fewer than three candidates in the highly qualified category, the category may be merged with the next lower quality category. Merging may take place before issuing a certificate of eligibles’ or before selecting an eligible. When merging categories, preference eligibles’ from the lower category will be placed in the highly qualified category above the non-preference eligibles’ in the newly merged highly qualified category.

(8) **Referral and Selection:**

a. Agencies must send **all** eligible candidates in the highly qualified category on the certificate of eligibles' or equivalent to the selecting official.

b. Pass over requests of preference eligibles' will be processed as prescribed in 5 USC 3318, using procedures in OPM's Delegated Examining Operations Handbook, Chapter 6, Section D, *Object to an Eligible*.

c. Veterans' preference points as prescribed in 5 USC 3309 will not be applied in category rating procedures.

d. The "three consideration" rule embodied in 5 CFR 332.405 does not apply in category rating.

Competency

OPM defines a competency as "a measurable pattern of knowledge, skills, abilities, behaviors, and other characteristics that an individual needs to perform work roles or occupational functions successfully." Competencies specify the "how" of performing job tasks, or what the person needs to do the job successfully ("The Practice of Competency Modeling", Shippmann et al., 2000). [2] Competencies represent a whole-person approach to assessing individuals.

Competencies tend to be either general or technical. General competencies reflect the cognitive and social capabilities (e.g., problem solving, interpersonal skills) required for job performance in a variety of occupations. On the other hand, technical competencies are more specific as they are tailored to the particular knowledge and skill requirements necessary for a specific job.

Competition

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

Confidentiality Statement

A statement of understanding signed by the, Interview Board Members, and Supervisory Official to ensure confidentiality of the selection process prior to appointment of the nominated applicant. This statement is crucial in agency implementation of the Privacy Act of 1974 and protecting Personal Identifiable Information.

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 an 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.

Excepted Service Hiring-Soliciting Applications

Public notification is provided so that persons who want to apply for a position will have access to the information necessary to submit an application. Unless otherwise specified in law or regulation, 5 CFR 302.301 requires agencies to:

- a. Establish policies and procedures on accepting job applications for excepted service positions, and
- b. Make the policies and procedures a matter of record. These policies and procedures must be uniformly applied to applicants and must be made available to applicants upon their request.

*Note: Some excepted service positions are not required to be posted on USAJOBS.gov.

Excepted Service-Evaluation/Assessments

Assessing individuals for positions in the excepted service is very similar to assessing individuals for positions in the competitive service. There is one major exception – OPM qualification requirements. Excepted service positions filled under Schedules B and D are subject to OPM qualification standards. Excepted service positions filled under Schedule A and C are not subject to OPM qualification standards.

Even though the positions may or may not be subject to OPM qualifications, agencies must still evaluate the individuals to ensure the potential selectees have the competencies necessary to perform the duties of the position to which appointed.

Excepted Service- Selections

An evaluation of the qualifications of applicants may be conducted at any time before an appointment is made. Once the evaluations/assessments are complete, agencies will assign ratings to the individuals. Oregon National Guard can generally choose from among three ranking and selection methods when filling jobs in the excepted service: 1) the ranked list, 2) the unranked list, and 3) a category rating-like process. The default ranking and selection process will be the category rating-like process for the Oregon National Guard.

a. **Ranked list** – Individuals are assessed against criteria which produces a numerical score. Preference eligibles' who earn a passing score receive 5 or 10 points, as appropriate, which are added to their score. Applicants are then listed in score order and selection is made from the highest-ranked three names available on the list. Preference eligibles' with a 10 percent or more disability are placed at the top of the list, and thus achieve the highest rankings. Agencies cannot select a non-preference eligible Veteran over a preference eligible Veteran with an equal or higher score without going through the applicable pass over procedures.

b. **Unranked list** – Applicants who meet basic eligibility criteria are listed by Veterans' preference category: 10 percent or more disabled Veterans, other 10-point preference eligible Veterans, 5-point preference eligible Veterans, and then non- preference eligible Veterans. Agencies cannot select a non-preference eligible Veteran until the preference eligibles' are exhausted or the agency has gone through the proper pass over procedures with respect to the preference eligibles' that are remaining.

c. **Category rating- like process** – Under 5 CFR part 302.105, agencies may establish their own systems for applying Veterans' preference provided that such a system results in preference eligible applicants receiving at least as much advantage as they would under the numerical ranking

or unranked selection methods. Rather than using numerical scores, individuals are assessed against agency-established criteria and placed in one of two or more pre-defined quality categories. Preference eligibles' are listed ahead of non-preference eligibles' in the quality category into which they are placed. Preference eligibles' with a 10 percent or more disability are placed in the highly qualified category (ahead of the non-preference eligibles').

d. Professional Order – When filling professional and scientific positions at the GS-9 level and above, the rules differ slightly. Agencies may list applicants either in a ranked list by score order or in an unranked list by preference status. When a ranked list is used, preference eligibles' who earn a passing score will have an additional 5 or 10 points, as appropriate, added to their score. Applicants are then listed in score order (i.e., nobody "floats"), and selection is made from the highest-ranked three names available on the list. When an unranked list is used, all qualified preference eligibles' will be listed in order of preference status (which will consist of candidates eligible for 10-point veterans' preference, followed by candidates eligible for 5-point Veterans' preference, followed by all other qualified applicants). An agency must consider preference eligibles' in the highest preference group first. An agency may not consider a non-preference eligible until all preference eligibles' have been exhausted or the agency has gone through the proper pass over procedures with respect to the preference eligibles' who are remaining.

Selections in the excepted service are just like in the competitive service. Veterans' preference and evaluating applicants are important requirements in order to make meaningful distinctions among best qualified applicants. Veterans' preference must be applied when making appointments in the excepted service. It may mean: Adding 5 or 10 points to a candidate's earned score and/or placing Veterans ahead of non-Veterans.

Agencies may use a category rating like process similar to what is used in the competitive service. Passovers of 30% or more disabled Veterans must be approved by OPM.

Excepted Service-Selection and Passover of a Preference Applicant

In accordance with 5 CFR 302.401, when an agency, in making an appointment as provided in paragraph 302.401(a) of this section, passes over the name of a preference eligible who is entitled to priority consideration under §302.304 and selects a non-preference eligible, it shall record its reasons for so doing, and shall furnish a copy of those reasons to the preference eligible or his/her representative on request. An agency may discontinue consideration of the name of a preference eligible for a position if on three occasions the agency has considered him/her for the position and has passed over his/her name and recorded its reasons for so doing. When conducting passovers, agencies may approve passovers within their authority, but OPM reserves the right to approve all CPS preference eligible 30% or more disabled applicants prior to a selection being made.

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 T5 employee, 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) **T5 Employee** A person who is employed and whose position is administered under Title 5 of the United States Code.

(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).

(5) **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 provided by executive fiat after an election.

Merit Promotion Plan Requirements

(1) Each agency must establish procedures for promoting employees that are based on merit and are available in writing to candidates. Agencies must list appropriate exceptions, including those required by law or regulation. Actions under a promotion plan—whether identification, qualification, evaluation, or selection of candidates—must be made without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, age (as defined by the Age Discrimination in Employment Act of 1967, as amended), disability, genetic information (including family medical history), marital status, political affiliation, sexual orientation, labor organization affiliation or non-affiliation, status as a parent, or any other non-merit-based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefits, or retaliation for exercising rights with respect to the categories enumerated above, where retaliation rights are available, and must be based solely on job-related criteria.

(2) Areas of consideration must be sufficiently broad to ensure the availability of high quality

candidates, taking into account the nature and level of the positions covered. Agencies must also ensure that employees within the area of consideration who are absent for legitimate reason, (e.g., on detail, on leave, at training courses, in the military service, or serving in public international organizations or on Intergovernmental Personnel Act assignments), receive appropriate consideration for promotion.

(3) To be eligible for promotion or placement, candidates must meet the minimum qualification standards prescribed by the Office of Personnel Management (OPM), Department of Defense, and/or National Guard Bureau. Methods of evaluation for promotion and placement, and selection for training which leads to promotion, must be consistent with instructions in part 5 USC Sec. 2300. Due weight shall be given to performance appraisals and incentive awards.

(4) Selection procedures will provide for management's right to select or not select from among a group of best qualified candidates. They will also provide for management's right to select from other appropriate sources, such as reemployment priority lists, reinstatement, transfer, individuals with disabilities, or Veteran Recruitment Act eligibles' (if applicable) or those within reach on an appropriate OPM or Oregon National Guard certificate. In deciding which source or sources to use, agencies have an obligation to determine which is most likely to best meet the agency mission objectives, contribute fresh ideas and new viewpoints, and meet the agency's affirmative action goals.

(5) Administration of the promotion system will include recordkeeping and the provision of necessary information to employees and the public, ensuring that individuals' rights to privacy are protected. Each agency must maintain a temporary record of each promotion sufficient to allow reconstruction of the promotion action, including documentation on how candidates were rated and ranked. These records may be destroyed after 2 years or after the program has been formally evaluated by OPM, Department of Defense, National Guard Bureau, and the Oregon National Guard Human Resources Office (whichever comes first) if the time limit for grievance has lapsed before the anniversary date.

Merit System Principles (5 USC Sec. 2301)

(1) Recruitment will be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society, and selection and advancement will 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 will 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 will 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 will maintain high standards of integrity, conduct, and concern for the public interest.

(5) The federal work force will 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 will be provided effective education and training in cases in which such

education and training would result in better organizational and individual performance.

(8) Employees will 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 forelection.

(9) Employees will 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. Applies to T32 technician positions only.

Military Technicians

A basic principle of the T32 excepted service technician program is that only NG T32 technicians occupy DS military technician employee positions.

(1) 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 Joint Force Head Quarters-federal Human Resources Office and TAG for review and further coordinated discussion with NGB-J1-TCP for final approval by Department of Defense Army Staff Personnel (G1) or Air Force staff personnel (A1).

(2) Requests and decisions are not influenced by the desires of the incumbent or potential candidates.

(3) NG T32 DS technicians and T5 competitive employees may apply/compete for hire or be eligible for merit promotion considerations to advertised T5 excepted service NG employee vacant positions.

(4) 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.

(5) Management directed reassignments (MDR) personnel processing actions are not authorized for the non-competitive placement of NG T32 DS technicians into established NG T5 employee positions; and, are not authorized for the non-competitive placement of NG T5 employees into NG T32 DS technician positions.

(6) Concerns and inquiries in regard to potential controversial issues must be forwarded, in writing to the local Human Resources Office. The Human Resources Office will communicate with the Technician Civilian Personnel Division (NGB-J1-TCP), for review and final decision by NGB functional managers/office of primary responsibility and NGB-J1.

Oversight

All T32 and T5 excepted service positions placements are done through directives, policies, and regulations, in accordance with the Office of Personnel Management, Department of Defense,

National Guard Bureau, the Adjutant General, and the Human Resource Officer.

Personnel Actions.

(1) Change to a Lower 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 FWS, 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 FWS or in a different pay-method category. (i.e. a Demotion or Reduction in Grade)

(2) Grade Retention and Pay Retention Entitlements

5 CFR 536 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 the FWS 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 the FWS.

(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>.

- (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 USC § 2301.
- (13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form,

or agreement does not contain the following statements:

a. “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:

b. Classified information;

c. Communications to Congress;

d. 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,

e. Any other whistleblower protection.”

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

Qualifying and Selection Officials

a. 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.

b. 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.

c. Supervisor A supervisor or management official designated by the Adjutant General to receive and act on a certificate of eligible applicants. It is usually the manager of the office, facility, unit or section that contains the position being filled.

d. Designated Official A management official designated in writing by the supervisory official to act in their place in regards to PVA’s.

e. Quality Ranking Factor

Quality ranking factors significantly enhance performance in a position, but, unlike selective factors, are not essential for satisfactory performance. Applicants with higher proficiency levels on a quality ranking factor are ranked above those with lower proficiency levels. Agencies may not rate qualified candidates ineligible solely for failure to possess a quality ranking factor. With quality ranking factors, the focus is on the level of proficiency the candidate brings to the job. This flexibility continues to ensure managers can specify the competencies/KSAs that enhance performance significantly in a given position.

Qualifying and Selection Factors – Additional Information

(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 a full-time support 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. Possess a security clearance.

c. Meet medical/physical standards of the technician position or military assignment associated with the technician position.

(2) **Selective Placement/ Quality Ranking Factors (SPF/QRF)** SPF/QRF 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. SPF/QRFs include specific military experience, certification to perform a specific duty, qualification on a specific weapons system, etc. Human Resources Office approved, supervisor developed SPF/QRFs will be added to position vacancy announcements, but the HRSS will not use QRFs 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/supervising official for further consideration. They are used by the interviewing/supervising official as part of the basis for making a final recommendation for appointment by the Human Resources Office.

(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 Human Resources Office.

(5) **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. FWS (WG, WL, WS) representative rate is Step 2 of the grades in question.

(6) **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.

Selective Placement Factor

A selective factor is a "screen-out" (i.e., if an applicant does not meet a selective factor, he/she is ineligible for further consideration).

Selective factors:

(1) are essential for successful performance on the job (i.e., if individuals do not have the selective factor, they cannot perform the job);

(2) are almost always geared toward a specific technical competency/knowledge, skill, or ability;

(3) require extensive training or experience to develop; and

(4) cannot be learned on the job in a reasonable amount of time.

USA Jobs

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

USA Staffing

Federally mandated system platform for use in the recruitment of all federal technician/employee positions. This consists of hiring manager, which hiring officials and select others use to access PVA's and referral certificates.

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 USC 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 USC 631, 633a);
 - c. on the basis of sex, as prohibited under section 6(d) of the Fair Labor Standards Act of 1938 (29 USC 206(d));
 - d. on the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 USC 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; or

c. any disclosure to Congress (including any committee of Congress) by any employee of an agency or applicant for employment at an agency of information described in subparagraph (B) that is - (i) not classified; or (ii) if classified – (I) has been classified by the head of an agency that is not an element of the intelligence community (as defined by section 3 of the National Security Act of 1947 (50 U.S.C. 3003)); and (II) does not reveal intelligence sources and methods.

(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.

(13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: “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 (1) classified information, (2) communications to Congress, (3) the 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 (4) 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.”; or

(14) Access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).

Veterans’ Preference Programs for T5 NG Excepted Service Positions

(1) Hiring Authority References: 5 USC 3320, 5 CFR, and OPM Veteran Guide.

(2) 5 CFR §335.106, Special selection procedures for T5 excepted service positions and Veterans under merit promotion. Veteran’s preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

(3) Preference eligibles’ are divided into five basic groups as follows:

- a.* CPS - Disability rating of 30% or more (10 points)
- b.* CP - Disability rating of at least 10% but less than 30% (10 points)
- c.* XP - Disability rating less than 10% (10 points)
- d.* TP - Preference eligibles’ with no disability rating (5 points)
- e.* SSP – Sole Survivorship Preference (0 points)

(4) For more information on Veterans’ preference please refer to the Office of Personnel Management website. <https://www.fedshirevets.gov/job/veterans.aspx>

(5) Preference eligibles’ who meet the qualification requirements are assessed and placed in the appropriate quality categories. Preference eligibles’ receive veterans' preference by being listed ahead of non-preference eligibles’ within the same quality category in which they are placed. No preference points, i.e., 5 or 10 points, are added to the preference eligibles’ rating. An agency may not select a non-preference eligible if there is a preference eligible in the same category unless the agency receives approval to pass over the preference eligible in accordance with [5 USC § 3318](#).