

KANSAS NATIONAL GUARD

Human Resources Policy (HRP) 335

MERIT PLACEMENT AND PROMOTION PLAN

Office of the Adjutant General's Department
Office of Primary Responsibility:
Human Resources Office
Topeka, Kansas 66611-1287

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The information within this plan is applicable to all federal civil service personnel of the Kansas Army and Air National Guard. Users are invited to send comments and suggested improvements to the HRO office located in Topeka, KS. This plan supersedes HRP 335, *Merit Placement and Promotion Plan*, dated 22 October 2019.

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CHAPTER 1 – GENERAL

1-1. PURPOSE. This plan establishes the procedures and provides information on the merit placement program to be used for the employment and placement of all National Guard (NG) Title 32 (T32) Dual Status (DS) Excepted Service Technician and positions; current on-board Title 5 (T5) NG Competitive Service employees (formerly Non-Dual Status) and Title 5 (T5) Excepted Service National Guard employees and positions authorized in support of activities and units of the Kansas Army and Air National Guard. Since the procedures contained in this plan are applicable to both the Army and Air National Guard, the term Kansas National Guard (KSNG) will be used throughout the plan.

1-2. POLICY. It is the policy of the KSNG that all positions are filled from among qualified individuals, to ensure that all employees have an opportunity to develop and advance to their full potential. All vacancies will be filled based on merit principles, job related factors, and the KSNG's affirmative employment goals under systematic and equitable procedures. Individuals being considered for merit placement must meet the eligibility requirements and standards for the position for which considered, including National Guard unit membership and a compatible National Guard assignment for all T32 DS Technician appointments. All actions under this plan will be made without discrimination for non-merit reasons such as race, color, religion, sex, age (except positions excluded by military membership), national origin, marital status, non-disqualifying disability (except for military requirement for DS NG Employees appointments), membership or non-membership in employee organizations, personal favoritism, lawful political affiliation, or patronage. This covers all aspects of the placement program and is the responsibility of every individual involved. All T32 DS Technicians must maintain KSNG military membership. Any changes to this Merit Placement Plan must be negotiated with the respective labor organization(s) in accordance with (IAW) the applicable Collective Bargaining Agreement(s) (CBA).

1-3. SCOPE.

a. This plan covers rules and policies regarding recruiting and filling personnel actions using competitive procedures, processing merit promotions, and processing management directed reassignments for all personnel and positions in the T32 DS Technicians, T5 NG Competitive, and T5 NG Excepted Service.

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

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

1-4. PROVISIONS. Converted Positions. As current on-board T5 NG competitive service employees separate from their respective positions, and the position becomes vacant, those positions are directly converted into T5 NG Excepted Service positions.

1-5. PROHIBITED PERSONNEL PRACTICES. There are thirteen prohibited personnel practices, including reprisal for whistleblowing, which are defined by law [5 United States Code, Section 2302(b)]. These prohibited personnel practices apply to all individuals in the rating, ranking, evaluating and/or selecting processes for action under this plan. Generally stated, 2302(b) provides that any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority:

a. Discriminate for or against an employee or applicant on the basis of race, color, religion, sex, national origin, age, disability, marital status, or political affiliation. No official may, in recommending or selecting candidates for promotion, show or give preference to any candidate based upon factors not pertinent to the candidate's qualifications for performing work including personal friendship, kinship, or political connections.

b. Request or consider recommendations or statements, 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 personal knowledge or records of the person furnishing it and consists of an evaluation of work performance, ability, aptitude, general qualification, character, loyalty, or suitability of such individual.

c. Coerce the political activity of anyone (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 anyone to engage in such political activity.

d. Deceive or willfully obstruct anyone from competing for employment.

e. Influence anyone to withdraw from competition for any position for the purpose of improving or injuring the employment prospects of any person.

f. Grant any unauthorized preference or advantage to anyone (including the scope or manner of competition of the requirements for any position) for the purpose of improving or injuring the employment prospects of any particular employee or applicant.

g. Engage in nepotism. A management/selecting official may neither appoint, employ, promote, or advance one of her/his relatives (by blood or marriage) nor advocate a relative for appointment, employment, promotion, or advancement in or to a position in the KSNG. Likewise, an individual may not be appointed, employed, promoted, or advanced if the action was approved/advocated by a management/selecting official who is serving in or exercising jurisdiction or control within the KSNG and who is a relative of the individual.

h. Engage in reprisal for whistleblowing. Generally, a person with personnel authority cannot take or fail to take, or threaten to take or fail to take, any personnel action with respect to an employee or applicant because of a disclosure of information by the employee or applicant that s/he 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 KSNG Inspector General, or KSNG official designated by The Adjutant General to receive such disclosures.

i. Take or fail to take, or threaten to take or fail to take, any personnel action against any employee or applicant for exercising an appeal, complaint, or grievance right granted by any law, rule, or regulation; testifying for or lawfully assisting another in exercising such a right; cooperating with or disclosing information to KSNG Inspector General or the Special Counsel; or refusing to obey an order that would require the individual to violate a law.

j. Discriminate for or against any employee/applicant based on conduct that does not adversely affect the on-the-job performance of the employee/applicant or others.

k. 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.

l. 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.

m. Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statements:

“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or executive order relating to: (a) Classified information or Communications to Congress; (b) Communications to Congress; (c) 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, (d) Any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive Orders and statutory provisions are incorporated into this agreement and are controlling.”

1-6. EQUAL OPPORTUNITY POLICY. The KSNG is committed to full compliance with both the letter and spirit of the law regarding equal opportunity. Employment opportunities will be afforded to all applicants and employees regardless of their race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability, or genetic information. Furthermore, all personnel are expected to comport themselves in a manner which reinforces the KSNG’s culture founded on respect and dignity of others.

1-7. T32 DS Technicians. A basic principle of the T32 DS Technician Program is that only T32 DS Technicians require military membership to occupy T32 DS positions.

a. Requests to convert established/confirmed T32 DS 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 KSNG-HR and TAG for concurrence, and forwarded to the appropriate NGB staff element(s) for final approval.

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

c. T32 DS Technicians and T5 NG employees may apply/compete for hire or be eligible for merit promotion considerations to advertised T5 NG Excepted Service vacant positions.

d. T5 NG Competitive and Excepted Service employees may apply/compete for hire or merit promotion considerations to advertised T32 DS Technician positions; however, to qualify for these positions, the candidates must meet the T32 DS Technician position’s series qualifications and must meet the position’s military compatibility requirements.

e. Management Directed Reassignment (MDR) personnel processing actions are not authorized for the non-competitive placements of T32 DS Technicians into established T5 NG employee positions; and are not authorized for the non-competitive placements of T5 NG employees into T32 DS Technician positions.

f. Concerns and inquiries regarding potential controversial issues must be forwarded, in writing, to the NG Employee Personnel Management Division (NGB-J1-TCP), for review and final decision by NGB Functional Managers/Office of Primary Responsibility and NGB-J1.

1-8. Veteran’s Preference Programs for T5 NG Excepted Service Positions.

a. Hiring Authority References: 5 USC 3320, 5 CFR, and OPM Veteran Guide.

b. 5 CFR §335.106, Special selection procedures for T5 NG Excepted Service positions and veterans under merit promotion. Veterans' preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

1-9. RESPONSIBILITIES.

a. The Adjutant General (TAG) is responsible for the employment and administration of T32 DS Technicians, and T5 NG Competitive and Excepted Service employees. He or she will accomplish any personnel force management actions involving employment, appointments, promotions, reassignments, other internal placements, or external recruitment IAW guidance provided in this plan. TAG is the highest level of authority in the State concerning the overall application of this plan.

b. The Human Resources Officer (HRO) is responsible to TAG for ensuring the requirements of this Merit Placement and Promotion Plan are accomplished. The HRO will:

1. Develop, maintain, evaluate and revise this plan as necessary.
2. Administer placement and promotion actions IAW the policies and procedures outlined in this plan, statute, US Office of Personnel Management (OPM), Department of Defense (DoD), and NG manual/regulation/issuances, as well as terms of current negotiated bargaining agreements.
3. Provide guidance and assistance to commanders, supervisors, managers, and board members concerning their responsibilities under this plan.
4. Publish and distribute Job Vacancy Announcements (JVAs).
5. Ensure applicants are properly evaluated using the qualification requirements issued by the National Guard Bureau to evaluate applicants for excepted service positions.
6. Verify that all procedures used to identify, qualify, evaluate, and select are based on job-related criteria by:

(a) Ensuring that the "Certificate of Eligibles" referred to the Selecting Official contains a list of qualified applicants meeting the minimum qualification standards prescribed for the position;

(b) Reviewing, approving and processing selection packages to ensure compliance with this plan and all regulatory guidance, and notifying candidates of selection or non-selection; and

(c) Maintaining necessary records IAW regulatory guidance and sufficient to reconstruct each placement action.

7. Ensure all T32 DS Technicians, and T5 NG Competitive and Excepted Service employees are entitled to placement or promotion, receive full and fair consideration; ensures appropriate treatment of candidates entitled to priority consideration (e.g., DoD Priority Placement Program (PPP), NG Employee Reemployment Priority List (TRPL), Retained Grade List, and Interagency Career Transition Assistance Plan (ICTAP).

c. Selecting Officials will:

1. Know and comply with the provisions of this plan and keep employees informed of said provisions;
2. Administer this plan;
3. Ensure employees under their supervision are aware of and have access to this plan electronically or in hardcopy;
4. Ensure personnel actions accomplished within their area of responsibility are based on merit, in concert with affirmative action goals and without discrimination;
5. Upon notification, review vacancy announcements to verify the desired qualification standard, position description, pay scale, and desired rank structure meet intent of the advertised position;

6. Post JVs in their local work areas that are accessible to all eligible members;
 7. Recruit applicants for JVs, to include members who are absent, for legitimate reason (e.g., military duty, leave, service school, or compensable injury which does not exceed one year);
 8. Conduct interview boards in compliance with all provided instructions, to include ensuring board members understand and sign the interview board brief and each interviewee scoring matrix;
 9. Consider all evaluations, interviews, discussions, and application information from personnel documents as privileged information; and
 10. Encourage employees under their supervision to participate in developmental opportunities and training in order to enhance their promotion potential.
- d. Individual employees have a responsibility to:
1. Review provisions of this plan;
 2. Discuss career goals with supervisor;
 3. Pursue personal developmental opportunities to prepare for higher-level duties;
 4. Ensure complete application is submitted prior to closing date. Applications must be uploaded to USA Jobs no later than 2359 EST;
 5. Ensure application documents, electronic Official Personnel Folders (eOPF), and/or military records contain current and accurate information concerning qualifications and personal development activities; and
 6. Make arrangements with supervisor to submit applications when absent from duty.

1-10. MANAGEMENT'S RIGHTS. Recognizing it is essential for positions to be filled with fully qualified individuals, management retains the right to:

- a. Select or non-select from among a group of properly referred qualified candidates.
- b. Choose the method of filling a vacancy, including, but not limited to, management directed reassignments, details, position changes resulting from Reduction-in-Force (RIF), placement of an individual exercising restoration rights, reinstatement, or position announcements.
- c. Submit pass-over requests of veteran preference qualified candidates for T5 NG Excepted Service Positions to HRO for endorsements to OPM for reconciliation.
 1. The HRO must initiate procedures as directed in the OPM Delegated Examining Operations Handbook, Chapter 6, Section D, Object to an Eligible.
 2. During this time period, the same advertised position remains vacant until the submitted pass-over request determination is resolved.
- d. If no candidates are selected from the COE, provide sufficient justification, in writing, detailing why none of the candidates were interviewed/selected and make recommendations for further action. Documentation made within the notes section of the Applicant List review in USA Staffing will be accepted.

CHAPTER 2 – EXCEPTIONS TO COMPETITION

2-1. PERSONNEL ACTIONS EXEMPT FROM COMPETITION. Certain placement actions provide the authorization for qualified candidates to be placed in a position without competition. While the following list contains a vast majority of the actions, there may be existing authorities granted to the KSNG on a temporary basis or newly enacted authorities not reflected herein. Please contact the applicable HRO Staffing Specialist if you have a question concerning non-competitive placement.

a. Promotion due to the implementation of a new national Position Description Release (PDR) or the correction of a classification error.

b. Promotion when competition was held earlier (i.e., vacancy announced as a developmental position or with known promotion potential).

c. Re-promotion to a grade (or a comparable grade) or a position from which a T32 DS /T5 employee was demoted not for cause and not at the employee's request.

d. T32 DS Technician temporary promotion of 120 days or less.

e. Promotion due to a completed position review.

f. Management Directed Reassignments (MDR): Management may reassign a T32 DS/T5 employee to another position at the same grade and pay, or to a lower graded position if the reassignment is the result of a Reduction in Force (RIF), NGB re-classification action, adverse action or poor performance. Employee may be entitled to a Permanent Change of Station (PCS).

1. If a T32 DS/T5 employee non-concurs with the reassignment, the employee shall be notified in writing of the termination of employment, unless the employee is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment. Such notification shall be given to a NG Employee at least 30 days before the termination date of employment.

2. Management requesting the re-assignment of an employee must submit justification to HRO listing the reasons and rationale in support of the move. Request must also be accompanied by the employee's current resume to ensure eligibility for reassignment.

g. Voluntary Reassignment: Current Technicians and T5 NG Employees may volunteer for a reassignment opportunity to meet the needs of the Kansas National Guard. Technicians and T5 NG Employees may not request a reassignment that results in a promotion opportunity and must qualify for the new occupational series, to include military compatibility requirements. Voluntary reassignments of T32 military technicians will not suffice as justification for military reassignment and/or exceptions to military policy (e.g., DAFI 36-2110 prohibition of military technicians being overgrade/excess). A resume must accompany the request and will be used to determine eligibility.

h. Position change required by Reduction-In-Force (RIF) regulations.

i. Placement of over-graded NG Employees entitled to grade retention as a result of RIF, or NGB reclassification action.

j. Reassignment actions pursuant to TPR 715, Voluntary and Non-Disciplinary Actions, Chapter 3-2c-e.

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

l. Selection of a former T32 DS/T5 from the Reemployment Priority List for a position at the same or lower grade than the one last held.

m. Placement under the DOD Priority Placement Program.

n. Reemployment IAW the Uniform Services Employment and Reemployment Act (USERRA). A T32 DS/T5 NG employee exercising statutory reemployment rights following military service must be returned to a position he or she would have obtained had it not been for military service, his/her former position, or a position of like seniority, status, and pay.

- o. Hiring of temporary, tenure 0 T32 DS Technicians.
- p. Emergency Hiring Authority when delegated to the state to support contingency operations,
- q. Placement as a result of priority consideration when a candidate was not previously given proper consideration in a competitive action.
- r. Individuals eligible for an appointment under the appointment authority for individuals with a disability (Schedule A).

2-2. PRIORITY PLACEMENT ACTIONS.

a. T32 TECHNICIANS AND T5 NG EMPLOYEES UNDER GRADE RETENTION. T32 DS/T5 employees demoted through no fault of their own will be placed on the Retained Grade List and will be entitled to priority placement until they are placed at their retained grade, decline a reasonable offer or upon termination of grade retention and placed on retained pay. Consideration of the employee entitled to priority placement for re-promotion must precede efforts to fill the vacancy by other means, including merit promotion procedures. The HRO will keep a roster of employees entitled to priority placement. These employees will be afforded priority placement as outlined below:

1. If a vacancy of equal or comparable grade exists within the commuting area (the area within which employees can be reasonably expected to commute daily between their permanent residence and duty station) for which an employee in retained grade status is well qualified, the employee will be offered the position. For T32 Technician position, the employee must meet all Technician and military requirements for the position. If there is more than one eligible employee in a retained grade status, the selecting official will be given a list from which to make a selection. Grade and pay retention will be terminated if the employee refuses the offer of a position equal to the employee's retained grade. The employee must accept/decline the offer in writing. Failure to reply to an offer will be considered as a declination of the offer.

2. If such a vacancy exists and there are no employees within the commuting area, the position will be offered to employees entitled to priority placement outside the commuting area before any other placement action. If the employee refuses the offer of a position outside the commuting area, grade retention will continue if otherwise eligible.

b. DoD Priority Placement Program (PPP) Registrants

1. The primary purpose of PPP is the placement of DoD employees who have been adversely affected through no fault of their own as a result of Reduction in Force (RIF), base closures, realignments, consolidations, contracting out, position classification decisions, transfer of functions and for T32 technicians loss of military membership due to military non-retention and medical separation.

2. The DoD Priority Placement Program (PPP) Handbook will be used to administer and register certain eligible employees into the appropriate PPP program.

2-3. TEMPORARY PROMOTIONS.

a. Generally, a temporary promotion is the appropriate way to meet a situation requiring the temporary service of an employee to a higher graded position. Promoting an employee recognizes the increased responsibility and properly compensates them for the work being performed.

b. Temporary promotions are only for an increase in duties required for a period longer than 30 days. For periods less than 30 days, a detail would be more appropriate. The immediate supervisor determines when and if a temporary promotion would be an appropriate action. Factors to be taken into consideration are mission needs, production requirements, availability of personnel, budgetary constraints and the negotiated agreement.

c. Competition is not required for T32 DS Technician and T5 NG employee positions for temporary promotions of 120 days or less. Competition should be held from the onset if management feels that the position will last for longer than 120 days or may eventually be filled permanently. Promotions lasting for more than 120 days, prior time served in detail to higher graded positions or temporary promotion during the preceding 12 months is included when computing the period.

2-4. DETAILS.

a. A detail is the temporary assignment to a different position for a period up to 120 days, with the employee returning to his/her regular duties at the end of the detail.

b. Details to a higher grade are appropriate when the assignment is for 30 days or less or the full range of duties of the higher graded position will not be performed.

c. Details will be documented IAW OPM guidance; all details will be requested through the chain of command on a Standard Form 52, Request for Personnel Action (SF 52). The SF 52 will let HRO and the chain of command know why the detail is taking place, how long the detail is expected to last, and who will be supervising while the employee is detailed and forwarded through the appropriate chain of command to HRO.

d. The KSNG may detail employees for any legitimate management purpose, for example, to handle unexpected workloads or special projects, or pending position classification, security clearance or investigation. Employees who are detailed to a different position remain assigned to their original position, for this reason, backfills or temporary promotions cannot be made into a position from which the incumbent is detailed.

2-5. TEMPORARY APPOINTMENTS. (Not To Exceed - NTE)

a. T32 Technician Temporary Appointments (Not To Exceed - NTE). A temporary appointment is authorized outside competitive procedures if the duration of the appointment is not to exceed one year (12 months from the date hired Tenure "0"). The appointment may be extended up to a maximum of 2 additional years (36 months of total service) with the HRO approval. Appointments and extensions are made in increments of 1 year or less. Selections for temporary appointments must meet the qualifications for the position and at the grade level for which employed

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

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

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

4. T32 Technicians and T5 NG Excepted Employee Temporary Appointments greater than 12 months. Temporary appointments based on indefinite tenure ("3") is used when there are needs for the position to accomplish special projects.

5. Competitive procedures are always applied when filling positions as temporary appointments with indefinite tenures.

6. A temporary appointment with indefinite tenure does not confer permanent status unless identified in the advertisement.

7. Temporary appointments with indefinite tenures are terminated when the positions and/or the employees' services are no longer required.

8. All temporary appointments with indefinite tenure terminations require thirty (30) day written notifications by the HRO to the employees. This notice is given to the employee during onboarding, signed for acknowledgement and kept on file in the HRO.

9. Indefinite employees who have competed for their positions announced as “indefinite may convert” may be converted to permanent status at the discretion of management.

10. Individuals serving indefinite appointments are entitled to the following employee benefits: accrual of annual, sick and military leave, health and life insurance benefits, enrollment in the Thrift Savings Plan, and the Federal Employees Retirement System (FERS).

b. For additional information regarding leave, compensatory time, time-off awards, health benefits, dental and vision, flexible spending plans, life insurance, long term health care, thrift savings plan, and retirement, refer to Appendix F, Temporary NG Employee Comparison Sheet.

c. To request a temporary T32 Technician for a duration NTE 365 days:

1. Units will provide the following in conjunction with the SF 52 submission:

(a) SF-52, Part A, 1-6 completed. Include a requested Not-to-Exceed (NTE) date.

(b) SF 52, Part B, 1-3, 15-18, and 22.

(c) Applicant’s Resume

(d) OF-306, Declaration of Federal Employment (Blocks 1-17a, signed and dated)

2. Excepted appointments with indefinite time limitations should be used when the appointment is expected to extend beyond one year or management expects the position to become permanent at some time in the future. Advertisement procedures must be used when filling a position on an indefinite basis.

d. T5 NG Excepted Employee Temporary Appointments for any duration must be advertised and competed for under competitive Merit Placement procedures.

2.6 EMERGENCY HIRING FLEXIBILITIES. Conditions may exist where National Guard Bureau (NGB) institutes emergency hiring authorities. When NGB has delegated Emergency Hire Appointment Authority to TAG, states are authorized to non-competitively appoint/temporarily promote employees to positions that would, otherwise, remain vacant due to mobilization or deployment. National Guard Emergency Hire Authority is not an alternative full-time, or continuous, employment program and can only be used to backfill deployed positions.

2-7. DEVELOPMENTAL POSITIONS.

a. Use of Developmental Position. Developmental positions may be used under the following circumstances: Positions may be announced for consideration of candidates qualified at the lower than the full performance level as well as opened to fully qualified candidates when the qualification requirements make it difficult to find fully qualified candidates for the position.

b. Promotion of employees hired below the full performance. An employee who is selected through merit placement procedures to fill a position at less than the authorized grade, who completes all necessary training programs, IAW with NGB Form 650, Individual Development Plan (IDP), and meets both the qualifications and legal requirements for the position, may be non-competitively promoted upon recommendation and certification of fully acceptable performance by the immediate supervisor of the position. Coordinate with the Human Resources Development Specialist (HRDS) within HRO to initiate an Individual Development Plan.

2-8. NON-COMPETITIVE REINSTATEMENTS.

a. The KSNG may reinstate certain former federal employees at any grade level for which the individual is qualified, including positions with promotion potential, without regard to the

grade of the position the individual previously held on a permanent basis. Such reinstatements may be made non-competitively, provided that:

1. The reinstatement eligible had to have been separated for at least one year before applying for reinstatement.

(a) Former employees of the KSNG requesting reinstatement may apply through Job Vacancy announcements posted on USA Staffing advertised to reinstatement eligibles.

2. The reinstatement eligible must have received a rating of record for their most recent permanent position of at least Fully Successful (or equivalent).

b. Individuals appointed under this authority may be reinstated through an appointment that is equivalent to a career or career-conditional appointment in the excepted service.

CHAPTER 3 – NG POSITION ANNOUNCEMENT AND APPLICATION PROCEDURES

3-1. APPLICATION. The procedures of this plan are used in filling all positions. Exceptions authorized in Chapter 2 may be used, as appropriate.

3-2. REQUEST FOR FILLING VACANCY.

a. Submit requests to fill positions through Command channels to the HRO utilizing the SF 52, Request for Personnel Action or through Defense Civilian Personnel System. The requesting office initiates the SF 52 with the following required information:

1. Position Title/Number, Position Description (PD), Grade(s), SEQ # (if applicable), FAC, and Location (UIC or PAS).

2. Type of Appointment or any combination as listed below as appropriate:

(a) Permanent

(b) Indefinite/Overdrive: Along with justification, a not to exceed (NTE) date must be identified in the remarks of the SF52

(c) Indefinite may convert to perm at a later date without further competition.

Indefinite hires are often used to backfill positions left vacant by employees entering T10 or T32 military/AGR orders with reemployment rights. IAW 38 USC 4312(a)(2), an employee with statutory reemployment rights is protected for five years

(d) Indefinite NTE Absent US

(1) May be used for Deployment, School attendance, temp AGR, etc.

(e) Temp Promotion NTE Absent US

(1) May be used for Deployment, School attendance, temp AGR, etc.

(f) Temp Promotion May Convert to Permanent (vice employee with reemployment rights)

(g) Temporary NTE 365 days

3. Minimum and Maximum Military Grade Required (T32 only).

4. Military Requirements (e.g., flight status/flight hours, required AFSC/MOS for position, ASVAB, AFOQT, etc.) (T32 only).

5. Requested area of consideration, refer to paragraph 3-5.

6. Requested selective placement factors.

7. Request for Developmental JVA.

8. Designated security clearance required.

9. Selecting Official.

10. Supervisor of the position being filled.

11. Any other information pertinent to the filling of the position.

12. Person vacating position (Vice) and reason and anticipated date for vacating.

b. **Job Analysis:** Prior to advertising for recruit and fill of any T32 Technician or T5 NG employee position, a completed formal job analysis and crediting plan are required. This mandatory personnel action is a systematic method for gathering information. It focuses on the position's work behaviors, tasks, and outcomes. The competencies (knowledge, skills, abilities, and behaviors) must be identified in the job analysis and serve as the foundation for the JFHQ-Federal HR specialist's assessment strategy. The HRO Federal HR Specialist must spend adequate time in the beginning of the process to perform a thorough assessment of the position's competencies, as defined by the job analysis, and clearly identify the competencies required to minimally qualify and fully qualify based on the crediting plan numeric rating system. The T32 NGB Qualification standards will be used in conjunction with OPM qualification standards as a basis for building a job analysis for both T5 and T32 JVAs.

c. **Crediting Plan:** This document provides an objective statement of the position's qualification requirements and criteria against which applicants are evaluated. For T5 positions, the numeric values are applied in the crediting plan to rate the candidates' capabilities and competencies to successfully perform the position's described duties and responsibilities. The crediting plan is developed as a result of a job analysis that identified the position's knowledge, skills, abilities, and behaviors.

3-3. PRIORITY PLACEMENT PLAN (PPP). All T5 requests to fill vacancies (including permanent, temporary, part-time, intermittent, and seasonal) at grades GS-1 through GS-15, all Federal Wage System (FWS) positions and all special pay system positions are subject to the PPP unless specifically exempt. Positions are entered into ASARS to be matched at the full-performance level against PPP registrants. T32/T5 employee PPP actions are described in detail in Chapter 2-2.

3-4. T32/T5 VACANCY ANNOUNCEMENTS. Vacancy announcements will be posted on USA Jobs and throughout the area of consideration through email correspondence. Announcements will, at a minimum, contain the following information:

- a. Vacancy Announcement Number
- b. Title, series, grade, and salary range of the position
- c. Type of appointment as listed under 3-2. (2)
- d. Compatible military assignment (MOS or AFSC) for T32 positions only
- e. For T5 NG Excepted Service positions accepting applications outside the federal workforce must include the veteran preference categories and eligibility requirements and clearly state/define the type of required documentation needed for each identified preference category in the application
- f. Organizational and geographical location of the position
- g. Open and closing dates
- h. How to apply, special conditions of employment, or developmental training, if applicable
- i. Information regarding other concurrent announcements for the same vacancy
- j. Area of consideration
- k. Minimum qualification requirements, general and specialized
- l. Minimum and maximum military grades (T32 only)
- m. Statement that an enlisted applicant's military grade cannot exceed the maximum military grade authorized. Over-grade applicants must provide a written statement of understanding with the application, indicating a willingness to be administratively reduced in grade (state specific grade) if selected for the position
- n. Description and summary of duties
- o. Equal employment opportunity statement
- p. Reasonable accommodation statement
- q. Required documents to complete application

3-5. AREAS OF CONSIDERATION.

a. To ensure receipt of highly qualified applicants, the area of consideration for each specific position vacancy announcement is deemed most appropriate by the HRO in coordination with the Selecting Official.

b. The unit elects to fill a vacant full-time support position with a T32 or T5 employee in one of the following areas:

1. **Area 1 - Restricted Internal Merit Promotion T32/T5** - Current on-board indefinite or permanent federal employees or technicians within the... (FMS, ATEAM, USPFO, Air wing, etc.). This includes AGRs with reemployment rights within this unit.

(a) This area of consideration is used only when advertising a position within a particular work center and is open to only those employees

(b) There are certain circumstances which require advertisement of positions without a vacant man-year (i.e., reclassification, reorganization, position upgrade etc.). The vacancy announcement will indicate which specific group of employees are eligible to apply (i.e., Area 1 – In-service Restricted (FMS #5 or 190 FSS)

(c) Veteran's Preference **will not** apply when advertising in this area

(d) If this area is used for a temp promotion opportunity, it may be restricted to only T5 or T32 employees as necessary within the KS ANG, or ARNG.

2. **Area 2 - Internal Merit Promotion T32/T5.** Current on-board indefinite or permanent federal employees and technicians within the Kansas National Guard. Includes AGRs with reemployment rights.

(a) Veteran's Preference **will not** apply when advertising in this area.

(b) If this area is used for a temp promotion opportunity, it may be restricted to only T5 or T32 employees as necessary within the KS ANG, or ARNG.

3. **Area 3 - Job Opportunity T32.** Current members of the Kansas National Guard.

(a) All military members of the KS ANG or ARNG. Joint positions may be advertised to both KS ANG and ARNG.

(b) Veteran's Preference **will not** apply when advertising in this area

4. **Area 4 - Job Opportunity T5.** Current and former military members of the Kansas National Guard. Former KSNG, KS ANG, or ARNG members must provide a NGB Form 22 or 22A showing characterization as Honorable Discharge or General Discharge Under Honorable Conditions.

(a) This offsets the loss of professional military knowledge unintentionally prompted by the conversion of dual status positions to civilian positions while providing affirmative employment opportunities for current and former KSNG military members and veterans.

(b) Veteran's Preference **will** apply when advertising in this area.

5. **Area 5 - Nationwide Job Opportunity T32.** Current members of the Kansas Army and/or Air National Guard or current or prior service military members who are eligible to become a member of the Kansas Army and/or Air National Guard.

(a) Allows current and former military members from any service component who are eligible to join or transfer to the KS ANG or ARNG. Joint positions may be advertised to allow membership in either KS ANG or ARNG.

(b) Applicants must join the KSNG prior to appointment.

(c) Veteran's Preference **will not** apply when advertising in this area

6. Area 6 - Nationwide Job Opportunity T5 – Internal Merit Promotion. Current federal employees from any agency. To verify your eligibility, you must submit a copy of your most recent Notification of Personnel Action, Standard Form 50 (SF 50) reflecting your Tenure in Block 24 (1 or 2).

(a) Veteran's Preference **will not** apply when advertising in this area.

7. Area 7 - Nationwide Job Opportunity T5 – Current US Citizens.

(a) Civilians eligible for federal employment

(b) This AOC provides the widest pool of applicants and should be used for T5 positions

(c) Veteran's Preference **will** apply when advertising in this area

c. Vacancy Announcements will be open for a **minimum** of 14 calendar days based upon current CBAs. These timelines may be extended during deployments to allow for deployed members to submit application packages.

NOTE: NGKS-HR recommends vacancy announcements for **Areas 3, 5, 6, and 7** be advertised for a minimum of 30 days to encompass unit drills since these encompass members outside of the Kansas National Guard and will leave this to the discretion of the selecting official.

3-6. NG EMPLOYEE APPLICATION PROCEDURES. The application is a group of documents by which the individual's qualification for the position is determined. It must reflect the applicant's current education and employment data as well as military duty assignments, qualifications, and training. Complete and accurate data is essential to ensure fair qualification of applications. Applicants must refer to the instructions on the vacancy announcements, and include all required documents listed. Any supplemental forms that reflect the applicant's military qualifications should be submitted.

a. Applications must contain a clear and concise explanation of how the applicant's experience meets the required SPECIALIZED EXPERIENCE and selective placement factors for the position. Failure to provide this explanation may result in the applicant not receiving proper credit for work experience. Applicants must provide all documents as required by the JVA. As a minimum the following documents are required:

1. Resume

2. SF 50 if applying as a current on-board NG employee or other federal employee applying for Interagency Transfer.

b. Voluntary Reduction in Military Grade: Enlisted over-grade applicants must provide a written statement of understanding with application indicating, willingness to be administratively reduced in grade (state specific grade) if selected to fill a vacancy.

1. ARNG: IAW AR 600-8-19, Enlisted Promotions and Reductions, Voluntary Reduction, if approved by the unit commander, a soldier may volunteer, in writing, on DA Form 4187, Personnel Action, for reduction to any lower grade for reassignment to another position, to another program, or to continue in service. The date of rank remains the same as previously held in the grade to which reduced.

2. ANG: An airman must acknowledge in writing a demotion to a lower grade resulting from a voluntary change of assignment that the lower military grade (state specific grade) is accepted. The demotion would be "without prejudice" and will not preclude subsequent promotion under AFI 36-2502. The Date of Rank will be adjusted IAW AFI 36-2502.

c. Applications will only be accepted through USA Jobs up to 2359 EST on the closing date listed on the Job Vacancy Announcements.

d. If an applicant claims veteran's preference while applying for a vacancy, they must supply all required documentation listed in the JVA for adjudication.

3-7. REASONABLE ACCOMMODATION POLICY STATEMENT. Federal agencies must provide reasonable accommodations to applicants with disabilities where appropriate. Applicants requiring reasonable accommodation for any part of the application and hiring process should contact KSNG-HR directly who will put them in contact with the KSNG Reasonable Accommodation Program Manager. Applicants may initiate a request for accommodation orally or in writing at any time. Applicants seeking accommodation will be referred to the DPM as soon as possible to ensure expedited processing of any requests for accommodation. The DPM will assist the applicant with request of assistance to apply, interview and/or test for a job. The DPM, HR professionals and other Agency representatives will not ask applicants their disability status and/or severity of their disability as this action may exceed the scope of a disability-related inquiry.

CHAPTER 4 – REFERRAL AND SELECTION PROCEDURES

4-1. REFERRAL OF CANDIDATES/HRO RESPONSIBILITIES. Following the determination of basic eligibility and evaluation of applicants as outlined in paragraph 7.1, HRO will:

- a. Forward an Applicant List Review containing a Certificate of Eligibles (COE) to the Selecting Official within USA Staffing;
- b. Provide electronic notification to applicants not meeting minimum qualifications; and
- c. Certify candidates through submission of a COE to the Selecting Official. A Selecting Official may reuse a COE from which a previous candidate was selected or to hire a position with the same grade and qualifications, provided the certificate is not more than 90 calendar days old from the date of initial issue by HRO and the position to be filled has the same title, occupational series, grade and geographical location as the position for which the certificate was initially provided.

4-2. SELECTING OFFICIAL'S RESPONSIBILITIES.

a. The Selecting Official must be a KSNG AGR, T32, or T5 federal employee, unless otherwise approved by the Wing Commander/KSARNG–COS and KSNG-HR. The Selecting Official is ultimately responsible for the selection process. For hiring actions, the Selecting Official may delegate responsibility for the board process to a full-time board president or can serve in both capacities if deemed appropriate. If the board process will be conducted by anyone other than the Selecting Official, it must be documented on the RTF SF-52. If the Selecting Official does not concur with the board's decision, they must document reasons for non-concurrence and make recommendation to NGKS-HR for further action. In all cases, Merit System Principles will be followed IAW 5 USC 2301.

b. Three or more candidates require an interview board. In the event only two qualified applicants are referred, the Selecting Official has the choice to non-select without interviewing and request re-announcement for a wider pool of applicants or assemble a selection board as outlined in paragraph 4-3. In the event only one qualified application package is forwarded to the Selecting Official, the Selecting Official has the option to non-select the sole candidate; assemble a selection board and interview the candidate; or select the sole candidate without interviewing. If the Selecting Official chooses to select the sole qualified candidate without assembling a selection board or interviewing the candidate they will prepare, sign, and return the appropriate forms through the proper chain of leadership to the HRO. If the Selecting Official chooses to assemble a selection board according to paragraph 4-3, the board must follow all interview guidance outlined in paragraph 4-4.

c. The selection process is based on a number of considerations such as, comparison of the abilities of each candidate, the Selecting Official's judgment concerning the candidate who best fits the needs of the position, and the candidate's potential for successful performance in the position. The Selecting Official is entitled to select or non-select any candidate referred to him/her, subject to the limitations addressed in this chapter.

4-3. ACTIONS BY THE SELECTING OFFICIAL. Upon receipt of the COE, the Selecting Official will:

- a. Review Chapter 4 in its entirety and become familiar with its content prior to conducting a hiring board.
- b. Assemble an interview board comprised of at least three individuals within the parameters listed below. Board members with obvious or perceived conflicts of interest will not serve on selection boards.

1. The board president will be the highest-ranking military/civilian member of the board. The Selecting Official must ensure the majority of board members are senior to or of equal military/civilian grade to both the highest graded candidate and of the position for which the interview is being conducted. As part of the development of future leaders and to encourage diversity of perspective, up to one board member may be junior to any of the candidates and/or the vacant position. As an option, this junior member may be in addition to and/or a non-voting member as long as the minimum number of board members required in paragraph 4-3.b.4. is met.

2. Board members will not be related to any candidates.

3. To ensure diversity, Selection Boards will include one member external to the hiring unit and may include Tenure 1, 2 and 3 T32/T5 employees, AGR, T10 personnel operationally assigned to the KSNG, and equivalent personnel from other states.

4. The board should include at least one subject matter expert (SME) in the area being considered—the direct supervisor of the position may be considered the SME. Boards considering candidates for JAG, Chaplain, or Medical positions will have at least one board member from the specialty being considered. The selecting official can appoint a SME as a voting or non-voting member of the board. In all cases, there will be at least three voting board members. A SME senior in grade to the board president will serve as a non-voting member.

c. Interview all qualified candidates and afford them the opportunity to expand on the published qualification requirements. The board should make every effort to conduct personal interviews with all candidates. If this is not possible, other techniques may include telephone, video teleconference, or TEAMS, etc. Reasonable efforts should be made to contact the candidates. If the Selecting Official is unable to contact a candidate after three attempts, they may proceed with the interview process. A record of the attempts to notify the candidate will be documented in USA Staffing by the selecting official.

4-4. INTERVIEW PROCESS. The Selecting Official is responsible for adhering to the interview process.

a. All board actions are CONFIDENTIAL.

b. During the interview, the board should consider the quality of the candidate and their ability to succeed in the position. Boards should consider **all information** available to them to determine the best candidate for the position including the quality of the resume, education and/or degrees completed, references, and responses to the questions asked in the interview. Boards are required to address the critical skills necessary and essential qualities in a candidate.

c. The interview process should be used to verify and validate the information on the candidate's resume. Interview notes will be used to objectively document responses to the interview questions and are required. Numerical scores, while encouraged, are not required. If used, scores should ideally be documented separately for both the applicant's qualifications as stated on the resume/application and answers provided during the interview.

1. All candidates will be asked the same questions. Interviewers may not ask about or discuss a candidate's 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.

2. Board members will take sufficient interview notes on each candidate to justify their ranking/selection.

3. Proficiency examinations/tests will not be used. Proficiency certificates may be required if indicated on the position announcement.

d. The board may choose to conduct a second round of formal interviews to narrow down a selection.

e. Make a selection recommendation on an AGKO 35-5, route through the leadership chain, and return the Applicant List Review to the HRO with selection (primary and alternate, if applicable) and non-selections identified within USA Staffing with uploaded interview notes.

1. If a selection is made on a certificate below the full performance level, an NGB Form 650, Individual Development Plan (IDP), must accompany the AGKO 35-5.

f. If a selection is not made, the Selecting Official will return the Applicant List Review with non-selections identified, and all other interview documents within USA Staffing. The Selecting Official must provide HRO with sufficient justification in writing why none of the candidates interviewed are acceptable and make recommendation for further action. Selections made and forwarded to HRO without adequate documentation will be returned to the Selecting Official for substantiation.

g. Information relating to individual placement actions or to the candidate will not be discussed with or shown to unauthorized individuals. Supervisors and personnel specialists participating in merit placement actions will not disclose the details of their work to unauthorized persons.

4-5. ACTIONS BY THE HUMAN RESOURCES OFFICE. KSNG-HR will approve or disapprove the nomination. An HRO representative will then:

a. Contact the Selecting Official to discuss options if KSNG-HR disapproves the nomination and provide adequate documentation as to the reason why.

b. Notify the Selecting Official when all official notifications are complete.

c. ***NO*** information will be released by the Selecting Official or board members until HRO has made the official notifications.

d. The HRO Staffing Specialist will contact the selectee and send out the tentative job offer (TJO) email notification to the selectee and selecting official.

e. Once the selectee has accepted and completed all tentative job offer onboarding tasks, HRO will complete a clearance verification request with the state personnel security office.

f. If the clearance verification is validated, HRO will coordinate a start date with the new hire and send out the Official Job Offer (OJO).

4-6. START/EFFECTIVE DATE FOR NEW HIRES.

a. The effective start date for employee new hires will be the first Monday of each bi-weekly pay period. If Monday is a federal holiday or a scheduled day off (SDO), the effective start date will be the first Tuesday of each bi-weekly pay period. An employee new to the agency may not be on any military orders, AGR status or Absent US on their first day of employment, unless on terminal leave.

b. All newly assessed employees **MUST** report to in-processing on the first Wednesday of the pay period which they start employment and be in a paid status.

c. Individuals selected for a Title 32 Military Technician position who do not belong to the appropriate KSNG organization will have thirty days from receipt of TJO to be appointed/enlisted. Supervisors may request a written extension of the thirty-day requirement under unique conditions.

1. When an individual cannot be appointed/enlisted within the thirty-day requirement, KSNG-HR may rescind the applicant's TJO based upon a failure to meet a condition of employment. The supervisor may select another individual from among the qualified candidates or may request to re-advertise the position.

d. Individuals selected for a Title 5 or 32 position must be willing and able to start within thirty days of completing all TJO tasks. The thirty-day requirement may be extended by KSNG-HR for certain circumstances (e.g., to complete security requirements or due to lack of funding). Supervisors may request a written extension of the thirty-day requirement under unique conditions.

1. When an individual is unwilling or unable to start within the thirty-day requirement, KSNG-HR may rescind the applicant's TJO based upon their inability to start within a reasonable amount of time. The supervisor may select another individual from among the qualified candidates or may request to re-advertise the position.

4-7. TRIAL/PROBATIONARY EMPLOYEES.

a. T32 Military Technician and T5 Employee: A newly hired T32 Military Technician or T5 employee, under their first excepted appointment with the Department of Defense, must demonstrate their ability to perform the tasks/requirements of the position for which they have been hired within the first year or two years, respectively, of employment with the Kansas National Guard. The trial/probationary period is intended to ensure the appointee is capable of performing the duties of the position and to determine whether they have the qualities needed for continued federal employment in the KSNG. The trial/probationary period provides management a reasonable period of time to observe the new employee's overall performance.

1. During the trial/probationary period, a T32 Technician may be dismissed without cause within the first year of their employment. During the trial/probationary period, a T5 employee may be dismissed without cause within the first two years of their employment upon initial appointment to the KSNG.

2. One trial period will be served.

3. The trial period must be served for 12 or 24 consecutive months, as applicable.

(a) In the same type of work.

(b) In the same State (same appointing office).

4. The following service is creditable, including prior federal civilian service, providing it meets the above criteria:

(a) Non-permanent (temporary) appointments that immediately precede an excepted appointment.

(b) Career or career-conditional appointments that immediately precede an excepted appointment.

(c) Periods of LWOP of 30 days or less or furlough of 22 workdays or less which interrupts other creditable service.

(1) The trial period will be extended on a day-for-day basis in those instances where LWOP or furlough exceeds the above time periods.

(d) The probationary period for part-time employees is computed based on calendar time, in the same manner as for full-time employees. For intermittent employees, i.e., those who do not have regularly scheduled tours of duty, each day or part of a day in pay status counts as one day of credit toward the 260 days in a pay status required for completion of probation. (However, the probationary period cannot be completed in less than one year of calendar time.)

5. The KSNG will utilize the probationary period to determine the fitness of the employee and to terminate the employee's service for misconduct or for failure to demonstrate fully the qualifications for continued employment.

6. Removal action may be taken at any time during the trial period IAW 5 CFR Part 315 Career and Career Conditional Employment.

b. Any employee terminated within the probationary period is not eligible to reenter the same program in the same unit within a 12-month period.

CHAPTER 5 – PLACEMENT/PROMOTION RECORDS

5-1. PURPOSE. Complete placement/promotion records are maintained by the HRO to:

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

5-2. RECORDS REQUIRED. Sufficient records are required to allow reconstruction of the placement action. As a minimum, the following information and forms will be retained in the record:

- a. Copy of the vacancy announcement
- b. List of all candidates' names
- c. Individual application packets: qualified applicants selected for NG Employee employment will be retained indefinitely in eOPF. Applicants whose packets are non-selected and/or non-qualified, are available through the USA Staffing module
- d. Forms used by HRO personnel and/or selection panels in the evaluation and rating process
- e. Certificate of Eligibles
- f. All board members' notes and/or scoring matrix showing their individual rating of all candidates, interview questions, and documentation used to justify selection
- g. Copy of the SF 52, Request for Personnel Action, or AGKO 35-5
- h. Recommendation by the Selecting Official
- i. Veteran's Preference documentation (for T5 announcements only)
- j. Documentation of written or electronic notification
- k. All on-boarding documents

5-3. DURATION. The complete placement/promotion package is maintained for 24 months. If a grievance or complaint is pending, the package is maintained until resolution. All documentation uploaded into USA STAFFING remain available past the 24-month requirement.

CHAPTER 6 – GRIEVANCES AND COMPLAINTS

6-1. GENERAL. A candidate who believes that proper procedures were not followed in a particular placement or promotion action may submit a written complaint to KSNG-HR using the appropriate grievance procedures as outlined in paragraph 6-3. The complaint must describe, in sufficient detail, the basis for the complaint. Upon receipt, NGKS-HR will review the complaint and take appropriate action as described within this chapter. The candidate will be notified, in writing, of NGKS-HR's decision.

6-2. EXCLUSIONS. While violations of Merit Placement and Promotion procedures are proper subjects for complaints or grievances, non-selection from among a group of properly referred, fully qualified candidates is not a basis for a complaint or grievance. Management has the right to determine qualifications and the appropriate source of applicants most likely to best meet mission needs.

6-3. COMPLAINTS OR GRIEVANCES. Bargaining unit members may file a grievance using applicable grievance procedures found in the respective collective bargaining agreement (CBA) in effect. All others should submit a written complaint directly to NGKS-HR.

6-4. CORRECTIVE ACTION. IAW TPR 300 (335) Merit Placement for T32/T5 employees. There are three types of violations: procedural, regulatory, or program, for which NGB or OPM may require corrective action.

a. **A procedural violation** occurs when a placement action does not meet the requirements of this Merit Placement Plan. An employee may remain in the position only if reconstruction of the action shows that the employee could have been selected if proper procedures had been followed at the time the action was taken or if The Adjutant General gives approval.

b. **A regulatory violation** occurs when the employee did not meet the qualification or regulatory requirements at the time of placement. An employee may be retained in the position only if he/she now meets all requirements and if The Adjutant General gives approval.

c. **A program violation** occurs when the state's placement plan, guidelines, or practices do not conform to National Guard Bureau, DOD, or OPM requirements. Generally, an employee may be retained in the position if there were no accompanying procedural or regulatory violations involved.

d. If the corrective action taken requires the position to be vacated, the erroneously placed employee should be returned to his or her former position or placed in another position for which qualified. All candidates who were not given proper consideration should be considered before new recruiting efforts are initiated. If the corrective action did not include vacating the position, candidates who were not given proper consideration because of the violation may be given priority consideration for appropriate vacancies.

6-5. DISCRIMINATION COMPLAINTS. Allegations of discrimination because of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age, disability or genetic information or any protected class made during any phase of selection process will be considered by the KSNG's Equal Employment Opportunity Manager, (785) 646-0025. Aggrieved must make contact with an EEO representative within 45 days of knowledge of the alleged incident of discrimination. Aggrieved parties may not file both a grievance and EEO complaint on the same alleged incident of discrimination.

CHAPTER 7 – PROCESSING APPLICATIONS

7-1. DETERMINATION OF BASIC ELIGIBILITY. The HRO Staffing Specialist will review the applications to determine basic eligibility. Applications for T32 and T5 positions will be evaluated using the appropriate National Guard Bureau and OPM Qualification Standards for each status.

a. The HR Staffing Specialist may enlist the assistance of a subject matter expert (SME) to assist with the staffing process for highly technical positions as found in Airplane Pilot or other areas they deem appropriate for SME assistance. Any SME who assists with the staffing of the applications may not participate on the interview board.

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

c. Applicants must meet the basic qualifications established for the position including any selective placement factors. Applicants who meet the minimum and specialized qualifications will be considered basically eligible. For positions advertised at multiple grade levels, (e.g., trainee), the HRO Staffing Specialist will indicate on the Certificate of Eligibles (COE) the grade level for which each applicant is qualified. Applicants not meeting the minimum and/or specialized qualifications will be notified electronically as to why they were disqualified.

d. For T5 Excepted Service positions only: the position's multiple numeric groups, defined as at least two groups (see below), are established to assess each candidate against job-related criteria defined by the job analysis and crediting plan. Applicants who meet the basic qualification requirements, established for the position, are placed in one of these categories. The position's job analysis and credit plan's ranking factors are knowledge, skills, abilities, and behaviors that are expected to significantly enhance performance in a position; however, they are not essential for satisfactory performance. Applicants who possess such competencies are ranked above those who do not, but no one is rated ineligible solely for failure to possess all defined competencies.

1. **Highly-Qualified (HQ):** The numeric value rating ranges from 90-100 points. This numeric value group is applied for those candidates who possess the type and quality of experience that substantially exceeds the minimum qualifications of the position, including all selective placement factors and appropriate numeric ranking factor(s) as determined by the job analysis and crediting plan. To be Highly-Qualified, the candidates are considered, by the HRO Staffing Specialist, as highly proficient and fully competent to effectively perform all of the position's requirements and can successfully perform in the position almost immediately or with a minimum amount of training and/or orientation.

2. **Well-Qualified (WQ):** The numeric value group ranges from 80-89 points. This numeric value group is used for those candidates that meet the minimum qualifications of the position and are proficient in most, but not all, of the position's requirements. Candidates may require some training and/or orientation in order to satisfactorily perform the duties of the position.

3. **Basically-Qualified (BQ):** The numeric value group ranges from 70-79 points. This numeric value is used for those candidates who meet the minimum qualifications of the position and are proficient in some, but not all, of the position's requirements. Candidates will require extensive training and/or orientation in order to satisfactorily perform the duties of the position.

e. The Veterans' Preference Act requires an appointing authority in the executive branch to select from among qualified applicants for appointment to excepted service vacancies in the same manner and under the same conditions required for the competitive service by 5 USC 3308-3318.

Except those advertised under Area of Consideration 1, 2 or 6, 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 (e.g., 5 or 10 points as prescribed by 5 USC 3309) are added to the preference eligible's 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 IAW 5 USC 3318. The following are exceptions:

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

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

f. HRO will forward the COE with applicants who are veteran's preference eligible to the selecting official in the Highly Qualified category. If the selecting official interviews all candidates and no selection is made, they must submit their pass over requests to KSNG-HR. The remaining non-preference highly qualified applicants will then be forwarded to the selecting official for interviews. A selection of a non-preference applicant will not be approved by KSNG-HR until all pass over requests have been approved by the proper authority.

g. If there are less than 3 applicants, the selecting official may request the next group of Well Qualified applicants, again, with those having preference eligibility interviewed first. If a selection of a non-preference candidate is made, the selection will be referred with all pass over requests to HRO for concurrence and approval by KSNG-HR for 5-point Veteran's preference. Ten-point Veteran's preference pass over requests will be forwarded to OPM for approval. The OPM-approval process can take from 6 – 12 months, and the position will remain vacant for the duration.

f. When veterans' preference is not considered based on the area of consideration announced, all qualified applicants are referred to the selecting official from which to make a selection.

7-2. T32 MILITARY GRADE REQUIREMENTS. The successful candidate must meet the military grade requirements established for the position as written in the job announcement. Enlisted applicants may request a voluntary reduction in grade per Chapter 3-6b, Voluntary Reduction in Military Grade.

7-3. SECURITY REQUIREMENTS. T32/T5 employees are subject to personnel security requirements IAW TPR 700 (732.1), Technician Personnel Regulation. As a condition of employment, a security clearance or background check, as applicable, is required within 12 months. When an employee cannot meet the security requirements for the position, the employee will be removed from the position IAW CNGBI 1400.25 volume 715, National Guard Technician and Civilian Personnel Voluntary and Non-Disciplinary Actions Program.

7-4. T32 TECHNICIAN MILITARY COMPATIBILITY. National Guard policy is to ensure that all Title 32 Dual Status (DS) Military Technician appointments are compatible to include, but not limited to, unit membership and assignment to a military position that is appropriate for the DS military technician position IAW 32 USC 709(b) and 10 USC 10216. While T5 NG Employees may participate as a National Guard military member in a traditional (i.e., part-time) status, this requirement does not apply to them.

7-5. USA STAFFING. It is the U.S. Office of Personnel Management's (OPM) hiring software solution for federal agencies. It is used by HROs and units to recruit, assess, certify, and select qualified candidates precisely, efficiently, and cost effectively. USA Staffing is fully integrated with USA JOBS. Once job announcements are created and released through USA Staffing, they are automatically posted on USA JOBS.

a. USA Staffing: Selecting officials can review referral lists or certificates, view application materials, make hiring decisions, and electronically return certificates to HRO.

b. Application Manager: Applicants can view the job announcements through USA JOBS, and upon selecting the Apply Online button, are transferred to the Application Manager site to complete the questionnaire, upload required supporting documents, and submit their application online.

CHAPTER 8 – PAY SETTING POLICY

8-1. MAXIMUM PAYABLE RATE RULE/HIGHEST PREVIOUS RATE RULE. IAW 5 CFR §531.221, the maximum payable rate rule, also known as highest previous rate rule (HPR), is a special rule that allows HRO to set pay for General Schedule (GS) and Federal Wage Schedule (FWS) employees at a rate above the rate that would be established using normal rules, based on a higher rate of pay the employee previously received in another federal civilian position.

a. This policy applies to all competitive and excepted service General Schedule (GS) and Federal Wage Schedule (FWS) employees appointed within the Kansas National Guard. It allows HRO to determine where to place new employees on a pay scale if the member was previously employed by the federal government and the grade upon which the higher rate will be used was held for at least one year and no more than 5 years have passed since the grade was last held.

b. HPR may be used in various pay actions including reemployment, reassignment, transfer, promotion, or change to a lower grade. HRO may fix the pay at any rate of the new grade which does not exceed the employee's highest previous rate under 5 CFR §532.405.

1. If the employee's highest previous rate falls between two step-rates on the new grade, HRO will fix the pay at the higher of the two.

2. When an employee's type of appointment is changed in the same job, HRO may continue to pay the existing scheduled rate or may pay any higher rate of the grade which does not exceed the employee's highest previous rate.

3. The highest previous rate, if earned in a wage job, is the current rate of the grade and step-rate of the former job on the same type of wage schedule in the wage area in which the employee is being employed (geographic conversion), or the actual earned rate, whichever is higher.

4. If earned on a General Schedule or another pay system other than the Federal Wage System, the maximum payable rate rule is applied using the underlying GS rate. However, if an employee's highest previous rate was earned in a special rate position or in a non-GS pay system, the maximum payable rate rule is applied taking into account locality rates.

5. The reason for leaving the grade upon which the higher rate will be based was not due to cause or based on failure to satisfactorily perform the assigned duties.

6. If a temporary promotion of less than one year is extended so that the total time of the temporary promotion equals or exceeds one year, the HPR may be based on the rate received during the temporary promotion.

c. The pay set under the maximum payable rate rule may not exceed the rate for step 10 of the GS grade and step 5 of the FWS grade or be less than the rate to which the employee would be entitled under normal pay setting rules.

d. Rates of basic pay that may not be used as the HPR are provided below. This list is not all-encompassing. Refer to 5 CFR §531.223 for all the affected types. The highest previous rate may not be based on certain types of rates, including the following:

1. A rate received in a position to which the employee was temporarily promoted for less than one year, except upon permanent placement in a position at the same or higher grade.

2. A rate received in a position from which the employee was reassigned or reduced in grade for failure to satisfactorily complete a probationary period as a supervisor or manager.

3. A rate received as a member of the uniformed services.

4. A retained rate under 5 USC 5363 or a similar rate under another legal authority.

5. A change to lower grade resulting from cause based on character, conduct or inefficiency.

8-2. SUPERIOR QUALIFICATIONS/SPECIAL NEEDS PAY SETTING. In accordance with 5 CFR §531.212, superior qualifications and special needs pay-setting authority, the KSNG may use the superior qualifications and special needs pay-setting authority in 5 USC 5333, Minimum Rate for New Appointments, to set the payable rate for the employee’s position of record.

a. The superior qualifications and special needs pay-setting authority may be used for: a first appointment (regardless of tenure) as a civilian employee of the federal government; a reappointment that is considered a new appointment under 5 USC 5333; or has had a break in service of at least 90 days from the last period of civilian employment with the federal government. For additional information, refer to 5 CFR §531.212.

b. Determination of superior qualifications happens in one of two ways.

1. The KSNG may determine an applicant possesses superior qualifications based on the level, type, or quality of the candidate’s skill or competencies demonstrated or obtained through experience and/or education; the quality of the applicant’s accomplishments compared to others in the field; and/or other factors that support a superior qualifications determination. The applicant’s skills, competencies, experience, education, and/or accomplishments must be relevant to the requirements of the position to be filled. These qualities must be significantly higher than that needed to be minimally required for the position and/or be of a more specialized quality compared to other candidates.

2. The Selecting Official may submit a Superior Qualifications Request memorandum and all supporting documents (e.g., certifications, transcripts, etc.) with the Nomination for Selection AGKO 35-5 to allow HRO time to process the request prior to the OJO being sent. The memorandum must provide strong justification, articulate the unique qualifications or training the appointee possesses, and the benefit to the KSNG and STEP requested. Superior Qualifications requests will not be honored by HRO after the employee has been sent their OJO. Refer to Table 8-1 and Table 8-2 as a guide to determine appropriate placement on the pay scale.

Table 8-1 Superior Qualification Guideline for GS Appointees

Experience in Years	0	2	3	5	6+
Equivalent GS STEP	1	2	3	4	5*

* It is the KSNG’s policy that the maximum GS step granted for Superior Qualifications will be set no higher than Step 5.

Table 8-2 Superior Qualification Guideline for WG Appointees

Experience in Months	0	6	24	48	72+
Equivalent WG STEP	1	2	3	4	5

c. The KSNG may determine an applicant fills a special agency need if the type, level, or quality of skills and competencies or other qualities and experiences possessed by the applicant are relevant to the requirements for the position and are essential to accomplishing an important KSNG mission, goal, or program activity (e.g., Judge Advocate General).

d. Superior Qualifications/Special Needs Pay Setting does not apply to temporary appointments or promotions.

8-3. RETAINED GRADE. A grade which preserves all pay and entitlements to an employee who has been placed in a lower graded position due to an NGB re-classification or a RIF action. An employee is entitled to grade retention for two years beginning on the effective date the employee is placed in the lower graded position.

8-4. RETAINED PAY. An employee is entitled to retain their rate of basic pay when their rate of pay would be reduced as a result of an expiration of the 2-year retained grade, an NGB reclassification action, a management action placing an employee in a non-special rate position, or movement to a different pay scale. Optional retained pay may occur if an employee is moved from a higher locality pay to a lower locality pay.

FOR THE ADJUTANT GENERAL:

STEPHEN A. MIZAK, Colonel, ANG
Director, Human Resources

APPENDIX A - REFERENCES

- a. 5 CFR §302 Employment in the Excepted Service
- b. 5 CFR <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=3600704f0c5b6acfaf0e2b59934e1400&n=5y1.0.1.2.66&r=PART&ty=HTML%235:1.0.1.2.66.2.28.15> §315 Career and Career Conditional Employment
- c. 5 CFR § 330.104 Recruitment, Selection and Placement (General)
- d. 5 CFR §332 Recruitment and Selection Through Competitive Examination
- e. 5 CFR §335 Subpart A, General Provisions
- f. 5 CFR §335.102 Merit Promotion Plans
- g. 5 CFR § 302.102 Method of Filling Positions and Status of Incumbent
- h. 5 CFR §530-536 Pay Rates and Systems
- i. 5 CFR §531-212 Superior Qualifications
- j. 5 CFR §531 § 221-223 Highest Previous Rate Under the Maximum Payable Rate Rule
- k. 5 CFR §731 Suitability 5 USC Part 2301 Merit Systems Principles
- l. 5 USC §2103 The excepted service
- m. 5 USC §3309 Preference eligibles; examinations; additional points for
- n. 5 USC §3318 Competitive service; selection from certificates
- o. 32 USC §328 Active Guard and Reserve Duty: Governor's Authority
- p. 32 USC §502(f) Required Drills and Field Exercises
- q. 32 USC §709 National Guard NG Employees
- r. 38 USC §4301-4335 Uniformed Services Employment and Reemployment Rights Act (USERRA)
- s. Air Force Officer Classification Directory (AFOCD) (Must login to myPers)
- t. Air Force Enlisted Classification Directory (AFECD) (Must login to myPers)
- u. AFI 36-2502 Enlisted Airman Promotion and Demotion Programs
- v. AFI 36-2606 Reenlistment and Extension of Enlistment in the United States Air Force
- w. AFMAN 36-2032 Military Recruiting and Accessions
- x. DAFI 36-2110 Total Force Assignments
- y. AR 600-8-19 Enlisted Promotions and Reductions
- z. DoD Priority Placement Programs (PPP) Handbook
- aa. 29 USC Chapter 8 Fair Labor Standards
- bb. TPR 303 Military Technician Compatibility
- cc. TPR 700 (732.1) Technician Personnel Regulation, Position Sensitivity & Security Clearances
- dd. CNGBI 1400.25 Volume 715 National Guard Technician and Civilian Personnel Voluntary and Non-Disciplinary Actions Program
- ee. CNGBI 1400.25 Volume 752 National Guard Technician and Civilian Personnel Discipline and Adverse Action Program
- ff. State of Kansas Personnel Rules
- gg. Public Law 114-328, 23 December 2016, National Defense Authorization Act 2017
- hh. Public Law 114-92, section 1053, 25 November 2015, The National Defense Authorization Act for 2016
- ii. Executive Order 13548, 26 July 2010, Increasing Federal Employment of Individuals with Disabilities
- jj. DCPAS Message 2021063 Final Regulations on Promotion and Internal Placement

APPENDIX B – ACRONYMS

ANG	Air National Guard
ARNG	Army National Guard
ASARS	Automated Stopper and Referral System
CBA	Collective Bargaining Agreement
CLG	Change to Lower Grade
CNGBI/M	Chief of National Guard Bureau Instruction/Manual
COE	Certificate of Eligibles
HRO	Human Resources Office
IDP	Individual Development Plan
JVA	Job Vacancy Announcement
KSNG-HR	Director of Human Resources (a.k.a. Human Resources Officer)
MDR	Management Directed Reassignment
MTOE	Mission Table of Organization and Equipment
NG	National Guard
NGB	National Guard Bureau
OF	Optional Form
OJO	Official Job Offer
OML	Order of Merit List
OPM	Office of Personnel Management
PDR	Position Description Release
PPP	Priority Placement Program
RIF	Reduction in Force
SF	Standard Form
SME	Subject Matter Expert
SPMD	Support Personnel Manning Document
TAG	The Adjutant General
TDA	Table of Distribution and Allowances
TJO	Tentative Job Offer
TPR	NG Employee Personnel Regulation
UMD	Unit Manpower Document

APPENDIX C – DEFINITIONS

APPOINTMENT. Initial placement into a federal civil service or AGR position in the KSNG.

APPLICANT. A person who has submitted an application according to prescribed instructions and procedures.

AREA OF CONSIDERATION. The area(s) designated on the merit placement announcement from which applications will be accepted for merit placement action (see paragraph 3-5).

AUTOMATED STOPPER AND REFERRAL SYSTEM (ASARS). A Defense Civilian Personnel Advisory System (DCPAS) program used by HRO; ASARS consists of two elements: the Automated Stopper is used to match positions that are subject to the Priority Placement Plan; and the Automated Referral System, which may be used as a recruitment source whenever the Automated Stopper is clear. Prior to an initial position being advertised through OPM, HRO must verify prospective employees in ASARS do not exist.

CANDIDATE. A person who may be given selection consideration for appointment.

CERTIFICATE OF ELIGIBLES. A list of the qualified candidates referred to the selecting official for consideration for a position.

CHANGE TO LOWER GRADE (CLG). A personnel action that moves an employee to a position at a lower grade or lower rate of pay as a result of reclassification, reduction in force, adverse or other directed personnel action. Change to Lower Grade actions also includes voluntary requests for assignment to a lower graded position.

COLLECTIVE BARGAINING AGREEMENT (CBA). A legal contract between an employer and a labor organization representing the employees defining the terms that govern certain aspects of the workplace.

COMPATIBILITY. The condition in which the duties, responsibilities, pay grade levels and rank of an employee's position are substantially equivalent to the duties and responsibilities of the Technician's military assignment (MTOE, TDA, or UMD).

COMMUTING AREA. The area which employees can be reasonably expected to commute daily between their permanent residence and duty station. (Ref: DoD Priority Placement Program Handbook)

CONDITION OF EMPLOYMENT. A personnel policy, practice, or matter affecting working conditions of bargaining and non-bargaining unit employees and AGRs. (Ref: CNGBI 1400.25 volume 715, National Guard Technician and Civilian Personnel Voluntary and Non-Disciplinary Actions Program)

DETAIL. A detail is the temporary assignment of an employee to a different position for a specified period, with the employee returning to his/her regular duties at the end of the detail. Technically, a position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed.

EXCEPTED SERVICE POSITIONS. Positions excepted from the competitive service. All positions in the KSNG fall under the excepted service and include Title 32 (Dual Status) positions requiring concurrent military membership in the KSNG and Title 5 National Guard positions.

ENTRY LEVEL. GS-07/WG-08 and below are considered entry level positions. These positions often require only basic education, training and experience and provide an opportunity for the recruit to learn and gain experience. These positions serve as a stepping-stone for higher-level jobs, as the new-hire is able to add the experience to a subsequent resume.

FEDERAL WAGE SYSTEM: A uniform pay-setting system that covers federal appropriated fund blue-collar employees who are paid by the hour. The goal is to make sure that federal trade, craft, and laboring employees within a local wage area who perform the same duties receive the same rate of pay. Covers Wage Grade (WG), Wage Leader (WL), and Wage Supervisors (WS).

GENERAL SCHEDULE (GS). The classification and pay system established under 5 USC chapter 51 and subchapter III of chapter 53. It also refers to the pay schedule of GS rates established under 5 USC 5332, as adjusted under 5 USC 5303 or other law (including GS rates payable to GM employees).

HIGHEST APPLICABLE RATE RANGE. The rate range applicable to a GS employee, based on a given position of record and official worksite that provides the highest rates of basic pay, excluding any retained rates. For example, a rate range of special rates may exceed an applicable locality rate range. In certain circumstances, the highest applicable rate range may consist of two types of pay rates from different pay schedules (e.g., a range where special rates (based on a fixed dollar supplement) are higher in the lower portion of the range, and locality rates are higher in the higher portion of the range).

INDIVIDUAL DEVELOPMENT PLAN (NGB Form 650). A developmental tool for employees hired below the full performance level. It helps employees and supervisors assess particular employee strengths, set reasonable goals, and chart a path for attaining those goals and for reaching the full performance level of their positions.

KEY STAFF. A position whose incumbent is a member of the immediate staff of the State Adjutant General, serves under the direct supervision of the State Adjutant General or serves as the head or deputy of a major organization within the state; directs a specialized program of marked difficulty, responsibility, and statewide significance; or any position that has been designated by TAG as such.

LOCALITY RATE. A GS rate, if applicable, plus any applicable locality payment.

MANAGEMENT DIRECTED REASSIGNMENT (MDR). Management may reassign an employee at any time and to any location in the state to a position of equal grade and for which they qualify. Reassignments to locations outside of the commuting area are subject to laws and regulations regarding severance pay; permanent change of station; and discontinued service retirement.

MANAGEMENT OFFICIAL. An individual employed in a position which the duties and responsibilities require or authorize the individual to formulate, determine, or influence the policies of the KSNG. With respect to filling positions, the law allows management officials to make selections for appointments.

MINORITY. The U.S. Equal Employment Opportunity Commission identifies that race and ethnicity in the workforce falls in five racial categories: American Indian or Alaska Native; Asian; Black or African American; Native Hawaiian or Other Pacific Islander; and White and one ethnicity category, Hispanic or Latino.

MODIFICATION TABLE OF ORGANIZATION AND EQUIPMENT (MTOE). A table which prescribes in a single document the necessary modifications made to a basic table of organization and equipment to adapt it to the needs of a specific unit or type of unit.

NEGOTIATED GRIEVANCE PROCEDURE. The grievance procedure for bargaining-unit members as described in a collective bargaining agreement.

POSITION DESCRIPTION. A statement of major duties, responsibilities, and supervisory relationships of a given position.

POSITION OF RECORD. An employee's official position (defined by grade, occupational series, employing agency and any other condition that determines coverage under a pay schedule (other than official worksite)), as documented on the employee's most recent Notification of Personnel Action (Standard Form 50 or equivalent) and current position description. A position to which an employee is temporarily detailed is not documented as a position of record.

PRIORITY PLACEMENT. Assignment of an employee in grade retention status (as a result of reduction in force or classification action) to a vacant position at his/her former grade, or an intervening grade, provided the employee entirely meets the employee qualification requirements for the vacant position.

PROMOTION. The change of an employee to a higher-graded position.

QUALIFICATION CRITERIA. General and specialized qualification requirements, selective placement factors, and if applicable, military grade and compatibility criteria.

QUALIFICATION STANDARDS. A skillset defined by the National Guard Bureau (NGB) and/or the Office of Personnel Management (OPM) which describes the minimum qualification requirements (e.g., educational, medical, age, experience, etc.) for each occupational series. Used to qualify applicants for a position.

QUALIFYING APPLICANTS. The process of assessing an applicant's eligibility for placement or promotion, and the degree to which the applicant possesses the knowledge, skills, and abilities needed for successful performance of the job.

REASSIGNMENT. Moving an employee from one position to another without promotion or change to lower grade. Reassigned employees must meet the qualification requirements for the new position.

SECURITY CLEARANCE/INVESTIGATION TYPES. The appointment of each employee is subject to a personnel security investigation for either access to classified information, occupancy of sensitive positions, or suitability for federal employment.

Provided are definitions for IT1, IT2, and IT3 systems which have specific investigation requirements IT1: SSBI/Tier 5, single scope background investigation; IT2: Civilians: NACI/Tier 3, national agency check with written inquiries adjudicated to (public trust or higher); Military or Contractors: NACL, national agency check with local agency check and credit check; IT3: NACI/Tier 1, national agency check is written inquiries.

(1) Tier 1 Investigation (T1) formerly National Agency Check and Inquiries (NACI) this is the basic and minimum investigation required on all new federal employees and many contractors. It consists of a NAC with written inquiries and searches of records covering specific areas of a person's background during the past five years. Those inquiries are sent to current and past employers, schools attended, references, and local law enforcement authorities.

(2) Tier 3 Investigation (T3) formerly National Agency Check with Local Agency Check and Credit (NACL) designed as the initial investigation for military, contractors at the Confidential and Secret national security access levels. The T3R is used to meet the reinvestigation requirement for all individuals (including contractors) who have Confidential or Secret clearances.

(3) Tier 5 Investigation (T5) formerly Single Scope Background Investigation (SSBI) this is the government-wide investigation required of those who need access to Top Secret classified national security information. This background investigation covers the past seven years of the subject's activities (or to age 18, whichever is less). It includes verification of citizenship and date and place of birth, and well as national agency records checks on the subject's spouse or cohabitant, interviews with selected references and former spouses. This type of investigations are for individuals who have Top Secret clearances.

SELECTING OFFICIAL. The full-time supervisor charged with reviewing the applications, interviewing candidates, and making a selection.

SELECTIVE PLACEMENT FACTORS. The job-related skills or personal characteristics absolutely essential for satisfactory performance in a particular position. Selective placement factors are in addition to the minimum qualification standards required for satisfactory job performance. When used, they are a basic part of the eligibility requirements for the position and will be reflected in the questions asked during the interview.

STATE EMPLOYEE. A person working in and compensated by the Executive Branch of State Government, over which management has the right to direct and control the way the person works, both as to the final results and as to the details of when, where, and how the work is done. (Ref: State of Kansas Personnel Rules)

SUBJECT MATTER EXPERT. A person with significant training, experience, and competence in the career field being filled.

SUPERIOR QUALIFICATION. Based on the level, type, or quality of a candidate's skills or competencies demonstrated or obtained through experience and/or education, the quality of the candidate's accomplishments compared to others in the field, or other factors that support superior qualifications determination. It must be relevant to the requirements of the position to be filled and must be

significantly higher than that needed to be minimally required for the position and/or be of a more specialized quality compared to other candidates.

TARGET GRADE. The full performance level of the position being filled.

TABLE OF DISTRIBUTION AND ALLOWANCE (TDA). A table which prescribes the organizational structure, personnel and equipment authorizations, and requirements of a military unit to perform a specific mission for which there is no appropriate table of organization and equipment.

NG EMPLOYEE. A federal employee who is hired under the authority of 32 USC 709.

T32 Dual Status Technician (Excepted): An employee, who as a condition of federal employment must maintain military membership in the National Guard. See Excepted Service Positions. **T5 NG Employee (Excepted):** An employee who is not required to be a military member of the National Guard as a condition of employment. See Excepted Service Positions.

T5 NG Employee: An employee who is not required to be a military member of the National Guard as a condition of employment.

TENURE GROUPS. Tenure groups are the categories in which federal civil service employees are grouped based on length of employment and completion of probationary/trial periods.

Tenure Group 0. Temporary federal civil service employees who serve at the discretion of the KSNG.

Tenure Group 1. Permanent federal civil service employees who have successfully completed their probationary period.

Tenure Group 2. Permanent federal civil service employees who are serving a trial or probationary period.

Tenure Group 3. Federal civil service employees who serve under indefinite appointments in the excepted service.

Tenure Group 4. T5 NG Term Employees who serve a time limited appointment in the excepted service.

UNQUALIFIED APPLICANTS. Those applicants who do not meet the established qualification criteria for the position being filled. Unqualified applicants are not forwarded to the selecting official for interview.

USA STAFFING. Office of Personnel Management's hiring software solution for federal agencies. USA Staffing enables management to recruit, assess, certify, and select qualified candidates precisely, efficiently, and cost effectively. It is designed to support management at each phase of the staffing process.

WELL-QUALIFIED. When considering candidates for priority placement, a well-qualified candidate possesses the knowledge, skills, and abilities (KSAs) and experience to successfully perform the duties of

the position with no greater loss in productivity than would be expected during the orientation of any employee who is new to the organization. This criterion cannot be met through education and training alone. Experience is paramount.

APPENDIX D – TEMPORARY NG EMPLOYEE COMPARISON SHEET

<i>LEAVE</i>	Temp Appt NTE 1 – 89 Days	Appt NTE 90+ Days	Appt more than 1 Year
<i>Annual Leave</i>	Annual leave accrues immediately, however, is not available for use. Annual leave will not pay out in a lump sum at separation.	Accrued annual leave may be used. Accrued leave will pay out in a lump sum at separation. See chart below to determine payout.	Accrued annual leave can be used. Accrued leave will pay out in a lump sum at separation. See chart below to determine payout.
<i>Sick Leave</i>	Sick leave accrues immediately and is available for use once accrued. Sick leave will not pay out in a lump sum at separation but will remain as a credit and can be reinstated should you be reemployed as a federal employee.	Accrued sick leave can be used. Sick leave will not pay out in a lump sum at separation but will remain as a credit and may be reinstated should you be reemployed as a federal employee.	Accrued sick leave can be used. Sick leave will not pay out in a lump sum at separation but will remain as a credit and may be reinstated should you be reemployed as a federal employee.
<i>Military Leave</i>	Not Eligible	Not Eligible	120 hours of Military Leave accrues and is available for use. Military leave must be used prior to separation or will be forfeited.
<i>Compensatory Time</i>	Compensatory may be earned. Will be forfeited if not used prior to separation.	Compensatory may be earned. Will be forfeited if not used prior to separation.	Compensatory may be earned. Will be forfeited if not used within 1 year of earning or prior to separation, whichever comes first.

LEAVE	Temp Appt NTE 1 – 89 Days	Appt NTE 90+ Days	Appt more than 1 Year
<i>Time Off Award (TOA)</i>	<u>Eligible</u> to receive a TOA. Will be forfeited if not used prior to separation.	<u>Eligible</u> to receive a TOA. Will be forfeited if not used prior to separation.	<u>Eligible</u> to receive a TOA. Will be forfeited if not used prior to separation.
<i>Federal Employees Health Benefits (FEHB)</i>	Not eligible to enroll in FEHB. May be enrolled in Tricare Reserve Select (TRS) as the member or as a dependent under your spouse. May be enrolled in any other health insurance to include coverage under your spouse.	<u>Eligible</u> for FEHB. Cannot be enrolled as the member in TRS per P.L. 109-364. May be enrolled in TRS as a dependent under your spouse. May be enrolled in any other health insurance to include coverage under your spouse.	<u>Eligible</u> for FEHB. Cannot be enrolled as the member in TRS per P.L. 109-364. May be enrolled in TRS as a dependent under your spouse. May be enrolled in any other health insurance to include coverage under your spouse.
<i>Federal Employees Dental and Vision Plan (FEDVIP)</i>	Not Eligible	Not Eligible	Not Eligible

BENEFITS	Temp Appt NTE 1 – 89 Days	Appt NTE 90+ Days	Appt more than 1 Year
<i>Flexible Spending Account (FSA)</i>	Not Eligible	<u>Eligible</u> to enroll	<u>Eligible</u> to enroll
<i>Federal Employees Group Life Insurance (FEGLI)</i>	Not Eligible	Not Eligible	Not Eligible
<i>Long Term Health Care</i>	<u>Eligible</u> to enroll	<u>Eligible</u> to enroll	<u>Eligible</u> to enroll
<i>Thrift Savings Plan</i>	Not Eligible	Not Eligible	Not Eligible
<i>My Retirement Account</i>	<u>Eligible</u> to enroll	<u>Eligible</u> to enroll	<u>Eligible</u> to enroll
<i>Appraisal & Probation Period</i>	Temp Appt NTE 1 – 89 Days	Appt NTE 90+ Days	Appt more than 1 Year
<i>Appraisal Job Objectives</i>	Job objectives do not need to be established	Objectives should be established between supervisor and employee	Rating must be completed by supervisor
<i>Probation Period</i>	IAW TPR 300, any Temporary NG Employee time that immediately precedes a conversion to permanent status may be used as creditable time towards a probationary period. The temporary time must have been completed in the same agency and like job duties in order to be counted as creditable time towards a permanent probationary period	IAW TPR 300, any Temporary NG Employee time that immediately precedes a conversion to permanent status may be used as creditable time towards a probationary period. The temporary time must have been completed in the same agency and like job duties in order to be counted as creditable time towards a permanent probationary period	IAW TPR 300, any Temporary NG Employee time that immediately precedes a conversion to permanent status may be used as creditable time towards a probationary period. The temporary time must have been completed in the same agency and like job duties in order to be counted as creditable time towards a permanent probationary period

Annual Leave

0 – 3 Years of Service	4 hr accrual
3 – 15 Years of Service	6 hr accrual
15 + Years	8 hr accrual

Formula to determine lump sum payment of annual leave: Take annual salary divided by 2087 = hourly salary. Then take hourly salary x the number of hours left as leave balance = lump sum payment.

Example:

$$\$50,000 / 2087 = \$23.95$$

$$\$23.95 \times 24 \text{ hours} = \$574.00 \text{ lump sum payment}$$

(payment will have a tax deduction)

ADDENDUM A – ACCELERATED HIRING AUTHORITY

Reference: Memorandum, NGB-J1, National Guard Accelerated Hiring Authority of Certain Shortage or Critical Need Positions (TCP-2022-002), 25 Mar 22

A1-1. Authority. The referenced policy authorizes appointment of qualified candidates to certain shortage or critical need T5 and T32 NG positions in the excepted service. Appointments under this authority are made without regard to chapter 33, subchapter 1 of Title 5 USC (Examination, Selection, and Placement), other than § 3328 (Selective Service Registration). As a matter of policy, Sections 3323 (Automatic Separations, Reappointment) and 3326 (Appointments of Retired Members of the Armed Forces) chapter 33, subchapter 2 of Title 5 USC continue to apply.

a. This authority should primarily be used to appoint qualified candidates who are not existing NG employees with permanent tenure status.

b. This authority allows the non-competitive promotion of current T5 or T32 KSNG employees that meet the criteria herein.

c. This authority enables the KSNG to recruit and appoint qualified persons through a process without competitive procedures. The following principles shall be followed when exercising this authority:

1. Recruitment efforts should be expansive enough to ensure, to the extent possible, that a diverse candidate pool exists.

2. Merit factors shall be the basis for selecting individuals for positions.

3. Ensure transparency, accountability, and auditability in hiring processes.

d. This authority expires on 24 March 2023, unless sooner rescinded or superseded.

A1-2. Definition. A critical hiring need and shortage may occur when the need to fill positions creates an operational hardship in meeting the mission requirements brought about by circumstances such as, but not limited to, unusual or unanticipated events, extraordinary workload, or new or emerging mission requirement creating the need to fill positions (e.g. aircraft operations, air traffic controller professionals and, positions supporting National Guard Resiliency Outreach efforts).

A1-3. Announcement and Assessment Process.

a. Public notice is not required; however, public notice is appropriate if the Area of Consideration and categories for recruitment include current Federal employees from DoD or other agencies; or Federal re-employable eligible candidates who have or held a permanent status.

1. Recruiting procedures may be established in addition to established Merit Placement procedures for identification of qualified individuals for referral to management for selection and appointment.

2. Merit System Principles will be followed when posting advertisements and announcements, receiving applications, referring candidates, and notifying applicants regarding receipt and status of their applications.

3. Potential applicants should have ready access to information about how to apply for positions, and the basis on which they will be assessed to meet the qualifying criteria.

b. State staffing specialists will assess candidates against job-related criteria, ensuring they have the skills, education, training, and behavioral attributes that provide for successful job performance. Selectees must meet established qualification standards for the position prior to being appointed.

c. Selectees for entry level positions must be assessed IAW Title 5 CFR 300.103 (Basic Requirements).

d. Appointments under this authority are subject to the Priority Placement Program.

- e. Appointments may be made on a temporary, indefinite, or permanent basis.
- f. Appointments under this authority are not subject to veterans' preference vetting.
- g. Appointments of retired members of the Armed Forces within 180 days of retirement under this authority are subject to the procedures in DoDI 1402.01, September 9, 2007.
- h. Appointments under this authority are subject to trial periods: Initial permanent appointments in tenure group 2 are subject to a trial period unless a trial period was previously served. If a trial period was previously served, then the permanent appointment tenure group is 1

A1-4. Oversight and Accountability. The HRO will maintain records to meet the administrative requirements of this hiring authority. Consolidated records must include the following:

- a. Number of employees hired by position, series, and grade level;
- b. Number of veterans hired;
- c. Number of military spouses hired;
- d. Number of internal candidates (i.e., current employees) hired; and
- e. Quantifiable effectiveness in meeting NG staffing efforts.

A1-5. Shortage or Critical Need Positions Specifications. This authority only may be used to appoint individuals in the GS-14 and below pay grades (or equivalent pay system) to positions meeting one of the following specifications:

- a. Positions involved with DoD and NG maintenance and transportation activities, such as maintenance of weapon systems, aircraft operations, hardware, equipment, software, installation infrastructure, or any combination thereof, including depot-level maintenance and repair.
- b. Positions in the cyber workforce (also known as "cyberspace workforce"), designated with a cyberspace work role.
- c. Positions in the acquisition workforce that are responsible for managing any services contracts necessary to the operation and maintenance of programs of the NG. Qualified candidates meet or will meet Defense Acquisition Workforce Improvement Act certification requirements within the required timeframe for appointment to the position being filled.
- d. Positions in science, technology, engineering, or mathematics, including supporting technical positions, within the defense acquisition workforce, or any categories within the NG by DoD designation by the Secretary as a shortage or critical need category as: Auditing, Business-Cost Estimating, Business-Financial Management, Contracting, Facilities Engineering, Information Technology, Life Cycle Logistics, Production Quality and Manufacturing, Program Management, Science and Technology Management, Engineering, Testing and Evaluation, Small Business.
- e. Positions in technology and engineering in the NG for which a qualified candidate is required to possess a bachelor's degree or an advanced degree, or for which a veteran candidate is being considered.
- f. Positions in medical or health professions within the NG with designation by the Secretary as a shortage category or critical need occupation, such as: 0101 Social Science, 0180 Psychologist, 0181 Psychology Aid & Technician, 185 Social Worker, 186 Social Services Aid & Assistant, 602 Medical Officer / Physician, 603 Physician Assistant, 610 Nurse, 620 Practical Nurse, 640 Health Aid & Technician, 671 Health Systems Specialist, 690 Industrial Hygienist.
- g. Positions in financial management, accounting, auditing, cost estimation, operational research, business, or business administration for which a qualified candidate is required to possess a finance, accounting, or management science degree or a related degree, or a related degree of equivalent experience. Qualified candidates are defined as individuals who possess a finance, accounting, management, or related degree from an accredited college or university, or equivalent experience relevant to the functions of the position being filled. In addition, qualified candidates meet

or will meet the DoD Financial Management Certification Program requirements, within the required timeframe, for appointment to the position being filled, as applicable.

h. Positions for the purpose of assisting and facilitating the efforts of the NG in business transformation and management innovation. Business transformation would be defined as the process of fundamentally changing the systems, processes, people, and technology across a whole business or business unit, to achieve measurable improvements in efficiency, effectiveness, and stakeholder satisfaction. Positions must involve: Positions must involve work executing continuous process improvement and/or organizational change across the agency; and business transformation and management innovation appointees must have:

1. A management or business background;
2. Experience working with large or complex organizations; and
3. Demonstrated expertise executing, via recognized, repeatable business improvement methods, at least one of the following: management or organizational change, data analytics, or business process design.