DMNA Pamphlet Number 690-4

Civilian Personnel

MERIT PROMOTION AND PLACEMENT PLAN

Division of Military and Naval Affairs
330 Old Niskayuna Road
Latham New York 12110-3514

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Summary of Revision

DMNA Pamphlet Number 690-4, 29 April 2016, Civilian Personnel Merit Promotion and Placement Plan.

- This revision supersedes DMNA Pam 690-4, 1 July 1994.

- ***Summary.*** The purpose of this pamphlet is to establish policy and procedures and information on the Merit Promotion and Placement Plan for Dual Status (DS) and Non-Dual Status (NDS) technician positions in the New York Army and Air National Guard.

- ***Applicability.*** This plan will be used in filling positions in the Dual Status and Non-Dual Status service through initial appointment, promotion, reassignment, reinstatement, change to lower grade and transfer.

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STATE OF NEW YORK
DIVISION OF MILITARY AND NAVAL AFFAIRS
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CHAPTER 1

GENERAL

1-1. Purpose. This plan establishes procedures and provides information on the Merit Promotion and Placement Plan for Dual Status (DS) and Non-Dual Status (NDS) technician positions in the New York Army and Air National Guard.

1-2. Policy. It is the policy of the New York National Guard that all technician positions be filled with the best-qualified individuals available and ensure that all technicians have an opportunity to develop and advance to their full potential. All technician vacancies will be filled based on merit and job related factors. For purposes of this plan, military requirements are considered as job related qualifying factors for positions in the excepted service. All actions under this plan will be made without discrimination for non-merit reasons such as race, color, religion, sex, national origin, marital status, membership or non-membership in an employee organization and age or non-disqualifying physical handicap (except for military requirement for dual status technician.

1-3. Definitions.

a. New York National Guard: All references made to the New York National Guard apply to both the New York Army and Air National Guard.

b. Appointment: Initial appointment to a technician position in the New York National Guard.

c. Indefinite Appointment: Refers to Dual-Status technicians. Nonpermanent appointment, without a time limitation expected to exceed one year. Termination may be at any time, preceded by a 30-day written notice.

d. Term Appointment: Refers to Non-Dual status technicians, nonpermanent appointments to exceed one year, not to last beyond four years. Termination may be at any time, preceded by a 30-day written notice.

e. Temporary Appointment: Appointment that is for normally less than one year, with a not to exceed date established at the time of appointment. Termination may be at any time.

f. Key Staff Appointment: Dual-Status, managerial position directly supervised by or appointed as immediate staff of The Adjutant General.

g. Area of Consideration: The area (geographical, organizational, or functional) in which a search for eligible candidates is made. The area(s) will be at the discretion of management and designated on the vacancy announcement.

h. Dual Status: Technicians who are required to be military members of the New York National Guard as a condition of employment with assignment in a compatible military position.

i. Non-Dual Status: Technicians who are not required to be a member of the New York National Guard as a condition of employment.

j. Vacancy Announcement: Advertisement of a position available within the New York National Guard Technician Program.

k. On-board Technician: Refers to technician who is in a permanent status.

l. Eligible Candidate: An applicant who meets the general and specialized qualification requirements of the vacancy announcement, including appropriate selective placement factors.

m. Selecting Official: The supervisor who has the responsibility to select/non-select candidates and make a recommendation for appointment to a position to the Appointing official.

n. Selection Panel: The panel developed by the Selecting Official to perform interviews and assist in the selection of an applicant for technician positions.

o. Appointing Official: By federal law, The Adjutant General is the individual authorized to hire, promote, terminate, etc. The Adjutant General of New York has delegated this authority to the Human Resources Officer (HRO).

p. Qualification Analysis Panel (QAP): A panel of individuals at the Division of Military and Naval Affairs level appointed by the HRO for the purpose of reviewing qualifications of applicants for positions IAW Chapter 5.

q. Reasonable Commuting Area: Geographical area in which people live and can reasonably be expected to travel back and forth daily to their usual employment.

r. Reassignment: A permanent change to a position for which the technician is qualified, with a change in duties and responsibilities, and no change in grade.

s. Detail: A temporary change of a technician's job assignment for a specific period, with the technician returning to his or her original position at the end of the period.

t. Temporary Promotion: The placement of a technician into a higher graded position for which commensurate pay is received for a temporary period, after which the technician will revert to his or her original position, grade and step.

u. Priority Placement: A placement action which entitles a technician on grade retention status as a result of reduction in force (RIF) or reclassification action) to a noncompetitive promotion, provided the technician meets all the qualifications of the vacant position.

v. Selective Placement Factors (SPF): are essential for satisfactory performance in a position. Formally known as, knowledge, skills and abilities.

w. Tenure Group I: Permanent technicians with career status, who have successfully completed their probationary period or trial period.

x. Tenure Group II: Permanent technicians who are currently serving on a trial or probationary period.

y. Tenure Group III: Indefinitely appointed technicians.

1-4. Responsibilities.

a. The Adjutant General is the appointing authority for the New York National Guard Technician Program, and is the highest level of authority in the state concerning the overall application of this Merit Promotion and Placement Plan.

b. The Human Resources Officer (HRO) is responsible to The Adjutant General for ensuring that the requirements of this Merit Promotion and Placement Plan are carried out as follows:

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

(2) Ensure compliance.

(3) Provide guidance and assistance to commanders and supervisors concerning their responsibilities.

(4) Ensure that candidates are properly evaluated and certified for placement.

(5) Maintain necessary records relating to all merit promotion and placement actions.

c. Managers and supervisors will:

(1) Assure that technicians under their supervision are aware of this plan.

(2) Ensure that actions within their area of responsibility are based solely on merit without discrimination.

(3) Encourage technicians under their supervision to participate in developmental opportunities and apply for positions for which he or she is qualified.

(4) Recommend changes to this plan to the HRO.

(5) Ensure that technicians under their supervision who are absent (e.g. military duty, compensable injury which does not exceed one year) are made aware of opportunities to compete for positions for which they qualify.

(6) Provide to HRO, when requested, questions to determine basic eligibility to be submitted to USA Jobs for use in completing the assessment questionnaire.

d. Individual technicians are responsible to:

(1) Become familiar with this plan.

(2) Pursue training opportunities to prepare for higher-level duties.

(3) Ensure the Official Personnel Folder (OPF) contains accurate and current information concerning positions and qualifications.

1-5. Management's Rights. It is essential to the accomplishment of the mission within the New York National Guard. With respect to filling positions, management retains the right to:

a. Select or not select from among a group of best qualified candidates.

b. Select candidates from any appropriate source most likely to best meet the mission objectives of the New York National Guard in accordance with the guidelines set forth under Chapter 6 in this publication.

CHAPTER 2

EXCEPTIONS TO COMPETITION

2-1. Actions exempt from Competition. Certain placement actions provide the authorization for candidates to be considered for, or placed in, a position for which they are qualified. The following actions are:

a. Promotion due to issuance of new classification standards or the correction of a classification error.

b. Placement of over-graded technicians entitled to grade retention, as a result of RIF, reclassification, or management directed change to lower grade.

c. Promotion when competition was held earlier (i.e., position advertised with known promotion potential).

d. Promotion to a grade, or an intervening grade, or position from which a technician was demoted without personal cause and not at his or her request.

e. Promotion resulting from a technician's position being reclassified at a higher grade because of additional duties and responsibilities.

f. Position change to a position having no higher promotion potential.

g. Position change required by reduction in force (RIF) regulations.

h. Temporary promotion of 120 days or less.

i. Detail to a position of same or lower grade.

j. Selection of a former technician from the Reemployment Priority List for a position at the same or lower grade than the one last held.

k. Prior permanent DoD employee (Dual Status or Non-Dual Status) who was in:

(1) Tenure Group I at time of separation may be reemployed to a position at the same or lower grade as the position from which separated.

(2) Tenure Group II may be reemployed without competition within three (3) years of separation to a position at the same or lower grade as the position from which separated.

l. Placement as a result of priority consideration when a candidate was not previously given proper consideration in a competitive action.

m. Key Staff appointment selected at the level of The Adjutant General for expert or consultant type positions through provisions provided by National Guard Bureau.

n. Temporary appointments into a technician position; duration of appointment will be IAW current DoD/OPM/NGB policy.

o. Placement of technicians into Non-Dual Status positions who have lost their Dual Status position due to combat-related disabilities.

2-2. Reemployment Priority List(s). (RPL)

a. Establish reemployment priority list(s) (RPL) to document separation of individuals and to provide a tool for orderly reemployment consideration.

b. A reemployment priority list contains names of individuals in tenure groups I and II who have been separated due to reorganization or reduction in force. The names are listed in order of tenure group and retention standing (highest to lowest) and will remain on the list for two years.

c. Individuals will receive priority placement for all suitable vacancies at the same grade or representative pay rate of the former position. RPL registrants should also be queried about availability for positions at lower grades and in other commuting areas; however, their entitlement to reemployment is at the grade of the former position and in the same commuting area. Therefore, declination of reemployment opportunities at lower grades or outside the commuting area will not result in removal from the RPL.

CHAPTER 3

POSITION ANNOUNCEMENT AND APPLICATION PROCESS

3-1. Request for Filling a Position Vacancy. When requesting that a position be filled, the supervisor of the position will submit the Standard Form (SF) 52 (Request for Personnel Action) to the Human Resources Office. The request will be forwarded through the appropriate chain of command. Supervisors have the responsibility to project vacancies and submit the request in sufficient time to allow orderly and timely announcement and selection action. Management will determine the status of the announcement (i.e. AGR and/or Technician). Requests for fill may be forwarded up to 180 days before a projected separation date of the incumbent of the position. The required information on the SF 52 will include:

a. Position title, position description number, grade(s) and location.

b. Type of appointment (Dual Status or Non-Dual Status).

c. Military grade (Officer, Warrant Officer and Enlisted).

d. Recommended area of consideration.

e. Recommended selective placement factors.

f. Designated security clearance required, and position sensitivity.

g. Name of immediate supervisor of the position to be filled (for maintaining accurate hierarchy).

h. Vice (name of previous incumbent).

i. Recommended number of vacancy announcement posting days.

3-2. Over-hire Authority for Projected Vacancies. Over-hire authority may be requested for key staff, supervisory and one of a kind highly technical or long training time positions when a firm separation date has been established for the incumbent.

a. Requests for over-hire will be forwarded, through command channels, to the HRO, memorandum format; indicating the position for which over-hire is requested, the term of the over-hire, and specific justification for the over-hire.

b. Normally, over-hires will be restricted to 60 days or less. Over-hires for periods of more than 60 days require NGB approval. If the request is approved the requesting activity will prepare and forward the SF 52 requesting advertisement, as indicated in paragraph 3-1 above. A copy of the approved over-hire authority will be attached to the SF 52.

3-3. Vacancy Announcement. Unless the vacancy is to be filled as an exception competition (see Chapter 2) the vacant position will be announced. At a minimum, the vacancy announcement will contain the following information:

a. Vacancy announcement number.

b. Opening and closing date.

c. Title, pay plan (GS/FWS), series, grade and salary range of the position.

d. Type of appointment, Dual Status or Non-Dual Status (to include Indefinite or Temporary Promotion).

e. Military requirements AFSC/MOS and rank of the position.

f. Organizational and geographical location of the position.

g. Area of consideration (Nationwide, Statewide, On-Board).

h. Summary of duties and minimum qualification requirements.

i. Information regarding known promotion potential, if applicable.

j. Special conditions of employment, or developmental training, if applicable.

k. Designated security clearance required and/or driver's license.

l. Equal Employment Opportunity statement.

m. Selective Placement Factors (SPF).

n. Medical standard/physical requirements and requirement for periodic evaluation when applicable.

3-4. Electronic Posting of Announcements. Vacancy announcements will be posted electronically on the DMNA Jobs webpage and USA JOBS for a minimum of 15 calendar days. The hiring official may request an increase in the number of days. The HRO will determine the specific dates, based on receipt of the SF 52, processing time required to ensure that all interested persons are aware of the vacancy. Announcements, along with the procedures for how to apply, will be posted on the DMNA Jobs website, under the Technician Jobs webpage and listed on the announcement that will be posted on USA JOBS (www.usajobs.gov).

3-5. Area of Consideration.

a. The area of consideration for each position vacancy announcement will be determined at the discretion of management to ensure the receipt of sufficient, qualified candidates. The type of position, availability of candidates, position qualifications, and budgetary restraints are considerations in determining the area of consideration. Management can extend the established area of consideration for a particular placement action when it has been determined that the initial area will not produce a sufficient number of highly qualified candidates.

b. The area of consideration being sought must be indicated on the SF 52, Request for Advertisement, from those listed below:

(1) All permanent technicians in the New York Army or Air National (On-board).

(2) All members of the New York Army or Air National Guard (Statewide).

(3) Personnel eligible for membership in the New York Army or Air National Guard (Nationwide).

Note:

For positions that can be filled by either DS or NDS technicians, the position will not be advertised both ways. The submitting official must decide which type of appointment and indicate on the (Standard Form) 52.

3-6. Application Procedures. The application is the basic document by which the individual's qualifications for a position are determined. It must therefore, reflect the applicant's current and past employment data, as well as military duty assignments, qualifications and training. Complete and accurate data is essential to ensure fair evaluation of candidates. Applications will be submitted as follows:

a. Applicants must submit their applications electronically via the USA Jobs, internet or web based program that will also be listed on the DMNA web page. Hard copies of applications, resumes, etc., will not be accepted in HRO and faxing is no longer permitted.

b. Applicants not currently commissioned, applying for a position requiring commissioned status, must submit evidence of eligibility for a commission.

c. Technicians on leave or away from their normal work location for any authorized reason during the open period may apply for any position for which they feel qualified via USA Jobs. The technician must provide his supervisor a current E-mail address, physical address and telephone number where they can be contacted. If the technician is unable to access USA Jobs, they can contact the HRO staffing section for instructions on how to apply.

d. All applicants will apply online using the electronic or E-mailed application located on the DMNA website and USA JOBS and must include the following forms:

(1) A complete Assessment Questionnaire.

(2) Resume.

(3) Transcripts if using education to qualify for a position.

(4) Applicants not currently commissioned, applying for a position requiring a commission, must submit an eligibility certificate for a commission (NYARNG), or proper certification from the Wing FSS (NYANG).

3-7. Temporary Promotions. Generally, a temporary promotion is a management option to meet a situation requiring the service of a technician to a higher graded position. Promoting a technician recognizes the increased responsibility and properly compensates him or her for the work being performed.

a. Management determines when a temporary promotion would be an option. Competition should be held from the onset, if management feels that the position will be filled permanently. The fact that the temporary action may lead to a permanent promotion must be made known to all potential applicants. The following are examples of the most frequent use of temporary promotions:

(1) To assign a technician to perform the duties of a position during the incumbent's absence.

(2) To fill a position that has been vacant until a permanent appointment is made. Temporary promotions are not appropriate for the purpose of evaluating a technician before a permanent promotion or to train a technician in the higher graded duties.

b. Competition is not required for temporary promotion of 120 days or less. Before a technician accepts a temporary promotion, it must be clear that they understand the promotion is temporary.

c. Requests for temporary promotions without competition will be forwarded to HRO by submission of the SF 52.

3-8. Stopper List. The Department of Defense (DoD) Priority Placement Program (PPP) must be used for Non-Dual status technician vacancies to advertise other than on-board, if individuals are available and referred. The stopper list will be "cleared" before proceeding with action to fill the position (IAW DoD Manual 1400.20 1-M.).

CHAPTER 4

PROCESSING APPLICATIONS

4-1. Basic Eligibility. Applications will be reviewed by the HRO staffing section to determine basic eligibility. Candidates must meet the general and specialized experience including any selective placement factors indicated in the technician vacancy announcement.

4-2. Selective Placement Factors (SPFs). Selective placement factors are the knowledge, skills, and abilities or other personal characteristics essential for satisfactory performance on the job. The SPFs will be determined in advance of advertising a position, and will be stated in the vacancy announcement. When used, the SPFs are a part of the basic eligibility requirements for the position to be essential for satisfactory performance in the job. SPFs will be stated in the vacancy announcements. They are used to determine qualifications and are the major ranking consideration to determine the best-qualified candidates. Applicants will be required to answer questions that describe their experience during the assessment questionnaire. After the applicant answers the online questionnaire, they will be rated with an eligible or ineligible code along with a rating score of 70 to 100. The rating score is based on the answers submitted by the applicant. In addition, a staffing specialist will review all qualified applications received.

4-3. Conditions of Employment. Conditions of employment are the requirements of the position which are necessary in order to perform the duties of the position (e.g., security and education requirements). In addition, positions may have established requirements, which must be met for continued retention (e.g., developmental training). When either condition(s) of employment or requirements for continued position retention have been established, technicians will be given opportunities to comply with these conditions/requirements. Conversely, if after assignment to a position the incumbent cannot or will not undergo and satisfactorily completes required training, they may be removed from employment.

4-4. Security Requirements. A technician is subject to the personnel security requirements in accordance with TPR 700(732.1). The HRO must determine whether the applicant has the required security clearance for the assignment. If not, the HRO will ensure that the clearance is obtained. When a technician cannot meet the security requirements of the position, action must be taken IAW TPR 715.

4-5. Training Requirements. All applicants for a position with a development-training requirement will be informed in advance that failure to complete the required course(s)

will be cause for removal from the position. The HRO will require the applicant to submit a written statement to the effect that they understand that they must either satisfactorily complete the appropriate course(s) or they may be removed from the position either by reassignment, change to lower grade, or termination.

4-6. Medical and Physical Requirements. Applicants must meet all medical standards or physical requirements of the position, which is found in the position description.

4-7. Compatibility Requirements. Selected applicants for Dual-Status positions must be assigned to a compatible military unit and MOS or AFSC prior to being appointed as a technician. Selectees have up to 2 years to become qualified in their MOS or AFSC. This can be extended an additional 12 months if no fault of the member. Failure to be placed in and maintain a compatible MOS/AFSC and military assignment will result in removal of the technician unless a waiver has been granted by the HRO or NGB (IAW TPR 303).

4-8. Evaluation. All qualified candidates will be forwarded to the Selecting Official unless there are more than seven (7) qualified applicants. In that case, the evaluation procedures in Chapter 5 will be used to further screen candidates prior to referral.

CHAPTER 5

EVALUATING CANDIDATES

5-1. Qualification Analysis. When it is necessary to refine a list of eligible candidates (more than seven (7) qualified), the HRO will appoint a Qualifications Analysis Panel consisting of three (3) members to rate the candidates using the Job Analysis Factors (JAF). One member will be a HRO representative who is trained in qualification analysis procedures and techniques, and the other two members must have technical expertise in the career field of the vacant position. The job analysis will be used to identify the seven (7) best qualified candidates for referral to the Selecting Official.

5-2. Job Analysis Factors (JAF). The JAF will be recorded on DMNA Form 300-3, JAF and Abilities Worksheet (see Appendix A) for use in evaluating each candidate's qualifications. A minimum of three and a maximum of eight SPF's will be used.

5-3. Evaluating Experience. The JAFs for successful performance will be identified on the vacancy announcement. The application will be used to gather job-related background data for the evaluation process. Experience will be evaluated in terms of type and quality in relation to the requirements of the position. Experience will be rated in categories as shown below on each SPF determined in the job analysis.

a. "A" Level Experience. Candidates who possess type and quality of experience that substantially exceed the basic requirement of the position, including selective placement factors that would allow the candidate to perform effectively in the position almost immediately, or with a minimum of training and/or orientation.

b. "B" Level Experience. Candidates who possess type and quality of experience that exceeds the basic requirement of the position, including selective placement factors that would allow the candidate to perform effectively in the position within a reasonable period, (i.e. three to six months).

c. "C" Level Experience. Candidates who satisfy the basic requirement of the position with respect to experience, including selective placement factors. However, extensive additional training and/or orientation would be required to enable the candidate to satisfactorily perform the duties of the position.

d. The point value assigned to A, B, and C levels is determined by the number of SPF factors used (see Table 5-I). Points are then totaled for each candidate and transferred to NGB Form 300-4, (see Appendix A-1) Rating Worksheet.

Table 5-1. Point Values of Category Ratings

Three SPF Factors	Four SPF Factors	Five SPF Factors	Six SPF Factors	Seven SPF Factors	Eight SPF Factors
A. 33.33	A. 25.0	A. 20.0	A. 16.6	A. 14.2	A. 12.5
B. 28.3	B. 21.2	B. 17.0	B. 14.1	B. 12.1	B. 10.6
C. 23.3	C. 17.5	C. 14.0	C. 11.6	C. 10.0	C. 8.7

e. Using five SPF factors, an individual candidate could obtain a maximum score of 100 or a minimum score of 70, depending on experience level as relates to the published SPFs.

5-4. Awards. Credit is awarded for pertinent honorary and monetary awards and outstanding/excellent/fully acceptable performance ratings received when superior performance was recognized by an outstanding/excellent performance rating and an award for the same period of time, only one of the two will be credited. The HRO staffing specialist will analyze the awards record to assess the qualifications demonstrated and their bearing on the requirements of the position being filled. The regency of the award or rating is also considered to assure that current qualifications are reflected. Awards that are more than three years old will not be considered. A maximum of six points may be credited for this factor. Points credited under the awards process are recorded under Item 4 of NGB Form 300-4. Points are assigned as follows:

	1st Yr	2nd Yr	3rd Yr
Outstanding Performance Rating	3	2	1
Excellent Performance Rating	2	1	0
Fully Acceptable Appraisal	1	0	0
Quality Salary Increase	2	1	1
Sustained Superior Performance	1	0	0
Suggestion Award	1	0	0

5-5. Training and Education. Maximum of two points will be awarded for this factor. This refers to training and education, other than that credited for basic eligibility that was not considered elsewhere in the evaluation process, which is relevant to the position. Points will be assigned as follows: 1 point for resident courses, and 1/2 point for non-residence courses. Points credited for training and education are recorded under Item 5 of NGB Form 300-4.

5-6. Overall Rating. The overall rating for each factor (experience, training and education and awards) will be combined and the total score for all factors recorded under the "total' column of NGB Form 300-4.

5-7. Referral and Selection Certificate. The top seven (7) candidates arrived at, through the Qualifications Analysis Panel process, will be listed in alphabetical order on the Selection Certificate.

CHAPTER 6

REFERRAL AND SELECTION PROCEDURES

6-1. Referral of Candidates. Following the determination of basic eligibility of candidates and review of the Standard Form 306, as outlined in Chapter 5, the HRO will forward only the qualified candidates to the Selecting Official. Candidates will be listed alphabetically on the DMNA Form 118, Selection Certificate.

6-2. Action by the Selecting Official. The Selection Official is entitled to recommend selection or non-selection of any candidate. The selection process may be based on a number of recommended considerations such as: Comparison of the abilities of each candidate, the Selecting Official's judgment concerning the best qualified applicant for the position to be filled, or consideration of the candidates' potential for advancement. Upon receipt of the selection certificate, the Selecting Official will proceed with the following:

a. Merit Placement Procedures. The Selecting Official will arrange the interviews. When advertised both technician and AGR, all candidates will receive equal consideration.

(1) Category I. All excepted service technicians in the NY Army and Air National Guard who currently work at the location advertised.

(2) Category II. All currently employed excepted service technicians in either the NY Army or NY Air National Guard.

(3) Category III. Qualified members of the NY National Guard (Army or Air), to include AGR personnel who apply for technician positions, temporary/indefinite technicians, applicants who applied under an AGR vacancy announcement, or other individuals who are willing to become members of the NY Army or Air National Guard.

Note:

If there are fewer than three (3) qualified applicants in category I, then qualified applicants from category II and III, will be forwarded to the selection official, in sequential order, to provide at least three (3) qualified applicants.

b. For all positions (supervisory and managerial) the following referral procedures will be followed:

(1) The top seven (7) technician applicants from all areas of consideration (statewide and/or nationwide) will be referred to the Selecting Official.

(2) If a dual vacancy announcement for both Technician and AGR is published for the same position, applicants who applied and qualified under the AGR VA will be placed on a separate promotion certificate.

c. Interview Candidates. The HRO staffing specialist will notify the selecting official via Selection Manager of all qualified applicants using a system generated Selection Certificate:

(1) Interviews will be conducted by a panel of individuals chosen by the Selecting Official.

(2) Every effort will be made to conduct personal interviews with all referred candidates. In the event a personal interview is not possible, a telephone interview will be acceptable. If a candidate is not available for a personal or telephonic interview, or declines the interview, a record of the circumstances will be made a part of the selection package.

(3) When one candidate is interviewed, then all other candidates will be interviewed. Interviews will be conducted during normal duty hours.

(4) Reference checks will be performed and documented by the Selecting Official.

(5) All documents, to exclude the Selection Certificate, from the interview will be maintained by the Selecting Official for at least two years. If a grievance is pending on a vacancy, the documents from that interview should be maintained until the conclusion.

d. Interview Panel Composition. The purpose of convening an Interview Panel is to create an unbiased panel to fairly and thoroughly examine each applicant's credentials and suitability for the position advertised. The Interview Panel will determine the applicant who is best qualified and the best fit for the position and the organization.

The Adjutant General (TAG) is the final Approving Authority of board recommendations. The HRO has been delegated authority to approve panel recommendations:

(1) Panels will be comprised of no less than three (3) voting members. The panel president will be the senior ranking voting member. Members will be senior in rank or date of rank and at least the same technician grade. All members of the panel must sign and date the Selection Certificate.

(2) Interview Panels should include female and/or minority membership whenever possible. Panels, which consider female and/or minority applicants must include such representation or document why this was not possible.

(3) AGRs, federal technicians and traditional guardsmen or airmen may be panel members for selection of AGR or federal technicians.

(4) At the Joint Force Headquarters, the panel may be comprised of both Army and Air National Guard personnel.

e. Selection Process. When a candidate for the position is selected, the Selecting Official will:

(1) Complete all entries on the Selection Certificate, date and sign in the blocks provided and return to the HRO, along with pertinent appointment documents.

(2) Verbally notify the selected/non-selected candidates of the recommendation for appointment to the position, emphasizing that final appointing authority rests with the HRO.

(3) Coordinate effective date with losing organization (if applicable).

(4) Forward the Selection Certificate back to the HRO Staffing Specialist through Selection Manager.

f. Non-Selection Process. If none of the applicants are selected, the Selecting Official must return Selection Certificate to HRO with justification as to why a selection was not made and request the next category of candidates, if available. Although first consideration is given to onboard technicians, it is permissible to non-select and request the next category of candidates. This procedure will be adhered to until no further candidates are available for referral.

Note:

If the Selection Certificate is not returned to the HRO within 60 days, the Selection Certificate will become invalid.

6-3. Action by the Human Resources Office. The HRO will proceed with the following upon receipt of Selection Certificate:

a. Notify candidates of selection or non-selection with a system generated E-mail through USA JOBs Staffing.

b. Prepare appointment, process action, and file as required by Chapter 7.

6-4. Release of Selectee. After selection for promotion/placement, a technician must be released promptly from his/her present position. Release will normally be within two weeks after selection. The gaining organization must coordinate this date with the losing organization when the applicant comes from another installation.

CHAPTER 7

PLACEMENT AND PROMOTION RECORDS

7-1. Purpose. Completed placement and promotion records will be maintained by the HRO for the following reasons:

a. To provide a clear record of the action taken.

b. To evaluate the merit placement program.

c. Provide proof that merit placement actions are being made on a fair and equitable basis, IAW this plan.

7-2. 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. Forms used in the evaluation and rating process, to include the DMNA Form 117.

c. DMNA Form 118 signed by the Selecting Official and all Panel Members.

d. Record of the "Stopper List" (only for Non-Dual Status positions).

7-3. Duration. Records will be maintained for a minimum of two years. If a grievance is pending, records will be maintained until resolution.

7-4. Privacy Protection. The Privacy Act of 1974 provides certain safeguards for employees against invasion of personal privacy. In keeping with this Privacy Act, an employee is not entitled to review information regarding another employee without the other person's written consent. Merit promotion records may be disclosed to officials of labor organizations recognized under Title VII of the Civil Service Reform Act of 1978 when relevant and necessary in the performance of their duties and exclusive representatives. When records are made available to appropriate union officials, the union official is to be advised that no employee is entitled to review any other employee's records nor may the union official otherwise disclose such information without the expressed written consent of the other employee.

7-5. Freedom of Information Act. This act will be followed IAW FOUO policies, laws, policies, and regulations.

CHAPTER 8

PROHIBITED PRACTICES

8-1. Changes in Qualifications Required During the Promotion Process. From the date of issuance of the vacancy announcement to the date of final selection. The following are prohibited:

a. Additions to promotion certificate issued to the selecting official which reflect sufficient names of best qualified candidates.

b. Reappraisal of candidates after promotion certificate has been issued.

c. Submission of revised application and qualification records after closing date of the vacancy announcement.

CHAPTER 9

GRIEVANCES AND COMPLAINTS

9-1. Grievances. A grievance will not be considered when it is based solely on non-selection. A technician who believes that proper procedures were not followed in a particular placement action for which they were an applicant, may present a grievance under applicable grievance procedures.

9-2. Discrimination Complaints. Allegations of discrimination because of race, color, religion, gender, age, disability, national origin, or reprisal made during any phase of selection process will be considered under the New York National Guard Equal Employment Opportunity Program, or other applicable procedures.

9-3. Other. Complaints or inquiries including those made by non-technician candidates will be directed to the HRO. All such inquiries will be considered and every effort made to resolve complaints.

CHAPTER 10

CORRECTIVE ACTIONS

10-1. Purpose. There are three types of violations: Procedural, Regulatory, or Program for which National Guard Bureau (NGB) or Office of Personnel Management (OPM) may require corrective action.

a. Procedural Violation. Occurs when a placement action does not meet the requirements of this plan. A technician may remain in the position only if reconstruction of the actions shows that he/she could have been selected if proper procedures had been followed at the time the action was taken, or if NGB or OPM gives approval.

b. Regulatory Violation. Occurs when the technician did not meet the qualification of regulatory requirements at the time of placement. A technician may be retained in the position if there were no accompanying procedural or regulatory violation involved.

c. Program Violation. Occurs when this plans guidelines or practices do not conform to NGB, DoD or OPM requirements. Generally, a technician may be retained in the position if there were no accompanying procedural or regulatory violation involved.

10-2. Corrective Action. If the corrective action taken requires the position to be vacated, the erroneously placed technician will be returned to his or her former position or placed in another position for which qualified. All candidates who were not given proper consideration will be considered before new recruiting efforts are initiated. Corrective actions are intended to redress an improper personnel action or other individual must be directly linked to the loss of a specific opportunity or benefit.

10-3. Priority Consideration. If the corrective action did not include vacating the position, candidates who were not given consideration because of the violation will be given priority consideration for the next appropriate vacancy. Such priority consideration will be afforded on a one time basis, and will last for a one year period.

CHAPTER 11

EMPLOYMENT OF RELATIVES

11-1. Employment of Relatives. Restrictions on hiring of relatives shall be in accordance with Title 5, Code of Federal Regulations (CFR) 310.101(a).

CHAPTER 12

PROMOTION AND PLACEMENT FOR NON-DUAL STATUS

12-1. DoD Priority Placement Program (PPP).

a. The DoD Priority Placement Program applies to all agencies under the DoD to include Non-Dual Status employees in the National Guard Technician Program. (Reference the DoD PPP Operations Manual). Provisions of PPP must be complied with prior to advertising and appointing a new Non-Dual Status technician.

b. Stopper List. The DoD stopper list reflects positions by pay group, series, title, grade and priority of personnel registered in the Priority Placement Program. This list must be "cleared" by the HRO prior to fill of the vacancy.

12-2. Office of Personnel Management (OPM) Time in Grade Restrictions. Non-Dual Status technicians are required to meet current OPM Time in Grade requirements prior to promotion or placement.

12-3. DoD Program for Stability of Civilian Employment.

a. The DoD Program for Stability of Civilian Employment (directing priority placement) has been initiated throughout all agencies under the DoD. This program is applicable to competitive employees in the National Guard Technician Program.

b. The policy of the DoD Program is to promote stability of employment of civilian employees affected by changing manpower requirements and provide maximum opportunity for placement in other DoD positions. A strong placement assistance program shall be maintained to minimize the adverse effects caused by actions required for the effective management of the DoD, such as, but not limited to, RIF, contracting out, position classification decisions and transfers of functions.

c. Stopper List. A stopper list is a computerized product issued biweekly by the Defense Data Support Center (DDSC) to each DoD Civilian Personnel Office. The Stopper list reflects position by pay group, series, grade, and priority of personnel reregistered in the Priority Placement Program.

d. Referral Priorities. Employees will be registered and referred for placement with a numeric priority. A designated priority is assigned according to registration eligibility. Priorities assigned are as follows:

(1) Priority 1.

(a) Employees scheduled for separation by RIF without an offer of continued employment.

(b) Employees involuntarily furloughed for six months or more.

(c) Employees scheduled for demotion by RIF of six or more GS grades, or the equivalent wage grade.

(2) Priority 2.

(a) Employees who decline offers of functional transfer involving relocation.

(b) Employees scheduled for demotion by RIF of four or five GS grades, or the equivalent wage grade.

(c) Employees who decline offers of reassignment or demotion outside the commuting area.

(3) Priority 3.

(a) Non-displaced overseas returnees who completed two consecutive overseas tours, or who are within six months of meeting their five year limitation.

(b) Employees completing one overseas tour for whom the component coordinator authorizes Priority 3.

(c) Employees completing one overseas tour whose statewide position is abolished and return would initiate a RIF (separation/demotion).

(4) Priority 4.

(a) Employees scheduled for demotion by RIF of three GS grades or less, or equivalent (applies to Retained Grade Program only).

(b) Employees scheduled for demotion by RIF of three GS grades or less, or the equivalent, who accept a change to lower grade. During the specific notice period, this priority will apply only to activities outside the registrant's component and this registrant will be referred as Priority 3 within his or her component.

(5) Priority 5.

(a) Non-displaced overseas returnees who completed one overseas tour.

(b) Eligible non-displaced overseas dependent employees.

e. When a vacancy for a competitive position occurs in the New York National Guard Technician Program, and the selecting official submits the SF 52 to the HRO for request to fill a vacancy, the stopper list will be "cleared" before proceeding with a request to announce the position.

f. When a Priority 1,2, or 3 entry appears on a stopper list that matches the position on the SF 52, the HRO is not allowed to advertise the request and must follow procedures outlined in DOD 1400-20-1-M, Chapter 10, by requesting resume(s) of registrants indicated on the stopper list.

g. If a registrant accepts a placement offer, arrangements will be made with the releasing Civilian Personnel Office to effect his/her assignment to the position within 30 days.

h. One copy of each resume received will be annotated as to the action taken and returned to the DDSC within 20 workdays from receipt of the resume.

i. Once the DOD stopper list has been queried, one of the employees referred to the HRO by DDSC must be selected by the selecting official.

j. Once the stopper list has been cleared, advertisement for the position will be IAW Chapter 3.

CHAPTER 13

DoD PROGRAM FOR PERSONS WITH DISABILITIES

13-1. Purpose. This chapter provides guidance for supervisors in the employment, placement and advancement of disabled individuals in the Federal Technician (competitive employees) Program.

13-2. Introduction. Consistent with the policy of the Federal Government to provide equal employment opportunities for all individuals, the National Guard Bureau has taken a positive and direct role in supporting the objectives of various selective placement programs, one of which is employment of persons with disabilities.

13-3. Background. The FPM (Section 4-1, Chapter 306) defines a disabled individual as one who:

a. Has a physical impairment which substantially limits one or more of the persons major life activities;

b. has a record of such an impairment, or

c. is regarded as having such an impairment.

13-4. Reasonable Accommodation.

a. A very basic concept in affirmative action and non-discrimination is reasonable accommodation. A federal agency is required to make reasonable accommodation to the physical and mental limitations of a qualified disabled applicant or employee unless the agency can demonstrate accommodation would impose an undue hardship on the operation of its program. Reasonable accommodation includes such actions as making facilities accessible to and usable by persons with disabilities, job restructuring, acquisition, or modification of examinations, and provisions or readers for blind persons. In determining what constitutes an undue hardship, an agency may consider the size and type of its program and the nature and cost of accommodation.

b. For purposes of reasonable accommodation, affirmative action and non-discrimination, disabled individuals must be qualified for the employment they seek. With reasonable accommodation, or without, if not needed, they must be able to perform essential functions of the job safely. They also must meet experience and education requirements for the criteria for appointment under a special authority.

13-5. Employment of Physically Disabled Individuals.

a. Personnel meeting the above criteria will be certified by contacting the Handicapped Program Counselor from a State Vocational Rehabilitation Agency or Veterans Administration. A physically handicapped person is considered to meet OPM's qualification standards for either the Veterans Administration or a State Vocational Rehabilitation Agency. There are two different avenues to take when making an appointment of a disabled person:

(1) A 700-hour trial appointment authority for disabled applicants; or

(2) Excepted appointment procedures using Section 213.3102(u) of Schedule A.

b. The 700-hour trial appointment will be considered for severely disabled individuals or when the employer is reluctant to hire the disabled individual on a regular basis for fear that they will not be able to perform on-the-job efficiently or safely. The employer will determine which appointment is to be made.

c. Conversion to competitive status (Career Conditional or Career Appointment). After two years of substantially continuous successful performance under an excepted appointment, a disabled employee may be recommended by his/her supervisor for conversion to the competitive service. It is not mandatory for retention in the position for a supervisor to recommend conversion to the competitive service. However, there will be substantial justification for not recommending conversion of an employee who meets the service requirement and has performed successfully in the position.

d. Internal Merit Promotion Opportunities. Disabled employees may compete with other employees under local merit promotion announcements after obtaining competitive status. If a disabled applicant is selected, recertification may be required, if either the physical or qualification requirements for the new position are substantially different.

13-6. The Supervisor's Role. Taking advantage of this appointment authority is a viable solution to stabilizing high personnel turnover in certain types of work, and at the same time, is a way of meeting affirmative action goals. The framework for selective placement programs has been established by the law and regulation. The supervisor, in the role of a selecting official, actually makes the program become a viable employment opportunity for the disabled person. The following are what a supervisor should accomplish:

a. Think of the disabled population as a valuable, largely untapped recruitment source when filling positions at all grades.

b. Make a special effort to inform the HRO that he/she wishes to consider disabled applicants for appropriate vacancies.

c. Evaluate the disabled applicant in terms of total capacity, aptitudes, skills, training and experience.

d. Think of ways a particular job or job environment could be modified or reengineered to accommodate persons with disabilities.

e. Recognize disabled applicants as individuals and treat them that way. Expect them to meet performance and conduct standards.

f. Learn as much as possible about employment of disabled individuals through participation in special programs and by frequent contact with the Disabled Employment Program Coordinator in the HRO.

13-7. Summary. Disabled persons have talents that are needed and a qualified person with disabilities may perform a job equally, or better than, a nondisabled person. One doesn't have to "walk" to work at a desk, "see" to be a computer programmer, "hear" to operate equipment, or "be bright" to do simple, repetitive tasks. Matching abilities of a disabled individual to the demands of a specific job is a healthy extension of the merit system's creed of employing the best qualified candidate. Selective placement programs assist to equalize opportunity; they do not confer unfair advantage. The objective is to ensure equitable consideration.

CHAPTER 14

NATIONAL GUARD TECHNICIAN DISABILITY PLACEMENT PROGRAM

14-1. Purpose. This chapter provides a method for registering in the DoD Priority Placement Program for National Guard technicians who are eligible for and receiving an annuity by reason of a disability that disqualifies them for National Guard membership or from holding the military grade required for continued employment. It also provides for the referral of National Guard technicians for placement in positions in the competitive or excepted service at appropriate DOD activities.

14-2. Registration in the DoD Priority Placement Program (PPP).

a. National Guard technicians who were separated from their position on or after 31 Dec 79, due to medical disability that disqualified them for membership in the National Guard or from holding their military grades required for employment, are registered by the HRO with the DoD Priority Placement Program which is provided as follows:

(1) OPM has determined the technician is not disabled under the provisions of Title 5 U.S. Code, Chapter 83, Section 8337 (h).

(2) The technician has either applied for or is receiving an annuity under Title 5 U.S. Code, Chapter 83, Section 8337 (h).

b. The registration of eligible technicians is mandatory.

14-3. Program Code and Priority. Eligible National Guard technicians will be registered under the program code "G" with a Priority 5.

14- 4. Period of Registration. A technician will be registered in the Priority Placement Program as soon as it is determined that he or she is no longer qualified for membership in the National Guard, IAW paragraph 14-2a., above. Registration eligibility continues indefinitely. Registration will be terminated when one of the following occur:

a. The technician is placed in any permanent and continuing federal position.

b. The technician declines a position in the Federal Service for which qualified, provided the position is of the same grade, or equivalent level, tenure, work schedule and in the same commuting area of his/her last duty station.

c. The technician has been restored to earning capacity as determined by OPM under Title 5 U.S. Code, Chapter 83, Section 8337.

d. The technician is subject to any other circumstances which terminates his or her eligibility for an annuity under Title 5 U.S. Code, Chapter 83, Section 8337 (h).

14-5. Selection. Registrants selected under this program will be expected to enter on duty within two weeks after acceptance of the offer or NLT 30 days.

14-6. Procedures for Registration.

a. Eligible technicians will be registered only for DoD activities within the commuting area of the former technician's last duty station. Individuals will not be registered for the National Guard registering activity or for a DoD activity which would incur PCS costs (i.e., travel, transportation).

b. Eligible technicians will be registered only for skills for which qualified and at the grade level or the equivalent grade level of the technicians position from which separated.

c. The HRO will complete DD form 1817 (Program for Stability of Civilian Employment Registration) in accordance with DoD 1400.20-1-M, Chapter 8, and Appendix G, F-3, a and b.

CHAPTER 15

RESTORATION RIGHTS

15-1. Employees Performing Active Duty. National Guard technicians who are activated for military duty, voluntary or involuntary (Title 10 U.S.C. or Title 32 U.S.C.), are entitled to restoration set forth in the provisions of the Uniform Services Employment and Reemployment Rights Act (USERRA).

15-2. HRO will provide a checklist for technicians entering and returning from performing active duty status.

APPENDIX A

INTERVIEW GUIDE

A-1. INTERVIEWING TECHNIQUES. Interviewers must remember the primary goals of the interview are to obtain quality information concerning the candidate and to provide factual information regarding the National Guard and the technician position.

A-2. SELECTION INTERVIEW. Upon receipt of a certificate referring the best qualified candidates for selection consideration, the selecting official or recommending supervisor will interview the candidates. The interview is used to make further distinction among candidates as well as to exchange information. The interview will be developed and conducted using the following principles and techniques:

a. A prior set of standardized interview questions for candidates being assessed in the interview. The question asked in the selection interview must be carefully constructed to preclude questions and responses which in effect result in an oral test.

b. The selection interview will be considered in combination with other evaluation methods to identify the candidate best qualified based on all the evaluation criteria.

A-3. INITIAL CONTACT. When you arrange an interview time with the candidate, be sure to tell them how long the process is likely to take.

A-4. LISTEN ATTENTIVELY. Listening attentively will encourage the candidate to talk more. Don't listen without really hearing, no matter how many interviews you have been through. As one of the candidate's first impressions of National Guard management, you may leave a lasting impression as well.

A-5. DON'T DO ALL THE TALKING. Certainly you want to impart information about the job, but don't tell the candidate all of your views, opinions and experiences. You need to gather facts and information about the candidate as well as to tell him/her about the job.

A-6. DON'T ANTICIPATE OR INTERRUPT. Beware of breaking off a candidate's remarks or filling in the ends of their sentences. You may get the wrong idea of what the candidate really meant to say.

A-7. CONSIDER HOW YOU ARE ASKING QUESTIONS. Use open-ended question and avoid closed-end questions which will result in short answers and cause you to constantly ask questions while the candidate does little or no talking.

A-8. DON'T BE ADVERSARIAL OR ANTAGONISTIC. An interview must not be an inquisition or a cross-examination. Questions will be direct and straight forward; if you are abrupt or challenging, the candidate will withdraw or become defensive.

A-9. BE CONSIDERATE OF THE CANDIDATE AS A HUMAN BEING. Remember that you are playing a role in the candidate's life, which may affect them for many years to come.

A-10. CLOSING THE INTERVIEW. The final step in the interview process is closing. You should summarize the interview with the candidate and supply any missing information. It is important that the candidate understand what kind of environment they may be working in. The candidate will be given a final opportunity to ask questions at this time. You will close the interview by thanking the candidate, giving the candidate your office address and telephone number, summarize what will happen next, and an approximate time frame in which a decision will be made.

APPENDIX B

GLOSSARY

Abbreviations

AFSC
Air Force Specialty Code

AGR
Active Guard Reserve

CFR
Code of Federal Regulations

DDSC
Defense Data Support Center

DMNA
Division of Military and Naval Affairs

DoD
Department of Defense

DS
Dual Status

FPM
Federal Personnel Manual

FOUO
For Official Use Only

FSS
Force Support Squadron

GS
General Schedule

HRO
Human Resources Officer

IAW
in accordance with

JAF
Job Analysis Factors

MOS
military occupational specialty

NDS
Non-Dual Status

NGB
National Guard Bureau

NYANG
New York Air National Guard

NYARNG
New York Army National Guard

OCS
Officer Candidate School

OPF
Official Personnel Folder

OPM
Office of Personnel Management

PPP
Priority Placement Program

QAP
Qualification Analysis Panel

RIF
reduction in force

RPL
Reemployment Priority List(s)

SF
Standard Form

SPF
Selective Placement Factors

TAG
The Adjutant General

TPR
Technician Personnel Regulations

USERRA
Uniform Services Employment and Reemployment Rights Act

The proponent of this pamphlet is the Federal Human Resource Directorate. Users are invited to send comments, suggested improvements and changes on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to The Adjutant General, Division of Military and Naval Affairs, ATTN: MNHF, 330 Old Niskayuna Road, Latham, New York 12110-3514.

OFFICIAL:

ANTHONY P. GERMAN
Major General, NYANG
The Adjutant General

TOR

ROBERT A. MITCHELL
COL, LG, NYARNG
Director, G-6

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