

Summary of Changes

MPP 2018

Arizona National Guard Merit Promotion and Placement Plan

Change 1

NEW: Type of appointment authorized to fill T5 Excepted or T32 Excepted.

OLD: Previously the Arizona National Guard had the authorization to fill T32 Excepted positions only.

Change 2

NEW: Further clarification that T32 Temporary Appointment (5 CFR Section 316, et.seq.) not to exceed 12 months on their initial appointment. However, temporary appointments may be extended in no more than 12 month increments not to exceed 48 months. This provision shall be effective upon execution of the plan. Any future modification/statutory implementation shall supersede this provision as applicable.

OLD: T32 Temporary Appointments are allowed in 1 year increments, up to 4 years total.

Change 3

NEW: Veteran's preference programs for T5 Excepted Service positions Hiring Authority references 5 U.S.C. §3320, 5 CFR, and OPM Veteran Guide. Special selection procedures for T5 Excepted Service positions and Veterans under merit promotion may apply to the selection process. In accordance with 5 CFR §335.106, Veteran's preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

For T5 positions only

Change 4

NEW: As current on-board T5 Competitive Service employees separate from their respective positions and the positions become vacant, those positions are directly converted into T5 Excepted Service positions. Such positions will be advertised as T5 Excepted Service positions.

Change 5

NEW: OF 306 is no longer a required form to submit to the Human Resources Office.

Change 6

NEW: Competitive procedures are applied when filling T5 positions as temporary appointments. If any laws or regulations are amended, this plan shall be modified to reflect the change in law and/or regulation as appropriate.

Change 7

NEW: The new Merit Promotion and Placement Plan has a chapter for Contract Program Positions (1102 OCC Series), not a new process however added to the Merit Promotion and Placement Plan.

ARIZONA NATIONAL GUARD MERIT PROMOTION AND PLACEMENT PLAN

Summary:

This regulation establishes policies and procedures for filling vacancies within the Agency with the merit placement requirements set forth by the Office of Personnel Management (OPM), National Guard Bureau and applicable directives.

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SECTION 1 - GENERAL GUIDANCE

1.1 Purpose. This plan establishes policy, assigns responsibilities, and prescribes procedures and processes for the Merit Promotion and Internal Placement Plan. This is in compliance with the National Guard Bureau (NGB) and Office of Personnel Management (OPM) regulations governing the filling of positions by promotion or other internal placement.

1.2 Policy. The Merit Placement Plan is developed to provide a competitive evaluation process of all qualified applicants. This plan is developed to ensure all placement actions will be made without bias for any reason, not limited to the identification, qualification, evaluation, or selection of candidates or any other phase of the promotion and placement process. Vacancies are filled by a selection from among the best qualified candidates available. This is based on application of merit principles without regard to such factors as: political, religious, labor organization affiliation or non-affiliation, marital status, race, color, sex (except where military requirements limit fill of the position), national origin, non-disqualifying physical disability, genetic information, or age; to ensure that qualified applicants receive fair and equitable consideration for all announced positions.

1.3 Scope.

- 1.3.1 This plan covers rules and policies regarding placement actions using competitive and noncompetitive procedures for all National Guard (NG) Title 32 (T32) Excepted Service Dual Status (DS), current on-board NG Title 5 (T5) Competitive Service (formerly, Non Dual Status) and Title 5 (T5) Excepted Service personnel and positions.
- 1.3.2 Where the provisions of local negotiated agreements, laws or regulations differ from the provisions of this plan, the negotiated provisions, laws or regulations will take precedence. If any laws or regulations are amended, this plan shall be modified to reflect the change in law/regulation as appropriate.
- 1.3.3 Where this plan is silent, the flexibilities provided by regulation or guidance from higher authority are preserved.

1.4 Provisions.

- 1.4.1 **Alternative Hiring Opportunities.** There are no authorized and allowed OPM, Service specific, or DoD special hiring provisions, such as Expedited Hiring Authority and Direct Hire Authority, for the NG T32 DS employee positions and NG T5 Excepted Service employee positions.
- 1.4.2 **Converted Positions.** All former Non Dual Status (NDS) positions that converted on 01 OCT 17 are now T5 Competitive Service positions. As current on-board T5 Competitive Service NG employees separate from their respective positions and

the position becomes vacant, those positions are directly converted into T5 NG Excepted Service positions.

- 1.4.3 Nepotism and Personal Favoritism. No official may, in recommending or selecting candidates for placement, show or give preference to any candidate based upon factors not pertinent to the candidate's qualifications for performing work including personal friendship, kinship, or political connections. A management official may not appoint, employ, promote, or advance one of his/her relatives (by blood or marriage) to a position in his/her agency, nor may he/she advocate a relative for appointment, employment, promotion, or advancement in the agency. Likewise, an individual may not be appointed, employed, promoted, or advanced if the action was advocated by a management official who is serving in or exercising jurisdiction or control over the agency and who is a relative of the individual. These provisions apply to all individuals in the rating, ranking, evaluating and/or selecting processes for action under this plan.
- 1.4.4 T5 Prohibited Personnel Practices. There are thirteen prohibited personnel practices, including reprisal for whistleblowing, which are defined by law 5 U.S.C. §2302(b). Generally stated, Federal law provides that any government employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority:
- (1) Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation;
 - (2) Request or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics;
 - (3) Coerce the political activity of any person; or take any action as a reprisal for the refusal of a person to engage in such political activity;
 - (4) Deceive or willfully obstruct anyone from competing for employment;
 - (5) Influence anyone to withdraw from competition in an effort to improve or injure the employment prospects of any person;
 - (6) Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant;
 - (7) Engage in nepotism (*i.e.*, hire, promote, or advocate the hiring or promotion of relatives);
 - (8) Engage in reprisal for whistleblowing – generally, a person with personnel authority cannot take or fail to take a personnel action with respect to an employee or applicant because of a disclosure of information by the employee or applicant that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. The prohibition does

not apply, however, if the disclosure is barred by law or is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs, *except* when such a disclosure is made to the Special Counsel, the Inspector General, or a comparable agency official;

(9) Take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel or to an Inspector General; or refusing to obey an order that would require the individual to violate a law;

(10) Discriminate based on personal conduct which is not job-related and does not adversely affect the on-the-job performance of an employee, applicant, or others;

(11) Knowingly take or fail to take, recommend, or approve a personnel action if taking or failing to take such an action would violate an applicable veterans' preference requirement;

(12) Take or fail to take a personnel action, if taking or failing to take the action would violate any law, rule or regulation implementing or directly concerning merit system principles at 5 U.S.C. § 2301.

(13) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statements:

“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to:

(a) Classified information;

(b) Communications to Congress;

(c) Reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or,

(d) Any other whistleblower protection.”

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

1.5 Military Employees. A basic principle of the National Guard T32 Excepted Service Military Technician Program (32 U.S.C. §709, as amended) is that only members of the state's Air or Army National Guard can occupy dual status military technician positions.

1.5.1 Requests to convert established or confirmed T32 National Guard Excepted Service employee positions to T5 National Guard Excepted Service positions—

after the date that positions were identified and converted as part of the mandatory minimum percentage conversion required by law (i.e., amendments to 32 U.S.C. 709 by the National Defense Authorization Act (NDAA) of 2016, Sec. 1053 and the NDAA of 2017, Sec. 414,)—are required to be identified by local functional management officials, coordinated with the JFHQ-State HRO and TAG for review and further coordinated discussion with NGB-J1-TN for final approval by G1 or A1.

- 1.5.2 Requests for conversion (and decisions thereon) are not influenced by the desires of the incumbent or potential candidates.
- 1.5.3 NG T32 DS employees and T5 Competitive employees may apply and compete for hire, or be eligible for merit promotion considerations, to advertised T5 Excepted Service NG employee vacant positions.
- 1.5.4 NG T5 Competitive and NG T5 Excepted Service employees may apply and compete for hire, or merit promotion considerations, to advertised T32 DS employee positions; however, to qualify, the candidates must meet the DS employee positions' series qualifications and must meet the positions' military compatibility requirements.
- 1.5.5 Management Directed Reassignments (MDR) IAW Technician Personnel Regulation (TPR) 715 are not authorized for the non-competitive placements of NG T32 DS employees into established NG T5 employee positions; and, are not authorized for the non-competitive placements of NG T5 employees into NG T32 DS employee positions.
- 1.5.6 Concerns and inquiries in regard to potential controversial issues must be forwarded, in writing, to the HRO for review and further coordination with Employee Personnel Management Division (NGB-J1-TN).

1.6 Veteran's Preference Programs for T5 NG Excepted Service Positions

- 1.6.1 Hiring Authority References: 5 U.S.C. §3320, 5 CFR, and OPM Veteran Guide.
- 1.6.2 Special selection procedures for T5 Excepted Service positions and veterans under merit promotion may apply to the selection process. In accordance with 5 CFR §335.106, Veteran's preference will be considered for vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.

1.7 Responsibilities:

- 1.7.1 The Adjutant General (TAG) is responsible for the employment and administration of NG T32 DS Employees, NG T5 Competitive Service employees, and NG T5 Excepted Service employees. He or she will accomplish any personnel force management actions involving employment, appointments,

promotions, reassignments, other internal placements, or external recruitment in accordance with guidance provided in this plan. TAG is the highest level of authority in the State concerning the overall application of this plan.

- 1.7.2 The Human Resources Officer (HRO) is responsible to TAG to ensure the requirements of this plan are properly administered. The HRO reviews and ensures that personnel actions are accomplished in accordance with statute, US Office of Personnel Management (OPM), Department of Defense (DoD), and NG manual/regulation/issuances, as well as terms of current negotiated bargaining agreements. The HRO is ultimately responsible for the oversight of training, technical guidance, and staff assistance to managers and supervisors in carrying out responsibilities under this manual. Ensures all personnel actions processed are consistent with the provisions of this plan. Is also responsible for all HR functions including job analysis to identify knowledge, skills, abilities, competencies or other requirements for the job and develops crediting plans. Ensures that all T32 DS Employees, T5 Competitive Service employees, and T5 Excepted Service employees are entitled to placement or promotion, receive full and fair consideration; ensures appropriate treatment of candidates entitled to priority consideration (e.g., DoD Priority Placement Program (PPP), Employee Reemployment Priority List (TRPL), Retained Grade List, and Interagency Career Transition Assistance Plan (ICTAP). Maintain necessary records In Accordance with (IAW) record keeping directives.
- 1.7.3 Managers and Supervisors are responsible for complying with the requirements of this plan. They must evaluate T32 DS Employees, T5 Competitive Service employees, and T5 Excepted Service employees fairly, objectively and in a timely manner; develop job-related evaluation criteria; and, determine appropriate evaluation methods in collaboration with the HRO prior to announcing the position. They will ensure that all T32 DS Employees, T5 Competitive Service employees, and T5 Excepted Service employees have access to the Merit Placement Plan and are fully informed of promotional opportunities and related requirements. They will work collaboratively with human resource representatives to ensure prompt posting of position vacancy announcements. Promptly arrange for interviews of candidates referred for consideration, return referral certificates within scheduled time frames and provide assistance to employees with the application process.
- 1.7.4 NG T32 DS Employees, NG T5 Competitive Service employees, and NG T5 Excepted Service employees are responsible for familiarizing themselves with the provisions of this plan. They will provide the HRO with current and accurate information about their qualifications and are responsible for submitting complete and timely application packages for positions.

1.8 Management's Rights: Recognizing that it is essential to the mission of the NG that all positions are filled with the best qualified individuals available. Management retains the right to:

- 1.8.1 Select applicants from any appropriate source.
- 1.8.2 Select or non-select from referred qualified candidates.
- 1.8.3 Submit pass-over requests of veteran preference qualified candidates for T5 NG Excepted Service Positions to HRO for endorsements to OPM for reconciliation, as applicable.
 - 1.8.3.1 The HRO must initiate procedures as directed in the OPM Delegated Examining Operations Handbook, Chapter 6, Section D, *Object to an Eligible*.
 - 1.8.3.2 During this time period, the same advertised position remains vacant until the submitted pass-over request determination is resolved.

1.9 Documentation and Reporting Requirements: Documentation is maintained in accordance with the OPM and DoD reporting criteria.

SECTION 2 - COMPETITIVE ACTIONS AND EXCEPTIONS TO COMPETITION

2.1 Competitive Actions. The following placement actions are accomplished in accordance with the competitive procedures of this plan:

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

2.2 Exceptions to Competition. The personnel placement actions exempt from the competitive procedures of this plan are:

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

- 2.2.2 Placement of over-graded employees entitled to grade retention as a result of a Reduction-In-Force (RIF), reclassification, management directed reassignment, and Change to Lower grade.
- 2.2.3 Promotion when competition was held earlier (i.e., position advertised with known permanent promotion potential).
- 2.2.4 Re-promotion to a higher grade, an intervening grade, or position from which an employee was demoted without personal cause and not at his or her request.
- 2.2.5 Promotion resulting from position re-classification to a higher grade that is the result of an approved desk audit.
- 2.2.6 Management Directed Reassignment to a position having no promotion potential.
- 2.2.7 Position changes required by applicable Reduction-In-Force procedures. Placement of a prior permanent DoD employee (T5 and T32) who, during a Reduction in Force (RIF):
 - 2.2.7.1 Who was in tenure group 1 at the time of separation may be reemployed to a position at the same or lower grade as the position from which separated.
 - 2.2.7.2 Who was in tenure group 2 may be reemployed without competition within 3 years of separation to a position at the same or lower grade as the position from which separated.
- 2.2.8 Temporary promotion, detail to a higher graded position, or to a position with known promotion potential for 120 days or less (within a 12 month period).
- 2.2.9 Selection of a former employee from the Reemployment Priority List for a position at the same or lower grade than the grade last held.
- 2.2.10 Placement as a result of priority consideration when an individual was not previously given proper consideration in a competitive action.
- 2.2.11 Temporary Appointment made under the Emergency Hiring Authority (when authorized by OPM).

- 2.2.12 T32 Temporary Appointment (5 CFR Section 316, et.seq.) not to exceed 12 months on their initial appointment. However, temporary appointments may be extended in no more than 12 month increments not to exceed 48 months. This provision shall be effective upon execution of the plan. Any future modification/statutory implementation shall supersede this provision as applicable.

SECTION 3 - ANNOUNCEMENT OF POSITIONS

3.1 Requests for Filling Vacancies.

- 3.1.1 All requests to fill a position must be initiated by or submitted through the appropriate selecting official prior to submission to HRO. Each request will require the completion of the Standard Form (SF) 52, Request for Personnel Action.
- 3.1.2 As current on-board T5 Competitive Service employees separate from their respective positions and the positions becomes vacant, those positions are directly converted into T5 Excepted Service positions. Such positions will be advertised as T5 Excepted Service positions.

3.2 Vacancy Announcements.

- 3.2.1 At a minimum, the vacancy announcement will contain the following:
- 3.2.1.1 Announcement number, Title, Series, Grade, and Salary range of the position.
 - 3.2.1.2 Type of appointment (T5 or T32).
 - 3.2.1.3 Employment status (Permanent, Indefinite, or Temporary).
 - 3.2.1.4 Military compatibility requirements (Officer, Warrant Officers, Enlisted, Branches or MOS/AFSC)
 - 3.2.1.5 Organizational and geographical location of the position.
 - 3.2.1.6 Opening and closing dates.
 - 3.2.1.7 Open Areas of Consideration.
 - 3.2.1.8 Instructions on how to apply.
 - 3.2.1.9 Designated security clearance requirements.
 - 3.2.1.10 Information regarding known promotion potential, if applicable.
 - 3.2.1.11 Special conditions of employment (i.e. required travel, etc.)
 - 3.2.1.12 Summary of duties and minimum qualification requirements (general and specialized).

- 3.2.1.13 Knowledge, Skills, and Abilities (KSAs).
- 3.2.1.14 Equal Employment Opportunity (EEO) statement.
- 3.2.1.15 Medical standards/physical requirements for periodic medical evaluation or drug screening, when applicable as conditions of appointment.

3.3 Multi-Grade Level Positions.

- 3.3.1 The HRO and the selecting supervisor may determine, if appropriate, to advertise a position at one or several grades below the authorized grade to ensure that the greatest number of applicants may compete for consideration. For Federal Wage System positions, advertisements may be made at the entry, journey, or fully qualified level.
- 3.3.2 For General Schedule positions, these will be determined on the occupational series. Generally, positions above GS-11 are not normally advertised at a lower grade, however, may be considered when appropriate (e.g. if an advertised position does not result in any qualified applicants).
- 3.3.3 Candidates will be rated and referred for all grades up to the highest advertised grade level they are qualified for.
- 3.3.4 The selecting supervisor, with the assistance of the HRO-Human Resources Development Specialist and HRO-Human Resources Classification Specialist will develop an Individual Development Plan (IDP) if selection is made below the full performance level. The requirements of the IDP will be discussed and statement of understanding must be signed by the employee and the supervisor.

3.4 Appointment Status.

- 3.4.1 All permanent positions will be announced and filled IAW this plan using merit placement principles outlined in this plan or by one of the non-competitive actions as listed in section 2.2 of this plan.
- 3.4.2 All indefinite positions will be announced and filled IAW this plan using merit placement principles outlined in this plan or by one of the non-competitive actions as listed in section 2.2 of this plan. Individuals who are appointed to indefinite positions may be separated with a 30-day notice based on the needs of the organization. Should the need for the indefinite limitation no longer exist, he/she may be converted to permanent without further competition if stated on the announcement.

3.4.2.1 Indefinite appointments will be used to backfill positions left vacant by employees serving on Title 10 or Title 32 military orders with re-employment rights (IAW USERRA law).

3.4.2.2 Indefinite appointments will be used to fill positions that are funded by special program funding (i.e., foreign student training programs). They require full-time employee(s) to be hired using merit placement principles.

3.4.2.3 If a permanent/conditional employee is selected for an indefinite position as identified in this paragraph, they will be converted to an indefinite appointment. The selectee will be required to sign a letter of acknowledgement.

3.4.3 Both permanent and indefinite T32 employees are subject to compatibility requirements.

3.5 Area of Consideration (AOC). The area of consideration to compete the position must be sufficiently broad to ensure the availability of a reasonable number of high quality candidates, taking into account the nature and level of the position to be filled. The area of consideration may be expanded beyond the minimum area, at any time during the recruitment process, to meet the recruitment need with the issuance of an amended or new Job Opportunity Announcement.

The T32 area of consideration may be further established using the following:

3.5.1 Statewide. All Arizona National Guard members. Current AZNG Members. Applications are only accepted from individuals who are current military members of the Arizona National Guard (Army or Air) regardless of where they reside.

3.5.2 Nationwide. All others individuals who are eligible and willing to become active military members of the Arizona Army/ Air National Guard and wear the military uniform.

The T5 area of consideration may be further established using the following:

3.5.3 On Board. All On Board T32 DS Employees and T5 Excepted and Competitive Employees within AZNG (Permanent and Indefinite Tenures only).

3.5.4 Statewide. All Arizona National Guard members. Current AZNG Members. Applications are only accepted from individuals who are current military

members of the Arizona National Guard (Army or Air) regardless of where they reside. (AOC 2) – Current Army M-Day and current Air DSG within AZNG membership.

3.5.5 T5 Nationwide. U.S. Citizens.

3.6 Posting of Announcements.

3.6.1 Vacancy announcements will be advertised for the following length of time:

3.6.1.1 T32 vacancy announcements will be open for a period of 15 days state wide and 21 days nationwide, at a minimum.

3.6.1.2 T5 vacancy announcements may be opened for a minimum of 5 calendar days.

3.6.2 All advertised announcements will be posted for download from the websites in use, currently www.usajobs.gov.

3.7 Relocation or Permanent Change of Station (PCS). A certified applicant who lives beyond the commuting distance will not be denied proper consideration solely due to lack of Relocation or PCS funding. All requests for Relocation Incentives/PCS must be coordinated through the HRO and annotated on the vacancy announcement. If funding is not available, such information must be noted on the vacancy announcement so that applicants can make an informed decision on applying for positions. If a position is announced as “no relocation funds are available,” and funds become available after the position is announced, then this constitutes a change in conditions and will require re-announcement of the position.

SECTION 4 - APPLICATION PROCEDURES

4.1 Application Forms for T5 and T32 Vacancies. A resume or equivalent will be used to determine an individual’s qualifications for a position. Regardless of the application method used, all applications must include the AZNG Form 335-2-R or equivalent. The application and/or resume must reflect the applicant’s detailed employment information directly related to the advertised position. Complete and accurate data is essential to ensure fair evaluation of candidates. Applicants who want to be considered for announcements must:

4.1.1 Carefully review the qualification requirements for the vacancy and match their own experience, education, training and other related factors to those in the announcement.

4.1.2 Apply online through USA Jobs.

4.1.3 Submit the application no later than 11:59p.m. Eastern Time of the closing date specified on the vacancy announcement.

- 4.1.4 Include all experience, with dates for each duty, education, training, awards, special qualifications, and other information which is directly related to the position. Copies of, or referrals to, position descriptions will not be accepted.
- 4.1.5 Include any required supporting documents.

4.2 Applicant Information Required for Proper Evaluation. The following information should be provided in the application/resume (or equivalent) for proper evaluation:

- 4.2.1 Job title on announcement and announcement number.
- 4.2.2 Name.
- 4.2.3 Mailing Address.
- 4.2.4 Phone number (daytime and evening).
- 4.2.5 Work experience related to the job for which you are applying, including job title (if federal, include pay plan, series and grade), date experience was obtained (i.e., in a *from mm/yy to mm/yy* format).
- 4.2.6 Hours per week.
- 4.2.7 Employer's name and address.
- 4.2.8 Supervisor's name and phone number.

4.3 Military Documents/Records. Applicants for T32 positions may be asked to provide military qualification information as requested by the Selecting Official. Military qualification information may include current fitness and weight records, verification of medical readiness, copies of recent military performance evaluations or other documents deemed applicable. All applicants must be asked to provide the same documents.

4.4 Determination of Basic Eligibility. The HRO will screen all properly received applications in the area of consideration to ensure that candidates meet the minimum eligibility requirements per NGB Qualification Standards for Title 32 positions and OPM Qualifications for Title 5. Candidates must meet the area of consideration, established minimum qualification standards, military requirements for the position, and selective placement factors. Candidates who meet the minimum eligibility requirements will be forwarded to the Selecting Official on a Standing Referral Certificate. Selection packages will be held a minimum of 24 hours after the closing date before certifying applicants.

- 4.4.1 The HRO may use the following when validating minimum eligibility requirements:
 - 4.4.1.1 Knowledge, skills, and abilities (KSA), or other personal characteristics absolutely essential for satisfactory performance in the job. They will

be determined in advance of advertising position and will be stated in the vacancy announcements. When used, they are a part of the basic eligibility requirements for the position.

4.4.1.2 Applicants with full-time job related experience (40 hour work week) are given full credit for each month or full year worked.

4.4.1.3 National Guard part-time military service will be credited as full-time experience based on actual duties performed, rather than on the basis of the military rank or awarded MOS/AFSC. Therefore, applicants with National Guard part-time experience should address their qualifications for the position by presenting in detail, their duties, tasks, and work accomplished. This guidance is subject to change if laws/regulations are modified.

SECTION 5 - INTERVIEW AND SELECTION PROCEDURES

5.1 Selections. Selections for positions announced regardless of the type of announcement must be made and documented using the Standing Referral Certificate in the USA Staffing Hiring Manager Program as well as other supplemental documentation.

5.2 Standing Referral Certificate. The Selecting Official will receive a Standing Referral Certificate with up to 10 of the highest qualified candidates along with their applications and supporting documents. The Selecting Official may request additional applicants in groups of 10 if necessary. Qualified applicants will be adjudicated and ranked in the following categories:

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

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

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

5.3 Applications. Applications will be forwarded to the selecting official for review and evaluation via the USA Staffing Hiring Manager Program.

5.4 Issuance of the Standing Referral Certificate. Selecting Officials must take prompt action to begin evaluation and selection procedures. Selections must take place within 10 working days from the issuance of the Standing Referral Certificate. Waivers for extensions may be granted by NGAZ-HRO-S. Extension request must be received by the HRO before the close of business on the 10th workday. Failure to complete a timely selection action may result in the automatic closing of the Standing Referral Certificate by the HRO.

5.5 Selection Panel Process. The Selecting Official or representative has the latitude to conduct the selection process either by one-on-one interview or by a three member selection panel if there are five or fewer applicants. A three-member selection panel is required when six or more qualified applicants are received. Regardless of whether the Selecting Official conducts a one-on-one interview or a selection panel, they must review each application and conduct an interview of all referred applicants using the following process:

- 5.5.1 **Applications.** Review and rate all applications. The results will be recorded in the selection package forms issued by the HRO in the USA Staffing Hiring Manager Program.
- 5.5.2 **Interview.** After reviewing and scoring the application packages, the Selecting Official/panel must conduct interviews with all referred applicants. The Selecting Official/panel must ensure that referred applicants are able and willing to meet all the Conditions of Employment as listed on the vacancy announcement. If not, the supervisor will inform the applicant they are not eligible for further consideration and will not be interviewed. A selection interview allows the Selecting Official/selection panel to:
- 5.5.2.1 Evaluate the applicant's motivation, level of interest, and oral communication skills.
- 5.5.2.2 Provide the applicant with an opportunity to gain specific and detailed information regarding the position.
- 5.5.2.3 Provide the applicant with the opportunity to furnish additional oral information that may not be contained in the application.

5.5.2.4 Verify and validate the applicant's possession of the announced KSAs.

5.5.3 Selection Package Return. The selecting official must return all selection package documents, interview/application matrix, interview notes and records needed to close out the hiring package.

5.6 Interview Questions. Questions are constructed to solicit job related information to assist in evaluating an applicant's knowledge, skill and ability required to perform the duties of the position. Interview questions should adhere to the following:

- 5.6.1 Questions that require the applicant to describe in detail their experience, education, training, achievements, and suitability as it relates to the position.
- 5.6.2 Open-ended questions which allow the applicant to demonstrate his/her interest and potential motivation if selected for the position.
- 5.6.3 Questions must have rating criteria and the criteria must have assigned point values.
- 5.6.4 Supervisors are not required to submit their questions to HRO for approval but must ensure they are fair, equitable and directly related to the position description as outlined in the HRO Interview Course.

5.7 Selection and Notification Process. Upon completion of the interview/application review, the selection or non-selection must be updated and returned through the USA Staffing Hiring Manager Program. The selecting supervisor will:

- 5.7.1 Select any of the top three best qualified/best fit applicants upon completion of the above process.
- 5.7.2 Provide the selected applicant a reasonable amount of time to accept or decline the tentative job offer (normally 48 hours / 2 business days).
- 5.7.3 Provide selected applicants who accept a job offer a reasonable timeline to begin employment as determined by the selecting official (minimum of 10 calendar days from HRO receipt of selection packet to New Hire Orientation date).
- 5.7.4 If the top three applicants are not selected, the Selecting Official or panel president must submit a memorandum justifying the reasons. At a minimum, the memorandum must state the reason(s) why the selected applicant is the "best qualified/best fit" applicant for the position.
- 5.7.5 If selection is not made from a Standing Referral Certificate containing five or more qualified applicants the Selecting Official must provide a memorandum addressing the reason each qualified applicant was non-selected. Possible reasons for non-selection may include the following:

- 5.7.5.1 A personal reference that is not favorable regarding performance, attendance, character, or behavior not becoming a National Guard Employee.
- 5.7.5.2 Evidence of disciplinary actions within the last three years of a nature that leads the Selecting Official to question the applicant's integrity.
- 5.7.5.3 Evidence of an inability to obtain required security clearances or other position requirements.
- 5.7.5.4 Evidence or the conflict of information presented by an applicant either in their application or during the interview that leads the Selecting Official/panel to reasonably conclude that intentionally misleading information was submitted by the applicant.
- 5.7.6 Identify compatible military assignments for all T32 selections (e.g., MOS/AFSC, unit of assignment, rank). If not qualified within the 12 months, coordination with HRO is required. T32 employees must be the primary occupant of the associated military assignment.
- 5.7.7 The selecting official and HRO Remote may tentatively offer the position. The selecting official and HRO Remote may notify interviewed candidates of their non-selection. Official notification will come from the HRO.
- 5.7.8 Under no circumstances can a selecting official start a new employee without HRO approval. The HRO must review all selection documentation to ensure proper selection procedures were followed and the personnel action meets the legal and regulatory requirements.

5.8 Selection Panel

5.8.1 The selection panel will include the same three members throughout the entire interview process. All voting panel members are required to have completed the HRO interview course within the last three (3) years. In addition, a non-voting recorder (any grade) may be appointed to maintain a record of the selection panel's actions.

- 5.8.2 Selection panels may include AGR or T5/T32 employees, traditional guard members or state employees.
- 5.8.3 All military panel members must be equal to or senior in both military rank and civilian pay grade to the highest ranked applicant being interviewed. All civilian panel members must be equal to or senior in civilian pay grade to the highest ranked applicant being interviewed.
- 5.8.4 The senior voting member of the panel is determined by military rank or civilian grade and will serve as the panel president.
- 5.8.5 Selecting Officials and Nominating Officials must make every effort to avoid the perception of a conflict of interest when determining panel membership.

- 5.8.6 If applicants name a potential panel member as a personal reference, excluding immediate supervisor, that individual is not qualified to be on the panel.
- 5.8.7 If applicant objects to the board composition, the selecting official must document and re-accomplish the entire interview process with a new Selection Panel.
- 5.8.8 Family members of applicants being considered will not serve as a panel member or recorder. (See GLOSSARY for definition of “Relative”).
- 5.8.9 Selection panels should include female and/or minority membership whenever possible. If the panel is unable to have diverse representation then they must include documentation on why this was not possible.
- 5.8.10 Panels considering applicants for JAG, Chaplain, or medical positions will have at least one panel member from the specialty being considered.

5.9 Standing Referral Certificate

- 5.9.1 All HRO issued Standing Referral Certificates are published with the intent that the same certificate may be used to fill additional vacancies at the same organization.
- 5.9.2 Standing Referral Certificates are only valid for 90 days from the original date of issuance. No extensions permitted.
- 5.9.3 Standing Referral Certificate flexibility is only valid if requested by the same Selecting Official and for the same geographic location, pay plan, series, grade, position description and qualifications as the earlier advertised position. Positions with tenure differences require an MFR with justification on tenure selection(s).
- 5.9.4 Supervisors may select or non-select from Standing Referral Certificate. Management may reserve the right to re-advertise a position, in the event of non-selection. If there are more than three qualified applicants, justification is required as to why a selection was not made.

SECTION 6 -TEMPORARY APPOINTMENTS

6.1 NG T32 DS Temporary Appointments. A T32 temporary appointment is authorized outside competitive procedures if the duration of the initial appointment does not to exceed 12 months from the date hired. Selections for temporary appointments must meet the minimum qualifications for the position and at the grade level for which employed.

- 6.1.1 Temporary appointments for short periods of time are filled at the journeyman level, or lower.
- 6.1.2 Temporary appointments may be terminated without notice when the position or the employee’s services are no longer needed.
- 6.1.3 A temporary appointment does not confer permanent status.

- 6.1.4 Temporary employees, are not eligible for coverage under the retirement system.
- 6.1.5 Temporary employees, who were appointed for at least 90 days are eligible for health insurance. Depending on tour length, Tricare Reserve Select benefits may be effected-consult HRO for current guidance.
- 6.1.6 Temporary employees are encouraged to consult with Recruiting and Retention to obtain current incentive guidance related to potential bonus recoupment.

6.2. NG T32 DS Employee with Indefinite Tenure. Appointments based on indefinite tenure is used for T32 DS employee when there are needs for the position.

- 6.2.1 Competitive procedures are always applied when filling positions as temporary appointments with indefinite tenures.
- 6.2.2 A temporary appointment with indefinite tenure does not confer permanent status.
- 6.2.3 Temporary appointments with indefinite tenures are terminated when the positions and/or the employees' services are no longer required.
- 6.2.4 All temporary appointments with indefinite tenure terminations require thirty (30) day written notifications by the HRO to the employees (with some exceptions).
- 6.2.5 Temporary appointments with indefinite tenure employees may be moved to other positions with indefinite tenure status (e.g., promoted, reassigned, change to a lower grade).
- 6.2.6 Temporary appointments with indefinite tenure employees pay into the retirement system, receive annual, sick, and military leave, and are eligible to participate in federal health and life insurance programs.

6.3 NG T5 Temporary Appointments. T5 temporary appointments are authorized with a duration of the appointment is not to exceed one year (12 months from the date hired). Selections for T5 temporary appointments must meet the minimum qualifications for the position and at the grade level for which employed.

- 6.3.1 Competitive procedures are applied when filling T5 positions as temporary appointments. If any laws or regulations are amended, this plan shall be modified to reflect the change in law/regulation as appropriate.
- 6.3.2 A T5 temporary appointment does not confer permanent status.
- 6.3.3 T5 Temporary appointments are terminated upon the expiration of appointment or when the positions and/or the employees' services are no longer required.

SECTION 7 – KEY STAFF APPOINTMENTS FOR NG T32 DS EMPLOYEES ONLY

7.1 Key Staff Appointment. A Key Staff position is a T32 DS Employee senior managerial position whose incumbent is a member of the immediate staff of TAG; or, who reports directly to or under the direction of TAG.

7.2 Authority. TAG has the authority to select National Guard members for assignment to Key Staff positions from three personnel sources: Dual Status Employees, Active Guard Reserve (AGR), or traditional AZNG Members. TAG may not delegate this authority.

7.3 NGB-J1-TN Key Staff Appointment Policy. Key Staff positions are outlined in the most current NGB-J1-TN Policy memorandum. Only the positions currently listed in the NGB-J1-TN Policy Memorandum are authorized to be filled as Key Staff Appointments.

7.4 Key Staff Appointment Process. Key Staff positions should be identified based on the specific position leadership requirements, experience, knowledge and possession of the ability of the applicants to perform the duties and responsibilities as the senior leader of a major organization within the Arizona National Guard.

7.4.1 When TAG identifies a need to fill a Key Staff position, he/she may request a list of potential applicants from the HRO and select from this list.

7.4.2 The HRO will identify all potential applicants from all recruitment sources as listed in NGB-J1-TN policy memorandum.

7.4.3 The HRO may review appropriate military and employee source documents to determine basic candidate eligibility.

7.4.4 Interviews may be conducted however, are not required. TAG may conduct interviews and select or review the associated documents provided by the HRO and select the best qualified applicant.

7.4.5 TAG may request the HRO post a vacancy announcement based on specialized experience and other selective factors. When a vacancy announcement is published the following process will apply:

7.4.5.1 HRO will qualify applicants and issue a Selection Certificate.

7.4.5.2 Normal merit placement procedures will be used; however, TAG may conduct one on one interview or use a selection panel.

SECTION 8 – SETTING RATES OF PAY

8.1 Pay Setting. The HRO will monitor placement and personnel actions for both General Schedule (GS) and Federal Wage System (FWS) employees to ensure their pay is set according to their applicable experience level. Setting Rates of Pay. The AZNG will apply the “Highest Previous Rate Rule” and the “Maximum Rate Rule” for all pay setting actions for which these rules apply.

8.1.1 Rates of pay will be set in accordance with Title 5 USC: Government Agencies and Employees, and 5 CFR with related supplements for General Schedule employees and for individuals employed under the Federal Wage System. The “Highest Previous Rate Rule” will be applied in determining an employee’s rate of basic pay upon employment, reassignment, promotion, demotion, or change in type of appointment, except in the following circumstances:

8.1.1.1 All Active Duty service duty time to include Title 10 and Title 32 will not be used in determining basic rate of pay for new appointments. Active Duty time is not deemed employment in the federal government within the context of the highest previous rate or the maximum previous rate rule as provided for in 5 CFR.

8.1.1.2 Employees receiving a temporary appointment to a Federal employee position will have their rate of pay set at Step 1 of the appointed grade, unless converted without a break in service (3 days or less) from a position where they had a permanent or indefinite tenure at a higher rate of pay.

8.1.1.3 Employees returning to the federal workforce after a break in service of five years or more.

8.2 Grade Retention

8.2.1 An employee under a covered pay system who is placed in a lower-graded position under the same or different covered pay system (e.g., as a result of a reduction in force or when his or her position is reduced in grade as a result of a reclassification) is entitled to retain the grade held immediately before the reduction for a period of 2 years.

8.2.2 Mandatory Grade Retention. The agency must provide grade retention when an employee who moves from a position under a covered pay system to a lower-graded position under a covered pay system as a direct result of the following:

8.2.2.1 Reduction in force procedures.

8.2.2.2 A reclassification process.

8.2.3 Optional Grade Retention. The agency may provide grade retention to an employee moving from a position under a covered pay system to a lower-graded position under a covered pay system when:

- 8.2.3.1 Management announces a reorganization or reclassification decision in writing that may or would affect the employee; and
- 8.2.3.2 The employee moves to a lower-graded position (either at the employee's initiative or in response to a management offer) on or before the date the announced reorganization or reclassification is affected.
- 8.2.4 An employee must meet the eligibility requirements in accordance with 5 CFR 536.202 and 536.203(c) in order to receive grade retention.
- 8.2.5 Eligibility for grade retention ceases or grade retention terminates if any of the following conditions occurs:
 - 8.2.5.1 The employee has a break in service of 1 workday or more;
 - 8.2.5.2 The employee is reduced in grade for personal cause or at the employee's request (based on the grade of the employee's position of record rather than the employee's retained grade);
 - 8.2.5.3 The employee moves to a position under a covered pay system with a grade that is equal to or higher than the retained grade (excluding temporary promotions);
 - 8.2.5.4 The employee declines a reasonable offer of a position with a grade equal to or higher than the retained grade;
 - 8.2.5.5 The employee elects in writing to terminate the benefits of grade retention;
or
 - 8.2.5.6 The employee moves to a position not under a covered pay system.

SECTION 9 – ADVANCED IN-HIRE RATE APPOINTMENTS

9.1 Purpose. A Superior Qualifications, Special Needs Appointment and Advanced In-Hire Rate Appointments provide the ability to set pay at a step higher than the minimum step in the GS pay system due to the candidate's superior qualifications or the agency's special need for his or her unique abilities.

9.2 Required Documentation. The selecting official will document the need, via official memorandum, for the SQA or AIHA. Justification must specifically outline the selectee's superior qualifications that exceed the minimum qualifications for the position or the special-needs of the agency to authorize the payment of the higher rate.

- 9.2.1 The HRO will thoroughly screen the request IAW with 5 CFR 531.212 to ensure supporting documentation justifies the action.

SECTION 10 – CONTRACT PROGRAM POSITIONS, SERIES GS-1102

10.1 Regulatory Compliance. The JFHQ-State HRO must ensure all personnel actions, specific to the NG T32 DS employee GS-1102 positions and the NG T5 GS-1102 positions, are correctly processed and fully comply with the applicable Series' qualification standards.

10.1.1 As applicable, T32 employees and T5 employees must meet the Series GS-1102 qualification standards for each grade.

10.1.2 For T32 employees, prior to appointment, they must also fully comply with the positions' military compatibility requirements.

10.1.3 For all T32 employee positions and T5 employee positions, in regard to initial hire selections, reassignments, or promotions, the candidates and incumbents must meet the T32 or T5 Series GS-1102 qualifications. In addition, the T32 DS Employee applicants or on-board employee incumbents, must always comply with the positions' compatibility program requirements (Service, Unit of Assignment, Rank, and Skill).

10.1.4 The NG Acquisition Career Program Advocate (NGB-OPARC) is the only verifier approval authority on all GS-1102 T32 employees' and T5 employees' appointments for initial hires, reassignments, and promotions. The OPARC authority applies to all NG Contract Program developmental GS-1102-07 through GS-1102-11 position descriptions; and, all of the NG Contract program GS-1102-12 and GS-1102-13 position descriptions.

10.2 Reassignments of the GS-1102 Series. When applicable, each *current on-board* GS-1102 employee is reassigned from his or her abolished position description *directly* to the new position description of *equivalent series and grade*.

10.2.1 The NG T32 GS-1102 employees' position reassignments and the NG T5 GS-1102 employees' position reassignments *are not processed as promotions*.

10.3 Position Description Changes. Position Description pen/ink modifications, amendments, renumbering, exceptions or Statements of Difference are not authorized, for any reason, on the T32 and T5 NG GS-1102 position descriptions.

10.4 GS-1102 Appointment Process. The approval process, for hiring/appointing each new T32 employee and T5 employee GS-1102 contract specialist, begins after the vacant position announcement is closed.

10.4.1 The State HRO reviews the NG T32 employee and NG T5 applicants' packages and verifies qualified and eligible applicants.

- 10.4.2 The HRO provides the completed authenticated position certificate and applicant packages to the contract specialist supervisor who interviews, selects, and nominates, in-writing, with a certification statement that the selected candidate meets the NG T32 employee program or the NG T5 employee program's Series GS-1102 qualifications for hire consideration.
- 10.4.3 The contract supervisor submits the nomination letter, along with the candidate's application package, to the USP&FO for concurrence and endorsement to the HRO.
- 10.4.4 The USP&FO returns the completed candidate selection package and endorsed certificate to the HRO.
- 10.4.5 To request NG-OPARC verification approval for each initial hire T32 and T5 GS-1102 position selection, or GS-1102 promotion, or GS-1102 reassignment personnel action, the HRO must submit a formal GS-1102 candidate hire request package to NG-J1-TNS, *via encrypted email*, for further processing to the NG-OPARC.

10.5 Email Privacy Act Information. The HROs must ensure that all email requests are sent as *encrypted email messages* because the applicable documents contain privacy act information.

10.6 Required Documentation. The State's T32 or T5 initial hire request package must include the following documents:

- 10.6.1 The applicable position description's job analysis and crediting plan.
- 10.6.2 Contract position vacancy announcement, and the certificate analysis results numeric value groups – with the applicable position description.
- 10.6.3 A nomination letter signed by the Contract Supervisor with endorsement signatures from the USP&FO and the HRO.
- 10.6.4 The candidate's current resume.
- 10.6.5 An official copy of the candidate's college transcripts.
- 10.6.6 A Defense Acquisition Workforce Certificate that confirms the candidate's completed and *awarded* certification as required for the vacant position.
- 10.6.7 The candidate's military and/or civilian training certificates of completed relevant program courses, if not reflected on the certificate.
- 10.6.8 For T32 candidate package, HRO statement - verified compliance with the Employee Compatibility Program with stated award of the candidate's compatible military skill and compatible unit of assignment.

10.7 GS-1102 Developmental Positions. For those T32 employees and T5 employees, who are appointed to the T32 or T5 *Developmental* Position Descriptions, their non-competitive promotions require approval from the NG-OPARC prior to final personnel processing actions.

10.7.1 The approval request process begins when the contract supervisor reviews the employee's position record and verifies the employee's completed education, confirms the employee's awarded certification for the higher-graded position, and certifies that the employee is competent in performing the specialized experience factors required for the promotion.

10.7.2 The supervisor nominates and certifies, in-writing, that the employee meets the Series GS-1102 qualifications for promotion to the next grade.

10.7.3 The supervisor's signed nomination letter, with the employee's record summary, is submitted to the USP&FO for concurrence and endorsement to the HRO.

10.7.4 The USP&FO returns the completed candidate selection package and endorsed certificate to the HRO.

10.8 Final Determination. The NG-OPARC will process a final determination on each request package in regard to hiring new GS-1102 T-32 employee or T5 employees; or, promoting on-board GS-1102 T-32 employees or T5 employees to higher-graded GS-1102 positions.

10.8.1 Upon completion of NG-OPARC reviews and determinations, the office will email the results directly to the HRO for further dissemination to the appropriate supervisors, with courtesy copies to NG-J1-TN POCs.

10.9 GS-1102 Personnel Actions. Personnel actions will be processed upon receipt of official notifications and approval from the NG OPARC.

10.10 GS-1102 Qualification Resolutions. The HROs can bring the reassignment and qualification requirement concerns to a satisfactory resolutions in one of three ways:

10.15.1 Laterally reassign the employee to a different T32 or T5 position using a T32 or T5 (as applicable) position description with the same grade, that the employee is qualified to hold;

10.15.2 Reassign the T32 or T5 employee to a lower-graded position that he or she is qualified to hold; or,

10.15.3 If all efforts to reassign the T32 or T5 employee were unsuccessful, the HRO must issue a 30-day notice of separation from employment.

SECTION 11 – CORRECTIVE ACTIONS AND GRIEVANCE COMPLAINTS

11.1 Grievances and Complaints: NG T32 DS Employees and the NG T5 employees may have the right to file a grievance concerning merit promotion matters under the AZ NG's administrative grievance procedures or under a negotiated grievance procedure, as appropriate. Non-selection from among a group of properly ranked and certified candidates cannot be the sole basis for a grievance. NGB or OPM may conduct investigations of violations of the merit placement program or selection processes and direct corrective action(s). Management and the HRO staff will make every effort to resolve employees' concerns regarding placement actions. An employee may not file both a formal grievance and an EEO complaint at the same time for the same issue.

11.1.1 Discrimination. If an applicant believes that he/ she was not provided due consideration because of reprisal or race, color, national origin, gender, religion, age (over 40), disability, or sexual orientation, he/she may file a complaint through the appropriate AZ NG Equal Opportunity program. To have complaints considered through the EEO process, individuals must contact an EEO counselor within 45 days from the date of the matter alleged to be discriminating or, in the case of personnel action, within 45 days of the effective date of the action. An employee may not file both a formal grievance and an EEO complaint at the same time for the same issue.

11.1.2 Whistleblower Protections for Federal Employees. Under the Civil Service Reform Act, Whistleblower Protection Act, some actions alleging prohibited personnel practices, as described in 5 U.S.C. §2302, must first be appealed to the Office of Special Counsel. See also, 5 U.S.C. §§1211-1215, 1218-1219 and 1221-1222. Some actions may be appealed to the Merit System Protection Board. Information regarding these actions may be obtained from the State HRO.

11.2 Corrective Actions: Failure to adhere strictly to laws, OPM regulations and instructions, DoD, or NGB instruction, policies and guidelines must be promptly rectified by the state involved. An example of a required corrective action may be to rectify a violation incident that involved an applicant who was erroneously promoted or appointed. The nature and extent of actions taken in any case must be determined on the basis of all the verified and validated facts in the case. The provisions of this paragraph do not restrict the remedies that are afforded in resolving a grievance.

11.3 Types of Violations. There are three types of program violations for which NGB, DoD, or OPM may require corrective action by the state.

11.3.1 A procedural violation occurs when a placement action does not meet the requirements of the state merit placement plan. The NG T32 DS Employees and the NG T5 employees may remain in the position only if reconstruction of the action shows that he/she could have been selected if proper procedures were

followed at the time the action was taken, or if NG-J1-TN gives approval. In this kind of violation, a employee is retained in the position only if –

11.3.1.1 Reconstruction of the action shows that he /she could have been selected had the proper procedures been followed at the time the action was taken;
or

11.3.1.2 The NGB, DoD, or OPM gives approval.

11.3.2 A regulatory violation occurs when the NG applicant did not meet the qualification or regulatory requirements at the time of placement. The NG T32 or NG T5 employee may be retained in the position, only if, on current date, he/she meets all of the position's qualification requirements. In this kind of violation, a employee may be retained in the position only if:

11.3.2.1 He or she meets the necessary qualifications or regulatory requirements at current date; and, no other candidates were adversely impacted; and,

11.3.2.2 The NGB, DoD or the OPM office with geographic jurisdiction, gives written/signed approval.

11.3.3 A program violation occurs when the state merit placement plan, guidelines, or practices do not conform to NGB, DoD, or OPM requirements. A NG T32 employee or a NG T5 employee may be retained in the position only if there was no accompanying procedural or regulatory violation involved.

11.3.3.1 The general rule is that an erroneously promoted/placed NG T32 employee or a NG T5 employee may be retained in the position *only if* the action can be corrected to conform essentially to all OPM/DoD/NGB requirements as of the date the action(s) were taken. Corrective action decisions must be tempered by all the facts surrounding the violation.

11.3.3.2 If the corrective action taken requires the position to be vacated, the NG T32 employee or a NG T5 employee occupying the position is returned to his or her former position; or, if newly hired, placed in another position for which he or she is qualified. All NG T32 or NG T5 candidates, who were not given proper consideration, must be considered before new recruiting efforts are initiated.

11.3.3.3 If the corrective action does not include vacating the position, All NG T32 or NG T5 candidates who were not given proper consideration, based on the violation, are given priority consideration for appropriate vacancies.

11.3.3.4 Immediate action is taken to correct a violation or program deficiency. Appropriate corrective actions are required as a result of a procedural, regulatory, or program violations of this Plan and are accomplished in accordance with the relevant sections of 5 USC and the 5 CFR. In order to ensure that actions are processed in accordance with regulatory and/or procedural requirements, corrections of errors or oversights are processed

as soon as they are discovered, to include correcting any outstanding referral lists. The records must be correctly documented

SECTION 12 – RECORD KEEPING AND PROGRAM REVIEW

12.1 Purpose. Complete placement/promotion records will be maintained by the HRO to:

12.1.1 Provide a clear record of the action taken.

12.1.2 Evaluate the Merit Placement and Promotion Program.

12.1.3 Provide proof that merit placements action are being made on a fair and equitable basis in accordance with this plan.

12.2 Records Required. Sufficient records are required to allow reconstruction of placement action. At a Minimum, the following information and forms are retained in the record:

12.2.1 Copy of the vacancy announcement

12.2.2 List of all applicants' names.

12.2.3 Resumes and supporting documents submitted by all applicants.

12.2.4 Evaluation worksheets or forms used in the evaluation and rating/ranking process.

12.2.5 Forms used during the selection process (Worksheets, score sheets, interview questions, etc.)

12.2.6 Certificate of Eligible Selection Certificates signed by the Selecting official and approved by his/her respective chain-of-command.

12.2.7 Selection or non-selection justification letter.

12.2.8 Records of Priority Placement having been cleared (for T5 positions).

12.3 Duration. Records are maintained for two years as applicable based on state and federal laws/regulations. If a grievance is pending, records are maintained until resolution.

12.4 Privacy Protection. Information and documents relating to an individual's placement action will not be discussed with or shown to unauthorized persons. Supervisors and personnel specialists participating in merit placement actions will not disclose the details of their work to unauthorized persons.

Glossary

AREA OF CONSIDERATION (AOC): The geographical/organizational area in which a search for eligible applicants is made.

CHANGE TO LOWER GRADE: As outlined in 5 CFR, a personnel action that moves employee to:

1. A position at a lower grade when both the old and new positions are under the same pay schedule, or
2. A position with a lower rate of basic pay when both the old and the new positions are under the same pay schedule.

COMMUTING AREA: Please refer to USPFO for current guidance.

COMPETITIVE PLACEMENT ACTION: Filling a position within an appropriate area of consideration in accordance with the principles of open competition, the Federal Civil Service laws, rules and regulations, NGB regulations, and the Executive Orders that prohibit discrimination or influence in government employment.

DETAIL: A temporary assignment of an employee to a different position for a specified period, without change in the employee's pay status.

FULL-TIME EMPLOYEE: For the purposes of this plan, a current full-time, part-time, employee, AGR member, or temporary employee who received an appointment in the AZ National Guard through a competitive process as outlined in this regulation regardless of tenure. State employees of the Department of Military and Emergency Affairs whose position requires military membership in the Arizona National Guard are to be considered full-time employees. Temporary employees who received their appointments without a competitive process **are not** considered full-time employees.

MINIMUM QUALIFICATIONS: The lowest level of education and experience requirements established by NGB/Federal Civil Service for a position that would allow an applicant possessing the specialized experience, knowledge, skills and abilities at the prescribed level to perform the duties of the position.

NON-COMPETITIVE PLACEMENT: A promotion (IAW this Plan), change to lower grade, reassignment, transfer, reinstatement, detail, or appointment made without competing with other applicants, based on prior service experience.

NOMINATING OFFICIAL: A management official authorized to approve the initiation of a request to fill a position and to recommend a person for placement in a position as a part of a competitive or non-competitive selection process.

OVER-GRADE: Also “retain grade.” An employee who is impacted by reset, restructuring, reorganization, reclassification or stationing who retains the grade of the position from which he or she was reduced for a period not to exceed 2 years, for pay and benefits purposes.

OPEN ANNOUNCEMENTS: Open announcements do not have a closing date, but are “open until filled.” Open announcements may be used to advertise positions that are recurring or traditionally hard to fill. Open announcements will run “open and continuous” for no more than one year. At the expiration of the open period, announcements will be automatically closed and notification sent to the Selecting Official. Open announcements will be canceled if the position is no longer vacant, at the end of the period, if requested sooner by the Selecting Official, or at the close of the calendar year. Applicants affected by the closure of open announcements will be notified by the HRO and will NOT be carried forward to a new open vacancy. Applicants who have been interviewed and not selected will NOT be carried forward to a new open vacancy announcement.

PERMANENT CHANGE OF STATION (PCS): Defined as a required employee move from one geographic work location or official duty location to another official duty location as defined by current USPFO guidance.

PROMOTION: A change of an employee to a higher grade, or higher representative rate of pay when the old and new positions are in different pay systems.

QUALIFICATION STANDARDS: NGB-J1-TNS Qualification Standards and Specialized Experience Requirements must be placed on all vacancy announcements as the Specialized Experience Requirements to use to qualify applicants for positions covered under this plan.

REASSIGNMENT: Moving an employee from one position to another of equal pay system and grade without promotion or change to lower grade.

REINSTATEMENT: The non-competitive reemployment of a person formerly employed by this agency who held a permanent or indefinite appointment in the agency for more than three consecutive years.

RELATIVE: The term “relative” includes the specific relationship stated in 5 USC 3110, such as: father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, first-cousin, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

REPRESENTATIVE RATE: Means of making a comparison between the General Schedule and the Federal Wage System for the purpose of determining the type of personnel action (i.e. promotion, reassignment, and change to lower grade).

SELECTING OFFICIAL: The supervisor charged with reviewing the applications, interviewing the applicants, and recommending a selection to the Nominating Official; normally the lowest level supervisor over the position to be filled. The Selecting Official and the Nominating Official may be the same individual.

SELECTIVE PLACEMENT FACTORS: Additional basic or minimum qualification requirements that must be met if minimum satisfactory performance is to result.

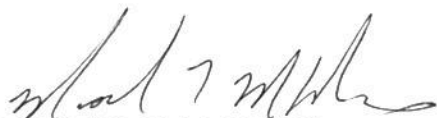
SUBJECT MATTER EXPERT (SME): An employee called upon by the Human Resources Office to provide technical information and recommendations during the evaluation process. The experience and training of this employee would be significant enough for the employee to be considered an expert in a particular career field.

TEMPORARY APPOINTMENT: Employment limited to a specified period not to exceed 12 for T5 Temporary Appointments and 12 months on their initial appointment for T32 Temporary Appointment. However, for T32 Temporary Appointments ONLY, may be extended in no more than 12 month increments not to exceed 48 months. Temporary employees do not have protection from reduction-in-force procedures, may be separated at any time without cause, and do not serve a probationary period. A temporary appointment does not confer permanent status.

The proponent agency of this regulation is the Arizona National Guard Human Resources Office. Users are invited to send comments and suggested improvements to:

Arizona National Guard Human Resources Office
5636 E. McDowell Road, Bldg M5710
Phoenix, AZ 85008-3455
ATTN: NGAZ-HRO-S

BY ORDER OF THE GOVERNOR



MICHAEL T. McGUIRE
Major General, AZNG
The Adjutant General

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