

Joint Force Headquarters  
Michigan National Guard  
3423 N. Martin Luther King Blvd.  
Lansing, MI 48906-2934

JFHQ Regulation 690-335

1 May 2009

### Human Resource Office

Technician  
Merit Placement

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**Summary of Changes.** This regulation establishes the Merit Placement Plan for Michigan National Guard technician program. Changes include modifications to Merit Placement procedures. It replaces all previous editions.

**Applicability.** This regulation applies to all Michigan Army and Michigan Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management. This plan will be used in filling Dual Status (DS) and Non-Dual Status (NDS) technician positions.

**Proponent and exception Authority.** The proponent of this regulation is the Director of the Human Resource Office. The proponent has the authority to approve exceptions to this policy that are consistent with controlling law and regulation. The proponent may delegate this approval authority, in writing, to an individual within the proponent agency in the grade of Lieutenant Colonel or the civilian equivalent.

**Supplementation.** Supplementation of this regulation is prohibited.

**Suggested Improvements.** Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 3423 N. Martin Luther King Blvd, Lansing, MI 48906

**Distribution.** Distribution of the regulation is A,B and D

MERIT PLACEMENT REGULATION FOR NATIONAL GUARD TECHNICIANS -  
DUAL STATUS AND NON DUAL STATUS

This Regulation replaces the Merit Placement Regulation for National Guard Technicians - Dual Status and Non Dual Status, dated November, 2006

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## CHAPTER 1

### GENERAL

1-1. Purpose. This regulation establishes procedures and provides information on the merit placement program for dual status and non dual status technician positions in the Michigan National Guard.

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

1-3. Scope. This regulation encompasses all technician positions in the State of Michigan. It will be used in filling both dual status and non dual status technician positions.

1-4. Responsibilities.

a. The Adjutant General is the appointing authority for the Michigan National Guard technician program and is the highest level of authority in the State concerning the overall application of this merit placement regulation.

b. The Human Resource Office (HRO) is responsible for insuring that the requirements of this merit placement regulation are carried out. The HRO will:

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

(2) Assure compliance with the program.

- (3) Provide guidance and assistance to commanders and supervisors concerning their responsibilities under this regulation.
- (4) Provide guidance and assistance to technicians desiring assignment into other career areas when requested.
- (5) Assure that candidates are properly evaluated and certified for selection and/or placement.
- (6) Publish and distribute Technician Vacancy Announcements and provide selection certificates to selecting officials.
- (7) Maintain necessary records.

c. Managers and supervisors will:

- (1) Ensure that technicians under their supervision are aware of this regulation.
- (2) Ensure that personnel actions within their area of responsibility are based on this regulation.
- (3) Encourage technicians under their supervision to develop themselves for promotion opportunities.
- (4) Ensure that all information related to the merit selection process (interview, selection, etc.) is held in strict confidence.
- (5) Assist Dual Status technicians under their supervision in obtaining and maintaining a compatible military assignment.

d. Individual technicians are responsible for:

- (1) Pursuing professional developmental opportunities.
- (2) Familiarizing themselves with the provisions of this regulation.
- (3) Carefully reviewing the requirements and information in vacancy announcements when applying for the vacancies in which they believe they are qualified for.

(4) Assuring that application forms contain accurate, complete, and current information concerning experience, qualifications, training, and self-development activities.

(5) Furnishing requested specific information relative to their personal qualifications and eligibility for specific positions.

(6) Ensuring that they are in a compatible military assignment.

(7) Upon mobilization, indefinite and permanent technicians provide the Human Resource Office an updated e-mail address to receive technician job announcements during mobilization period.

1-5. Management's Rights. Management retains the right to:

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

b. Select candidates from an appropriate source outlined within this regulation to best meet the mission objectives of the Michigan National Guard.

## CHAPTER 2

### EXCEPTIONS TO COMPETITION

#### 2-1. Actions Exempt from Competition:

- 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 Reduction in Force (RIF) or reclassification.
- c. Promotion when competition was held earlier (i.e., position advertised with known promotion potential).
- d. Re-promotion of technicians 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 provided they are otherwise qualified.
- e. Technicians under Pay Retention and other re-promotion eligibles who are otherwise qualified for a position will be referred before other applicants except for those technicians who are already exempt from competition. Technicians who are covered by this paragraph must request this in writing and are not guaranteed a re-promotion. However, the selecting official is required to give him/her consideration prior to the interview of other applicants.
- f. Promotion resulting from a technician's position being reclassified at a higher grade because of classification review or inclusion of additional duties and responsibilities.
- g. Position change (change to lower grade) resulting from the application of RIF procedures.
- h. Temporary promotion (not as a result of a technician mobilization backfill) of 120 days or less.
- i. Detail to a same or lower graded position having no higher promotion potential not to exceed 1 year; may be extended up to 1 year (should be coordinated through local union).

- j. Selection of a former technician from the Re-employment Priority List for a position at the same or lower grade than the one last held.
- k. Consideration of a candidate, otherwise qualified for a position, who was not given proper consideration in a previous promotion action.
- l. Reassignment provided the technician is otherwise qualified and the reassignment does not place the technician in a career ladder which would provide him/her any more promotion potential than his/her previous position.
- m. The change to lower grade of a technician based on his/her request provided the technician is otherwise qualified and the action does not place the technician in a career ladder which would provide him/her more promotion potential than his/her previous position.
- n. Placement action using Key Staff procedures outlined in Chapter 4 of this plan.
- o. Temporary not to exceed Appointments (see Chapter 9.)
- p. Employment and reemployment of a technician, who performed duty with a uniformed service, whether voluntary or involuntary, provided the technician meets all the requirements.
- q. Temporary promotion NTE 1 year when backfilling a mobilized technician, IAW NGB Emergency Hire Guidance.

## CHAPTER 3

### POSITION ANNOUNCEMENT AND APPLICATION PROCEDURES

3-1. Request for Filling Technician Vacancy. When a position is not going to be filled as an exception to competition, the vacancy will be announced. When requesting that a position be filled, the supervisor will submit a Standard Form (SF) 52, Request for Personnel Action, to the HRO. Preparation of the SF-52 should be done in accordance with the HRO Standard Form 52 Handbook.

3-2. Vacancy Announcements: As a minimum, the vacancy announcement will contain the following information:

- a. Title, series, grade(s), and salary range of the position.
- b. Type of appointment (dual status or non dual status).
- c. Area(s) of Consideration.
- d. Military requirements (officer, warrant officer, enlisted). Grade Inversion statement and Military Manning requirements must also be included, if any. Grade inversion within the full-time workforce is not permitted.
- e. Military Compatibility requirements (MOS/AFSC/SSI)
- f. Organizational and geographical location of the position.
- g. Summary of duties and minimum qualification requirements.
- h. Information regarding known promotion potential, if applicable.
- i. Announcement Number, Opening and Closing dates, and how to apply.
- j. Equal employment opportunity statement.
  
- k. The job elements (Knowledge, Skills and Abilities)

- l. Selective Placement factors, if applicable.
- m. Number of positions being announced.
- n. Availability of Permanent Change of Station (PCS) funds.
- o. Security Clearance Requirement, if any.
- p. Any additional job related requirements for the position being advertised.

3-3. Posting of Announcements: To ensure that all interested persons are aware of the vacancy, announcements are forwarded to each Michigan National Guard activity. **Each activity is responsible for posting vacancy announcements in an area that is accessible to all eligible members immediately upon receipt and to ensure they remain in place during the open period.** Announcements are also posted on the USA Jobs site: <http://www.usajobs.com>, and the Michigan National Guard website: <https://www.mi.ngb.army.mil/jobs>

3-4. Areas of Consideration: The area of consideration for each specific position vacancy announcement will be that deemed most appropriate by the HRO to ensure the receipt of sufficient qualified candidates. Budgetary limitations, and compatibility requirements will be considered in determining the area of consideration. Management may extend the established area of consideration for a particular placement action when it is determined that the initial did not produce a sufficient number of highly qualified candidates. The normal areas of consideration are as follows:

a. Dual Status

**Area 1:** Open to on-board permanent technicians of the MIARNG or MIANG (Tenure I or II status). A further restriction may be imposed with regard to non dual status allocations (i.e. Army or Air).

**Area 2:** Open to current military members of the Michigan Air or Army National Guard.

**Area 3:** Open to those eligible for enlistment /commission in the Michigan Air or Army National Guard.

b. Non Dual Status

**Area 1:** Open to on-board permanent (non dual status) technicians of the MIARNG or MIANG (Tenure I or II status). A further restriction may be imposed with regard to non dual status allocations (i.e. Army or Air).

**Area 2:** Open to current non dual status employees from other federal agencies, and any qualified U.S. citizen candidates.

c. Further restriction in area/size may be imposed when strength within an organization or functional area is at the authorized maximum level and/or funding limitations do not permit additional technicians within that organization or functional level.

d. Dual Announcements: Positions may also be advertised as dual announcements for one vacancy as listed below. Positions filled through use of dual job announcements will result in cancellation of the vacancy from which no applicants were selected. Applicants must apply to both announcements in order to be considered for both statuses (if otherwise eligible). Selections for position types announced as dual may be selected from either position type announcement and selection certificate. Position status types which may be advertised concurrently are as follows:

- 1) Technician and Active Guard Reserve (AGR), also referred to as Dual Bid
- 2) Dual Status and Non Dual Status Technician

e. Those positions which require officer or warrant officer status may be filled by enlisted personnel meeting all requirements listed below:

- 1) ARNG: Completed their commissioning school and have a certificate of eligibility, and may be commissioned immediately upon being placed in the technician position.
- 2) ANG: Enlisted applicants selected for technician positions requiring officer status, and meeting the below criteria, will be appointed in their selected federal technician position upon graduation of AMS.
  - a) Must be a U.S. Citizen

- b) Must be 18 years of age or older and be able to attend the Academy of Military Science (AMS) prior to 35<sup>th</sup> birthday.
- c) Must possess a Baccalaureate or higher degree from an educational institution listed in the current Accredited Institutions of Post Secondary Education.
- d) Must have received qualifying scores on the AFOQT (minimum verbal 15 and quantitative 10).
- e) Must be qualified for worldwide duty with the exception of temporary medical deferments (e.g. pregnancy). Civilians are exempt from this requirement for pre-screening purposes.

3-5. Open and Closing Dates for Technician Vacancy Announcements: Vacancy announcements will be advertised for the following lengths of time, as a minimum for each of the following (Supervisors may request a longer open period to increase the visibility of the vacancy announcement to prospective applicants.):

- a. Dual Status positions: 15 calendar days.
- b. Non Dual Status positions: 5 calendar days. There must be a reasonable expectation of the receipt of a sufficient pool of qualified applications (usually 5 or more).

3-6. Standing Register Vacancy Announcements: Selecting Officials may submit an SF-52 to requisition a Standing Register vacancy announcement for positions having history of a high turn-over rate and/or hard-to-fill positions. Standing Registers will remain open for a period not to exceed 12 months and selecting officials may request an unlimited number of selection certificates for a standing register, as vacancies occur which meet the same criteria as published in the standing register vacancy announcement.

3-7. Application Procedures: The required application materials listed in each vacancy announcement are the basic documents by which an individual's qualifications for a specific job vacancy are determined. In order to receive proper credit, they must 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 permit a valid evaluation of the candidate's qualifications. Applications will be submitted as follows:

a. Applicants must submit required materials for each separate job announcement. All required materials must be submitted in accordance with each job announcement and will not be accepted after the closing date. The application OF-612, (Optional Application for Employment), and/or resume are the basic documents used to determine an individual's qualifications for a position. The application must reflect the applicant's current and past employment information and dates, as well as military duty assignments, qualifications, education, and training. Complete and accurate data is essential to insure fair evaluation of candidates for both dual status and non-dual status service positions. Applicants wishing to respond to published vacancy announcements must:

(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 prior to submitting their applications.

(2) Submit application or resume through USA Jobs either electronically or by fax. Specific instruction will be listed on the vacancy announcement. Applications must be received no later than midnight on the closing date of the announcement (Eastern US Time Zone). Applications received after the closing date and time will not be accepted. Applications mailed to the HRO will not be accepted.

(3) Include all experience, education, training, awards, special qualifications, and other information which is directly related to the position to which application is being made.

b. The application (OF-612 and/or resume) must address the following information:

- (1) Job title on announcement and announcement number.
- (2) Grade.
- (3) Name.
- (4) Social Security Number.
- (5) Mailing Address.
- (6) Phone number (daytime and evening).

- (7) Work Experience related to the job for which you are applying, including job title (if federal, include series and grade), date experience was obtained (from mm/yy to mm/yy).
- (8) Salary.
- (9) Hours per week.
- (10) Employer's name and address.
- (11) Supervisor's name and phone number.
- (12) Description of duties and accomplishments for each position.

c. The material in the Official Personnel Folder (OPF) or Military Personnel Records Jacket (DA 201) will not be used in the screening process. If an applicant fails to give complete details in their application, it may cause him/her to be rated ineligible. The description of duties and responsibilities may be verified with former employers.

d. Consideration of Mobilized Technicians:  
Indefinite and permanent military technicians who are absent due to mobilization may be considered for merit promotion during their absence. Mobilized technicians may apply electronically through [www.usajobs.com](http://www.usajobs.com) or may trust another individual (e.g. family member or friend) to submit their application and documentation in their absence. It is the mobilized technician's responsibility to ensure that all required documentation is received by the closing date of the vacancy announcement.

e. Applicants not currently commissioned, applying for a position requiring commissioned status, must submit copies of all required documentation listed in vacancy announcement as evidence of eligibility for commission.

3-8. Stopper List: The DOD program for Stability of Civilian Employment must be used for non dual status technician vacancies if individuals are available and referred. The stopper list will be cleared before proceeding with action to fill a non dual status position with candidates outside the Michigan National Guard Technician workforce.

## CHAPTER 4

### KEY STAFF POSITIONS

4-1. Purpose: This chapter provides for the identification of those technician positions in the Michigan National Guard considered to be key staff positions. These positions are exempt from the normal merit placement procedures in Chapter 3 and Chapter 6 because of their special importance to the overall effectiveness of the Michigan National Guard and their unique military qualifications.

4-2. Key Staff Positions: A Key Staff position is a dual status, managerial position. Key Staff should be limited to positions where the incumbent is a member of the immediate staff of the State Adjutant General or serves under the supervision on the Joint Chief of Staff, ARNG Chief of Staff, Director of Staff, or Air Commander. Incumbents of key staff positions have a broad scope of authority for missions in both their military assignment and technician position. Due to the influence and span of control of key staff positions, the numbers of positions so designated are typically limited. This provision should only be used when absolute compatibility between the military and technician positions can be accomplished (i.e., Chief of Staff and Command Administrative Officer).

4-3. Procedures for filling a Key Staff position: The Adjutant General may require a key staff position be filled by soliciting applicants through the use of competitive procedures in Chapter 3 and Chapter 6. The Adjutant General may also fill key staff positions non-competitively, by referral of qualified candidates. The following procedures will be used for non-competitive referral of qualified candidates:

- a. Selecting Officials requesting to fill a Key Staff position by referral of qualified candidates will submit a memorandum to the State Human Resource Officer including the following information:
  - 1) Area(s) of consideration (i.e. Technician, AGR, Traditional Guardsmen)
  - 2) Specific military or civilian grades to be considered due to grade inversion and/or limitation of military assignment positions

3) Any selective placement factors

4) Anticipated start date

- b. The Human Resource Office will generate a selection certificate with a list of eligible/qualified candidates based on the selecting official's request, and candidate qualifications. Personnel Files (Technician and/or Military) may be screened by the Human Resource Office to determine basic eligibility.
- c. The selection certificate will be sent to the selecting official for completion and return to the HRO.

4-4. Areas of Consideration: Consideration and assignment of AGR and Traditional Guardsmen personnel is contingent upon the State having the available AGR/Technician employment resource and/or controlled grade, if necessary.

## CHAPTER 5

### PROCESSING APPLICATIONS

5-1. Basic Eligibility: The following evaluation procedures will be used:

- a. Properly submitted application materials will be reviewed for qualifications after the closing date, through use of the Qualifications Record Form, MI HRO Form 690-8 (Appendix D). Candidates must meet the basic qualifications established for the position (general and specialized experience) including any selective placement factors, listed on the vacancy announcement. Applicants who meet the minimum qualifications will be considered basically eligible and will be rated as qualified. Applicants not meeting the minimum qualifications will be informed by the HRO as to the reason for their ineligibility.
- b. Experience as described on the application/resume will be evaluated in terms of type and quality in relation to the requirements of the position.

5-2. Selective Placement Factors: Selective placement factors are any knowledge, skills, abilities, or other personal characteristics absolutely **essential** for satisfactory performance on the job.

5-3. Evaluation: HRO will use the applicable Qualification Standards when evaluating applicants minimum qualifications.

- a. Applicants' National Guard experience (Traditional Guard) will be credited as full-time experience (day-for-day) when determining minimum qualifications.
- b. When HRO staff evaluate candidates for minimum qualifications, assistance may be required from at least one subject matter specialist. This specialist must be currently working in the same occupational series and meet or exceed the grade of the position being evaluated.

## CHAPTER 6

### REFERRAL AND SELECTION PROCEDURES

6-1. Referral of Qualified Candidates: Following the determination of basic eligibility and evaluation of candidates the HRO will:

- a. Certify to the selecting official all minimally qualified candidates in accordance with area(s) of consideration and applicable selection certificate advancement procedures outlined in respective Labor Organization Contract (Union Contract), and this regulation.
- b. Each Certificate of Eligibles will list the eligible candidates alphabetically.
- c. A separate Certificate of Eligibles will be generated for each grade level advertised.
- d. For Dual Announcements, a separate Certificate of Eligibles will be generated for each announcement, as a minimum.
- e. All qualified applications within each area of consideration will be forwarded for review and evaluation in accordance with applicable Union Contract procedures and this regulation. There is no limit to the number of applications which may be considered by a selecting official within an area of consideration. When fewer than three (3) qualified candidates are available, the selecting official may consider the certificate or return it without action. If the certificate is returned, no further selection certificates will be issued for the vacancy announcement to the selecting official. Applicants will be informed that the position has not been filled due to the lack of a sufficient number of qualified candidates. The selecting official must submit a new SF-52 for re-advertisement of the position.
- f. Notify the unsuccessful candidates they did not meet the basic eligibility requirements.

6-2. Action by the Selecting Official: The selecting official may select or non-select any candidate referred on the certificate. Selecting officials must take prompt action to begin evaluation/and or selection procedures.

Selections or requests for further areas of consideration (if applicable) must take place within 30 calendar days from the issuance of each Certificate of Eligibles unless a justified written request is approved by the Human Resource Office. Any extension request must be received by the Human Resource Office before the close of business on the 30th calendar day. Failure to complete a timely selection action will result in the automatic closing of the Certificate by the Human Resource Office with no action. Upon receipt of the selection certificate, the selecting official will:

a. Interview candidates. All candidates certified to the selecting official must be given the opportunity for an interview before a selection is made (except situations covered in Chapter 2 and Chapter 4 of this regulation). For candidates outside the commuting area, interviews may be conducted over the phone. If an applicant cannot be contacted, then the selecting official must document his/her attempts to contact the candidate for the interview. Applicants who were not available for an interview (after attempting to contact the individual for 7 calendar days), will not receive retroactive consideration. Exception: For individuals mobilized in support of contingency operations, the interview will be waived if the mobilized candidate can not be contacted within 7 calendar days, and they will still be considered for the position, based on their application only.

b. Method of Interviewing: Interviews will be conducted using a selection team/board.

6-3. Interviews will be conducted using the following guidance:

- a. Only job related questions may be asked.
- b. All candidates must be asked the same questions, in the same order, and by the same person.

6-4. Selection.

a. Selection Justification. A written/typed selection justification and order of merit list (OML) from the selecting official (IAW Appendix E) is required upon making a selection. The selection certificate, selection justification and order of merit list (OML)

must be signed by the selecting official and MUST include the following:

1. Specific reason(s) the selectees were chosen among the other qualified candidates.

2. Any special knowledge the selectees bring to the position.

3. Job Knowledge gained through the interview process that the selectees possess.

4. Why the selectees would be a good fit for the team.

b. Non-Selection Justification: If all candidates are rejected, the selecting official should return the certificate to the HRO with full justification as to why a selection could not be made.

6-5. Return the Selection Certificate to the HRO. Upon completion of selection, the following must be returned to HRO to complete the selection process:

- a. All completed Technician selection Certificate(s) issued for vacancy announcement
- b. Selection justification and order of merit list (OML)
- c. Standard Form (SF) 52 for the selectee(s).

6-6. Processing of Selection Documentation: Initial selections are tentative and are subject to review by the Human Resource Officer, Equal Employment Opportunity (EEO), and the Director / Chief of Staff. Selectees will **NOT** be notified until the designated appointing authority has signed off and approved the selection. Upon review and approval of the selection, the HRO will immediately notify the local HR Remote and/or selecting official that his/her selection has been approved with a tentative appointment date. The selecting official will then:

- a. Immediately notify the selectee and coordinate a start date.
- b. Immediately notify HR Remote (ANG) and/or State HRO of declination, or the coordinated start date. If declination occurs, HR Remote (ANG) and/or Selecting Official will coordinate with State HRO to make notification to subsequent candidates. The state HRO will then send non-selection letters via e-mail to those candidates not selected.

6-7 Selection Certificate Expiration: Selection Certificates for Technician positions will have an expiration date of 120 days from the date issued by the HRO to the selecting official. In the event of declination, or an additional vacancy opening, Selecting Officials may request to reuse a certificate by coordinating with the Local HR Remote and/or State HRO Staffing office. Selecting Officials may request to reuse a certificate of eligibles from which a previous candidate was selected, or add a position, provided the following conditions are met:

a. Certificate is for the same position to be filled, has the same title, occupational series, military grade, supervisor, and geographical location as the position for which the certificate was initially provided.

b. The Selecting Official must include Selection justification and order of merit list (OML) (IAW Appendix E) to rank-order all possible candidates. This must be included with the selection certificate to facilitate the use of this process. If an OML is not accomplished, the entire selection process must be re-accomplished.

c. The certificate has not expired (within 120 days from date issued by HRO).

6-8. Release of Technician Selectee: After selection for promotion/placement, a technician must be released promptly from his/her present position. Release will normally be not less than two (2) weeks after selection and begin on a pay period following the final selection and approval. The prospective supervisor and the current supervisor will arrange for a release date. The HRO will determine a release date if the two supervisors do not concur on a release date.

## CHAPTER 7

### PLACEMENT/PROMOTION RECORDS

7-1. Purpose: Complete selection records will be maintained by the HRO to:

- a. Provide a clear record of the action taken.
- b. Evaluate the merit placement program.
- c. Provide proof that merit placement actions are being made on a fair and equitable basis in accordance with 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 SF-52 Request to Advertise Vacancy
- b. Copy of the Vacancy Announcement
- c. Copy of minimum qualification standard
- d. Qualifications Record (MI HRO Form 690-8)
- e. Referral and Selection certificate signed by the selecting official/Team Coach
- f. Record of the Stopper List having been cleared for Non Dual Status positions
- g. Copy of each non-selection letter sent by the HRO to qualified applicants.

7-3. Duration: Records will be maintained for a minimum of three (3) years (Current year plus two previous years). If a grievance or third party is pending, records will be maintained until resolution.

7-4. Privacy Protection: Any records kept by HRO or the Selecting Official relating to individual placement actions or to the candidate will not be shown to unauthorized individuals. Supervisors, human resource specialists, subject matter specialists or other officials participating in merit placement actions will not disclose the details of their work to unauthorized persons.

## CHAPTER 8

### GRIEVANCES AND COMPLAINTS

8-1. Grievances: 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. JFHQ Reg 690-771 dtd 1 Mar 2006 provides guidance concerning the administrative grievance system for those not covered by a collective bargaining agreement. Members that are a part of a unit, will follow the procedures in their respective agreements. A grievance will not be considered when it is based solely on non-selection.

8-2. Discrimination Complaints: Allegations of discrimination because of race, color, religion, gender, age, handicapping condition, or national origin made during any phase of the selection process will be considered under the National Guard Equal Employment Opportunity Program (NGR 690-600/ANGI 40-1614 Volumes I and II).

8-3. Other: Other complaints or inquiries including those made by non-technician candidates should be directed to the HRO. All complaints and inquiries will be given prompt and fair consideration and every effort will be made to provide a just and expeditious resolution of each complaint.

## CHAPTER 9

### OTHER PLACEMENT ACTIONS

#### 9-1. Temporary Not to Exceed (NTE) Appointments.

a. Dual Status Technicians: Dual Status temporary appointments may be made for a period of one (1) year. The appointment may be extended up to three additional years (48 months of total service). A temporary (NTE) appointment may be made outside competitive procedures in accordance with the time restrictions listed above. Temporary technicians will not be promoted. Selections for temporary (NTE) appointments must meet the minimum qualifications for the position and at the grade levels for which employed. Temporary (NTE) appointments may be terminated with no notice when the position or the employee's services are no longer needed. A temporary appointment (NTE) does not confer permanent status. Temporary (NTE) appointees are not eligible for coverage under the retirement system, for health or life insurance, and do not accrue military leave. Temporaries who have exceeded one year are eligible for health insurance; however, the entire health insurance cost is borne by the technician. Selectees for temporary (NTE) appointments must be informed, in advance, of the conditions of the temporary (NTE) appointment (IAW Appendix F).

b. Non Dual Status Technicians: Non Dual Status temporary appointments may be made in accordance with National Guard Bureau (NGB) Emergency Hire provisions listed below, and selectees must be informed in advance of the conditions of the temporary (NTE) appointment (IAW Appendix F):

- (1) 30-day critical need
- (2) Emergency Hire (vice a mobilized technician or directly in support on the Global War on Terrorism)

#### 9-2. Indefinite and Term Appointments.

a. Indefinite Appointments: Indefinite appointments will be used for Dual Status employment when there is a definitive need for the position to extend beyond one year. Competitive procedures must be used when filling a position on an indefinite basis. An indefinite appointment does not confer permanent status. Indefinite appointments may be terminated when the

position or the employee's services are no longer required. In those circumstances, a thirty day written notification to the employee is recommended. Indefinite employees may be promoted, reassigned, or changed to a lower grade, to other positions with indefinite status. Indefinite employees pay into the retirement system, receive annual, sick, and military leave, and are eligible to participate in the health and life insurance programs. Selectees for indefinite appointments must be informed, in advance, of the conditions of the indefinite appointment (IAW Appendix G).

b. Term Appointments: Term appointments will be used for Non Dual Status employment IAW the provisions of paragraph 9-2a. A Non Dual Status allocation must be available prior to advertising a term appointment position.

9-3. Temporary Promotions: Upon Classification verification, a temporary promotion is the most appropriate means of meeting a situation requiring the temporary service of a technician in a higher grade position. It may be used when a technician has to perform the duties of a position during the extended absence of the incumbent; to fill a position that has become vacant until a permanent appointment is made; to assume responsibility for an increased workload for a limited period; or to participate in a special project which will last for a limited period. Temporary promotion to an established position not only gives better recognition of management's needs and the technician's new responsibilities, but also compensates the technician more adequately for the higher graded work performed.

a. A temporary promotion is not appropriate for training or evaluating a technician in a higher grade position. It may not be used to give a technician a trial period before permanent promotion; to decide among candidates for permanent promotion; or to train a technician in higher graded positions.

b. A technician selected for a temporary promotion must be informed, in advance, of the promotion, and the circumstances that make it a temporary promotion, rather than a permanent promotion (IAW Appendix H). The technician must be informed in terms that leave no doubt of the temporary nature of the action and of all conditions relating to it, including its expected duration. Assurance must be given that the technician

will return to the original position from which promoted when there is no longer a need in the higher grade, or when the expected period has ended. The temporary promotion will be documented to show that the technician had full knowledge of the action taken, and the conditions under which the temporary promotion was made.

c. A technician may be temporarily promoted for the expected duration of the need of his/her services in the higher grade not to exceed five years. Competitive procedures must be used when the promotion will last for more than 120 days unless the temporary promotion meets one of the criteria listed in Chapter 2, Exemptions to Competition. Prior time served in a temporary promotion during the proceeding 12 months is included when computing the period.

d. A temporary promotion may be made permanent if competitive procedures were used originally, and the vacancy announcement states that it could lead to a permanent promotion without further competition.

9-4. Reassignments:

a. Voluntary. Technicians may non-competitively voluntarily reassign to a position of the same grade (i.e. GS-09 to GS-09) having no more promotion potential than their current position.

b. Management Directed. Management may utilize management directed reassignments IAW paragraph 9-4a and TPR 715.

## APENDIX A

### GLOSSARY

1. APPOINTING AUTHORITY: The Adjutant General or designated official.
2. AREA OF CONSIDERATION: The geographic area and/or organizational unit identified from which to solicit sufficient qualified candidates for a position.
3. CAREER LADDER: Those positions within an occupational series of an organization which include entry level, intermediate, and journeyman/supervisory grades for which a candidate can reasonably expect a promotion.
4. COMMUTING AREA: Any geographical area and surrounding localities where people can live and can reasonably be expected to travel back and forth daily to their employment site.
5. DEMOTIONS: The change of an employee to a lower grade when both the old and the new positions are under the General Schedule or under the same wage grade schedule, or to a position with a lower rate of basic pay when both the old and new positions are under the same type ungraded wage schedule or in different pay-method categories.
6. DETAIL: A temporary assignment of a worker to a different position for a specified period, without change in the worker's pay status, and with the worker returning to his or her regular duties at the end of the detail.
7. EMERGENCY HIRE APPOINTMENT AUTHORITY AND FLEXIBILIITY: Provides the National Guard the authority to non-competitively appoint traditional National Guard members and Non-Dual Status (NDS) personnel to National Guard Dual Status positions that either directly support the Global War on Terror (GWOT), directly support actions in Iraq and/or Afghanistan, or perform mission critical functions from which the incumbent was called to active duty (e.g. mobilizations, deployments, contingency operations, etc.). Appointments authorized under Emergency Hiring Authorities and Flexibilities are temporary, time-limited, excepted appointments. Delegated examining processes and other competitive vacancy announcement procedures are not required when appointing candidates using these authorities.

8. GRADE INVERSION: When the full-time military grade of a supervisor does NOT equal or exceed the military grade of personnel supervised.

9. MERIT PLACEMENT SYSTEM: The system of employing and promoting civil servants on the basis of ability

10. QUALIFICATIONS: A combination of experience, training, education, aptitudes, and potential which relate to the requirements of a specific position as outlined in applicable qualification standards.

11. QUALIFIED APPLICANT: An applicant who meets the minimum qualifications (general and specialized experience) required for a position.

12. PROMOTION: A change of a technician:

- (a) To a higher grade when both the old and the new positions are under the General Schedule.
- (b) From one grade to a higher grade under the same type wage schedule.
- (c) From a job or grade under a wage schedule to a job or grade with a higher representative rate under a different wage or General Schedule.
- (d) From a position under the General Schedule to a job or grade with a higher representative rate under a wage schedule.

13. REASSIGNMENT: The change of a technician, while serving continuously within the same agency, from one position to another without demotion or promotion.

14. REFERRAL AND SELECTION CERTIFICATE: A certificate containing the names of the qualified candidates eligible for promotion/appointment by the selecting official for a specific vacancy.

15. REPRESENTATIVE RATE: Means of making a comparison between the General Schedule and the Federal Wage System for the purpose of determining they type of personnel action (i.e. promotion, reassignment, change to lower grade). For this purpose, the fourth step of the GS grade and the second step of the FWS grade are the designated representative rates.

16. REVIEWING OFFICIAL: Wing Commander, Director, Senior Officer within organization hiring the position

17. SELECTING OFFICIAL: Those who have authority to; request that Technician Position Notices be published to fill vacancies; interview, select, and nominate individuals for promotion.

18. SUBJECT MATTER SPECIALIST: A technician who is highly skilled in the career area of the position being filled. When it is determined to be necessary by the HRO, this technician will assist the HRO in the certification process. The SMS must be currently working in the same occupational series and meet or exceed the grade of the position being evaluated.

19. TECHNICIAN: A National Guard Federal Civil Service Employee (Dual or Non Dual Status) conferred a permanent appointment/assignment, also an employee whose appointment is limited to Indefinite.

## APPENDIX B

### PRIORITY PLACEMENT PLAN FOR TECHNICIANS UNDER GRADE RETENTION

- a. A register is maintained in the HRO of all current on-board over-graded technicians entitled to grade retention as a result of reduction in force or reclassification. These technicians will be afforded priority placement as outlined below in positions for which they meet the full technician qualifications within their respective service. Such priority placement efforts will precede normal placement actions. However, nothing in this plan negates the Adjutant General's prerogative to convert such vacancies to full time military positions.
- b. If a vacancy of equal or intervening grade exists within the commuting area for which the technician is fully qualified, the technician will be offered the position. If there is more than one eligible technician in a saved grade status, the selecting official will be given a list from which to make a selection. Grade retention will be terminated if the technician refuses the offer of a position equal to the technician's retained grade or an offer of an intervening grade.
- c. If such a vacancy exists and there are no over-graded technicians within the commuting area, the position will be offered to over-graded technicians outside the commuting area before any other placement action. If the technician refuses the offer of a position outside the commuting area, grade retention will continue if otherwise eligible.
- d. Additional placement assistance may be obtained through DOD Priority Placement Program under procedures to be determined by that authority.

APPENDIX C

REEMPLOYMENT PRIORITY LIST (RPL)

- a. Tenure groups I and II technicians, separated from employment as a result of reduction in force action, will be considered for reemployment priority for a period of 2 years, unless they decline priority consideration in writing.
- b. When a position fill request is received, the HRO will review the reemployment priority list. Previously employed technicians who meet the qualification requirements of the position to be filled will be referred to the Selecting Official before a technician vacancy announcement is prepared. Former technicians will be removed from the list upon acceptance of a Fulltime position in the Federal Government, declination of such a position, or expiration of the 2 year time limit.
- c. The Selecting Official retains the authority to select or non-select from the listing of reemployment referrals. The vacancy will be advertised if the Selecting Official elects to non-select.

APPENDIX D

QUALIFICATIONS RECORD FORM AND INSTRUCTIONS

QUALIFICATIONS RECORD

<b>APPLICANTS NAME:</b>					
<b>VACANCY ANNOUNCEMENT #:</b>			<b>LOCATION:</b>		
<b>POSITION TITLE/GRADE:</b>					
<b>QUALIFICATION STANDARD USED:</b>					
<b>TIME OF SPECIALIZED EXP REQUIRED:</b>					
<b>FROM (MM/YY)</b>	<b>TO (MM/YY)</b>	<b>Experience and Training Credited (Including Military Service) Show Title/Series/Grade</b>	<b>GENL (YY/MM)</b>	<b>SPEC (YY/MM)</b>	
			<b><u>TOTAL:</u></b>		
<b><u>REMARKS:</u></b>					
<b>Substitution of Education:</b>					
			<b>QUALIFIED (circle)</b>	<b>YES</b>	<b>NO</b>
<b>REVIEWER/TEAM LEADER SIGNATURE:</b>			<b>DATE:</b>		

APPENDIX E

**TECHNICIAN SELECTION JUSTIFICATION AND ORDER OF MERIT LIST  
(OML)**

MEMORANDUM FOR NGMI-HRO-TM

SUBJECT: Michigan National Guard Technician Selection  
Justification and Order of Merit List (OML)

1. A Technician Selection Team convened on **(date)** to consider applicants for the position of **324-09, HR Specialist, GS-11**. The following individuals were detailed as the selection team:

<b>Technician</b>			
<b><u>Last Name, First Name</u></b>	<b><u>Grade</u></b>	<b><u>Gender/Race</u></b>	<b><u>Position</u></b>
Charge, Ima N.	GS-12	WF	Selecting Official
Toledo, Holy D.	GS-11	BM	Member
Gosh, Ohm I.	GS-11	HM	Member

2. The following is a list of selectees for the position, in order of merit:

<b><u>Last Name, First Name</u></b>	<b><u>Order of Merit</u></b>
Doe, John	One
Smith, Jane	Two
Snuff, Joseph	Three

3. Selection is based on the following: **(Provide selection justification for each selectee listed on the OML)**

4. Interview and selection results are included on the attached selection certificate. Any questions may be directed to the undersigned Selecting Official at **(###) ###-####**.

IMA N. CHARGE  
Selecting Official

**NOTES:**

- 1. ONLY LIST APPLICANTS IN RANK ORDER UNDER ORDER OF MERIT (OML) SELECTED FOR THE POSITION**
- 2. DO NOT RANK/LIST THOSE WHOM WOULD NOT BE SELECTED**

APPENDIX F

STATEMENT OF UNDERSTANDING FOR TEMPORARY  
TECHNICIAN (NTE) APPOINTMENT

**TEMPORARY (NTE) APPOINTMENT STATEMENT OF UNDERSTANDING**

I, \_\_\_\_\_, understand that a temporary (NTE) employee:

1. May be terminated at any time upon notice from the employing agency. (A copy of the SF-50 is sufficient for this purpose.)
2. Does not acquire permanent or indefinite/term appointment status under a temporary limited appointment or eligibility to be non-competitively converted to a permanent or indefinite/term appointment.
3. Does not serve a probationary period.
4. Is not eligible for promotion, reassignment, or transfer to other jobs but may be detailed.
5. Is not eligible for coverage under the Civil Service Retirement System, the Federal Employees Retirement System or the Federal Employees Group Life Insurance Program.  
**NOTE:** Temporary service performed after 1988 is not creditable for retirement under the Federal Employee Retirement System (FERS) even if the employee is later covered by FERS.
6. Is not eligible for coverage under the Federal Employee Health Benefits (FEHB) Program until completion of one year of current, continuous service.
7. Is not covered by adverse action procedures under 5 U.S.C. 4303 and 5 U.S.C. 7511; or TPR 752.
8. Is not a competing employee under reduction in force procedures.
9. Is not eligible for within-grade increases when serving in a General Schedule (GS) position, even when the employee has been extended beyond one year. An employee serving under a temporary limited appointment in a Federal Wage System position is eligible for within-grade increases in certain cases.
10. Earns leave (except military leave) when appointed to a position with a regularly scheduled tour of duty. All

regularly scheduled temporary employees earn sick leave and appointments over 90 days earn annual leave.

My signature indicates acceptance and understanding of the listed conditions.

**WITNESS:**

**EMPLOYEE:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

APPENDIX G

STATEMENT OF UNDERSTANDING FOR INDEFINITE /TERM APPOINTMENT

STATEMENT OF UNDERSTANDING INDEFINITE / TERM APPOINTMENTS FOR NATIONAL GUARD TECHNICIANS

I, \_\_\_\_\_, do acknowledge that I have been advised of the conditions of indefinite / term appointment listed below.

As an appointed Indefinite/Term Appointment Technician in the position of \_\_\_\_\_, located at \_\_\_\_\_, I will be subject to the following conditions:

- 1. Eligible for all benefits to include health and life insurance, disability insurance, accrual of annual, military, and sick leave, retirement programs, Thrift Savings Plan participation, and any other benefits available to full-time technicians.
2. Tenure status may not be granted and I understand that I may be terminated at any time upon notice from the employing agency. (A copy of the SF-50 is sufficient for this purpose.)
3. May be converted to permanent status by management without further competition, if position appointed to (listed above) was advertised with potential to convert to permanent without further competition.
4. My position may be encumbered by an employee who is currently protected by the reemployment rights under the Uniformed Services Reemployment Rights Act (USERRA). I will receive a termination notice when the employee is scheduled to return to duty.

My signature indicates acceptance and understanding of the listed conditions.

WITNESS:

EMPLOYEE:

(Signature)

(Signature)

(Date)

(Date)

APPENDIX H

STATEMENT OF UNDERSTANDING FOR TEMPORARY TECHNICIAN PROMOTION

**STATEMENT OF UNDERSTANDING  
TEMPORARY PROMOTIONS FOR NATIONAL GUARD TECHNICIANS**

I, \_\_\_\_\_, do acknowledge that I have been advised of the conditions of temporary promotion listed below.

I agree to serve on a Temporary Technician Promotion in the position of \_\_\_\_\_, located at \_\_\_\_\_, and will be subject to the following conditions:

This promotion that I am serving under is temporary. I understand that I will be subject to a termination at any time prior to the Not-To-Exceed date of the temporary promotion without use of Adverse Action or Reduction-In-Force procedures, due to organizational needs. The expected duration of this temporary promotion is \_\_\_\_\_.

I understand that competitive procedures must be used when a promotion will last for more than 120 days unless the temporary promotion meets one of the criteria listed in Chapter 2, Michigan National Guard Merit Placement Regulation. Prior time served in a temporary promotion during the proceeding 12 months is included when computing the 120 day period.

I understand that I will return to the original position from which promoted when there is no longer a need in the higher grade, or when the expected period has ended. I also understand that this temporary promotion does not provide me with the eligibility to be promoted or reassigned to other positions, or the ability to be noncompetitively converted to a permanent promotion.

My signature indicates acceptance and understanding of the listed conditions.

**WITNESS :**

**EMPLOYEE :**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

