

**Military Department
Regulation**

NE TPR 335

**Nebraska
National Guard

Merit Placement
and Promotion Plan**

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NEBRASKA NATIONAL GUARD MERIT PLACEMENT AND PROMOTION PLAN

Contained herein are the regulatory requirements of the Nebraska National Guard Merit Placement and Promotion System. It is consistent with Office of Personnel Management Regulations, Department of Defense Directives, and National Guard Bureau TPR 335.

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CHAPTER 1

GENERAL

1-1. PURPOSE. This plan establishes the procedures and provides information on the merit placement program to be used for the employment and placement of dual and non-dual status technicians to positions authorized in support of activities and units of the Nebraska Army and Air National Guard. Since the procedures contained in this plan are applicable to both the Army and Air National Guard, the term Nebraska National Guard will be used throughout the plan. This plan is consistent with the current labor agreement. Should subsequent negotiated Labor contracts supplement or modify some of the instructions contained in this pamphlet, the negotiated agreements will take precedence.

1-2. POLICY. It is the policy of the Nebraska National Guard that all technician dual and non-dual status positions be filled from among qualified individuals, to ensure that all employees have an opportunity to develop and advance to their full potential. All technician vacancies will be filled on the basis of merit principles, job-related factors, and the agency's affirmative employment goals, under systematic and equitable procedures. Individuals being considered for merit placement must meet the eligibility requirements and standards for the position for which considered, including National Guard unit membership and a compatible National Guard assignment for all dual status appointments. The staffing of positions under this and other directives is subject to Office of Personnel Management, Department of Defense, and National Guard Bureau directives. All actions under this plan will be made without discrimination for non-merit reasons such as race, color, religion, sex (except positions excluded by military membership), national origin, marital status, age, non-disqualifying physical handicap (except for military requirement for dual status technicians), membership or non-membership in employee organizations, personal favoritism, lawful political affiliation, or patronage. The Nebraska National Guard is an Equal Opportunity Employer.

1-3. SCOPE. This plan encompasses all technician positions in the State of Nebraska. It will be used in filling all dual and non-dual status positions through initial appointment, promotion, reassignment, reinstatement, demotion and transfer.

1-4. RESPONSIBILITIES.

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

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

- (1) Develop, maintain, evaluate and revise this plan as necessary;
- (2) Administer placement and promotion actions in accordance with the policies and procedures outlined in this plan;
- (3) Provide guidance and assistance to supervisors and commanders concerning their responsibilities under this plan; and initiate appropriate action when lack of compliance is evident;
- (4) Assure that applicants are properly screened, evaluated, and certified for consideration;

(5) Maintain a complete placement or promotion file for each position filled under the provisions of this plan.

c. Managers and Supervisors will:

(1) Know and comply with the provisions of this Plan and keep technicians informed of its provisions;

(2) Assure that technician personnel actions accomplished within their area of responsibility are based on merit, in concert with affirmative action goals and without discrimination;

(3) Encourage technicians under their supervision to participate in developmental opportunities and training in order to enhance their promotion potential;

(4) Advise technicians under their supervision who are absent (military duty, annual leave, etc.), of position vacancies which occur and for which they have indicated an interest, in writing, when the technician provides a means to be contacted during the period of such absence;

(5) Ensure that dual status selectee's meet all the military requirements (ASVAB scores, security clearance, AFSC/MOS/AOC, etc.) for the compatible assignment prior to appointment.

(6) Recommend changes to this Plan, to the HRO.

d. Individual technicians are responsible for:

(1) Preparing for promotion consideration by participating in self-development activities;

(2) Becoming familiar with the basic policies and procedures relating to the State Merit Placement Plan;

(3) Assuring application forms and Official Personnel Folders (OPFs), located in the HRO, contain accurate and current information concerning qualifications, job-related training, and experience. The need for the most current experience, educational and training data in both the OPF records and position vacancy applications, cannot be overemphasized since it serves as the basis for referrals in the certification and selection process. Technicians may contribute to the maintenance of their personnel folder by reviewing and updating their OPF on an annual basis;

(4) Notifying their supervisor, in writing, of their general job interest areas, should a position vacancy occur during a period of their absence (military duty, annual leave, etc). In addition, providing the supervisor with an accurate mailing address or a telephone number where they can be contacted and informed of position vacancies.

(5) Applying for advertised technician vacancies by the closing date.

1-5. MANAGEMENT'S RIGHTS. Recognizing that it is essential to the accomplishment of the mission of the Nebraska National Guard that technician positions be filled with qualified individuals, management retains the right to:

a. Select or not select from among qualified applicants.

b. Select applicants from any appropriate source most likely to best meet the mission objectives of the Nebraska National Guard.

CHAPTER 2

EXCEPTIONS TO COMPETITION

2-1. PERSONNEL ACTIONS EXEMPT FROM COMPETITION. Certain technician placement actions provide the authorization for qualified candidates to be placed in a position without competition. These actions are:

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

b. Promotion resulting from a technician position being reclassified at a higher grade because of additional duties and responsibilities when the following conditions are met:

(1) The technician continues to perform the same basic function(s) of the former position and the duties of the former position are administratively absorbed in the new position as jointly determined by the classification and staffing specialists. There must be clear evidence that the new position is a successor to the former one and is in the same type of work;

(2) The incumbent meets all requirements for promotion; (i.e. minimum education, military compatibility, etc.)

(3) There are no other technicians serving in similar or identical positions to whom those duties could have been assigned;

(4) The accretion of duties and responsibilities does not adversely affect another encumbered position;

(5) The new position has no further promotion potential.

c. Placement of over-graded technicians entitled to grade retention as a result of reduction-in-force (RIF), reclassification or management directed change-to-lower grade;

d. Reassignment or Change to Lower Grade;

e. Position change to a position having no higher promotion potential;

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

g. Repromotion to a grade (or an intervening grade) or a position from which a technician was demoted without personal cause and not at his or her request;

h. Temporary promotion of 120 calendar days or less;

i. Details to another position for 120 calendar days or less.

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

k. Reemployment in accordance with the Uniform Services Employment and Reemployment Act (USERRA). A technician exercising statutory reemployment rights following military service must be returned to a position he or she would have obtained had it not been for military service, his/her former position, or a position of like seniority, status, and pay.

l. Placement under the DOD Priority Placement Program.

m. Temporary appointments with a "not to exceed" date. Agencies may make temporary appointments for a period not to exceed 1 year. Agencies may extend temporary appointments for no more than 1 additional year (24 months of total service). Appointment to a successor position (*i.e.*, a position that replaces and absorbs the original position) is considered to be an extension of the original appointment. Appointment to a position involving the same basic duties, in the same major subdivision of the agency, and in the same local commuting area is also considered to be an extension of the original appointment.

n. Management Directed Reassignments (MDR) that do not involve promotion or known promotion potential.

2-2. PRIORITY PLACEMENT ACTIONS.

a. TECHNICIANS UNDER GRADE RETENTION. A technician demoted without personal cause is entitled to priority placement for a period of two (2) years unless repromoted to his/her former grade. Consideration of a technician entitled to priority placement for repromotion must precede efforts to fill the vacancy by other means, including merit promotion procedures. The HRO will keep a roster of all technicians entitled to priority placement. These technicians will be afforded priority placement as outlined below:

(1) If a vacancy of equal or intervening grade exists within the commuting area for which a technician in retained grade status is fully qualified, the technician will be offered the position. No discretion exists to fill any position, for which an individual has priority placement rights, with an individual having no such rights. The technician must meet the full technician and military requirements (if dual status) for the position. If there is more than one eligible technician in a retained grade status, the selecting official will be given a list from which to make a selection. Grade and pay retention will be terminated if the technician refuses the offer of a position equal to the technician's retained grade. The technician must accept/decline the offer in writing. Failure to reply to an offer will be considered as a declination of the offer.

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

(3) The HRO will notify technicians when they have been considered for priority placement but do not fully meet the qualification requirements for the position. Technicians will only be considered for positions for which they are fully qualified and have had previous experience. They must be able to perform the full duties of the position upon assignment to the position. Dual status technicians must also hold a compatible military assignment. Determination of military qualifications will be made by the appropriate military personnel office.

b. REEMPLOYMENT PRIORITY LIST.

(1) 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. 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 full-time position in the Federal Government, declination of such a position, or expiration of the 2 year time limit.

(2) The selecting official retains the authority to select or non-select from the listing of reemployment referrals. The vacancy will be advertised if the supervisor elects to non-select.

2-3. TEMPORARY PROMOTIONS.

a. Generally, a temporary promotion is the appropriate way to meet a situation requiring the temporary service of a technician in a higher graded position. Promoting a technician recognizes the increased responsibility and properly compensates him or her for the work being performed.

b. The technician must perform those duties that determine the grade of the position. Normally, temporary promotions are not made unless the technician's services are required for more than 30 calendar days. Promotions of less duration would not normally require the performance of the full range of duties upon which the position is graded. In situations of 30 calendar days or less, a detail would be more appropriate. Temporary promotions can not be made to positions from which the incumbent is detailed. Management determines when and if a temporary promotion would be an appropriate action. Factors to be taken into consideration are mission needs, production requirements, availability of personnel, and the negotiated agreement. Examples of the most frequent use of temporary promotions are:

(1) To assign a technician to perform the duties of a position during the absence of the incumbent. In this case, an additional identical position must be established.

(2) To fill a vacant position until a permanent appointment is made. (Temporary promotions would not be appropriate to evaluate a technician before permanent promotion or to train a technician in higher graded duties.)

c. Competition is not required for temporary promotions of 120 calendar days or less. Competition should be held from the onset if management feels that the position will be filled permanently. The fact that the temporary action may lead to a permanent promotion must be made known to all potential applicants. Before a technician accepts a temporary promotion, there should be clear documentation that he/she understands:

(1) Why the promotion is temporary;

(2) The expected length of the promotion including the fact that it may be terminated at any time if management determines the services are no longer needed, or funding is no longer available and;

(3) Under what circumstances the promotion can become permanent.

2-4. DETAILS.

a. Technicians may be detailed to a different position or set of duties for no more than 120 calendar days. There is no formal position change; officially, the employee continues to hold the position from which detailed and keeps the same status and pay.

b. Details are intended to meet short-term workload situations, absences of employees, pending authorization and classification of new positions or other types of manpower needs that cannot be met by normal personnel placement actions.

c. All detail assignments one (1) workday or longer will be recorded by the supervisor on the employee's NGB Form 904-1 or equivalent substitute as the supervisor's Record of Technician Employment.

d. Details for a period less than 30 calendar days, but more than 14 calendar days, may be recorded on an Standard Form 52 with one copy for the employee and one copy filed in his/her OPF.

e. Details in excess of thirty (30) and less than one hundred twenty (120) calendar days will be reported on Standard Form 52 and maintained as a permanent record in the individual's Official Personnel Folder.

CHAPTER 3

POSITION ANNOUNCEMENT AND APPLICATION PROCEDURES

3-1. APPLICATION. The procedures of this plan will be used, as applicable, in filling all positions, either by placement or promotion. Exceptions authorized in Chapter 2 may be used, as appropriate.

3-2. REQUEST FOR FILLING VACANCY. The following procedures will be followed when requesting to fill position vacancies:

a. All requests to fill positions must be submitted, through Command channels, to the HRO utilizing the Standard Form (SF) 52, Request for Personnel Action.

b. The requesting office will initiate the SF 52 in accordance with the instructions in Appendix B. Required information includes:

- (1) Position Title, Position Description Number, Grade(s), Organization, Function, and Location;
- (2) Type of Appointment (dual or non-dual status and permanent, indefinite or temporary);
- (3) Requested source of candidates for non-dual status positions (Merit Placement or Office of Personnel Management register.)
- (4) Military requirements (e.g., flight status, military grade, availability of compatible military positions, ASVAB, etc.);
- (5) Requested area of consideration;
- (6) Requested selective placement factors;
- (7) Request for additional identical (AI) position;
- (8) Request for trainee applications;
- (9) Designated security clearance required;
- (10) Any other information pertinent to the filling of the position.
- (11) Name and telephone number of the selecting official. (This should be the individual that will be the first-line supervisor for the incumbent position).
- (12) Specify any dates (i.e. drill dates) that may be appropriate to incorporate in the announcement period if the position will be advertised longer than the standard **21** calendar days.
- (13) Where the vacant employment authorization is from (i.e. Vice)

3-3. OFFICE OF PERSONNEL MANAGEMENT (OPM) REGISTERS. Non-dual status positions may be filled through Merit Promotion and Placement actions or competition open to the general public through OPM hiring procedures.

3-4. PRIORITY PLACEMENT. Requests to fill vacant positions will be subject to priority placement action prior to advertising the vacancy. Priority Placement actions are described in detail in Chapter 2, paragraph 2-2.

3-5. VACANCY ANNOUNCEMENTS. Vacancy announcements will be sent electronically via distribution to all users on the Army and Air servers, and will be posted throughout the area of consideration and on official Nebraska National Guard web pages. Announcements will normally remain open for a minimum of **twenty-one (21)** calendar days. Announcements will contain the following information:

- a. Title, series, grade(s), and salary range(s) of the position;
- b. Type of appointment – dual status or non-dual status;
- c. Military requirements such as grade (officer, warrant officer, enlisted), ASVAB scores, minimum and/or maximum military grade and military compatibility for dual status positions only. Applicants do not have to be assigned to the position or possess the Branch/MOS/AFSC to apply or be considered for selection; however, they must meet military requirements prior to appointment or promotion;
- d. Organizational and geographical location of the position;
- e. Opening and Closing date, and how to apply;
- f. A statement that the position may be filled at a specific grade less than the authorized grade, if applicable;
- g. Information regarding known promotion potential, if applicable;
- h. Special conditions of employment, or developmental training, if applicable;
- i. Selection Placement Factors: Any special job requirements (i.e., security clearance, driver's license, etc.);
- j. Information regarding other concurrent announcements for the same vacancy;
- k. Area of consideration;
- l. Minimum qualification requirements, general and specialized experience;
- m. Required application forms;
- n. Brief summary of duties;
- o. Equal employment opportunity statement.
- p. Open announcements may also be issued for positions for which there is a continuing requirement and/or that are difficult to fill. The open announcement does not include closing dates.

3-6. AREA OF CONSIDERATION.

a. **NON-BARGAINING UNIT POSITIONS.** The area of consideration for each specific position vacancy announcement will be that deemed most appropriate by the HRO, in coordination with each respective Director, to ensure the receipt of sufficient highly qualified candidates. The type of position, availability of candidates, position qualifications, budgetary and work force limitations, and compatibility requirements will be considered in determining the area of consideration.

b. **BARGAINING UNIT POSITIONS.** The employer has the right to fill vacant full-time support positions from among properly certified candidates for promotion, or from any other appropriate source. Should the employer elect to fill a vacant full-time support position with a non-dual or dual status technician, the area of consideration for bargaining unit technician vacancy announcements will be:

(1) Area I.

(a) **Dual Status:** All NEARNG and NEANG technicians, serving without time limit, (permanent and indefinite technicians hired through competition) who are eligible for excepted service appointment.

(b) **Non-Dual Status:** All non-dual status technicians, serving without time limit; currently employed by the NEARNG or NEANG.

(2) Area II

(a) **Dual Status:** Members of the NEARNG or NEANG or those eligible for membership in the NEARNG or NEANG. Temporary or Indefinite Technicians hired, without competition, under emergency hiring authorities are in Area II.

(b) **Non-Dual Status:** All current Federal employees serving under a career or career conditional appointment; former Federal employees with reinstatement eligibility; persons eligible for non-competitive appointment under special appointing authorities, e.g., former National Guard technicians eligible for appointment under Public Law 99-586, Veterans Readjustment Act, interchange agreements.

(3) The area of consideration for specific vacancy announcements may be modified with mutual consent of the parties if unforeseen events occur.

3-7. APPLICATION PROCEDURES. The application is the basic document by which the individual's qualification for the position is determined. It should, therefore, reflect the applicant's current education and employment data as well as military duty assignments, qualifications, and training. Complete and accurate data is essential to ensure fair evaluation of applications. Applicants must refer to the instructions printed on the reverse side of all vacancy announcements for additional instructions on completing application forms. Along with the application forms discussed below, supplemental forms that reflect the applicant's military qualifications should be submitted.

a. Applicants may apply using a format of their choosing. This includes the use of a resume or Optional Form 612, Optional Application for Federal Employment, or a Standard Form 171, Application for Federal Employment. Applications must contain a clear and concise explanation of how the applicant's experience meets the specialized experience for the position. Failure to provide this information may result in the applicant not receiving proper credit for work experience.

b. Applicants must submit official or copies of official college transcripts when substituting education for experience. Transcripts are also required for career fields that have specific education requirements. Credit for post-secondary education will not be given unless transcripts are provided.

c. Applications for positions advertised at multiple grade levels must indicate the lowest grade the applicant is willing to accept. Applicants will not be considered for positions lower than the lowest grade indicated on the application or announcement.

d. Applicants not currently appointed or commissioned, applying for a position requiring officer status, must submit evidence of eligibility for appointment or commission.

e. Applicants will apply for advertised positions at www.usajobs.gov. All of our announcements will provide the specific details of how to apply. Applicants may also use the "How to Apply" section on the web site.

CHAPTER 4

PROCESSING APPLICATIONS

4-1. BASIC ELIGIBILITY. The HRO staffing specialist will review candidates' applications to determine basic eligibility. Applications for competitive service positions will be evaluated using U.S. Office of Personnel Management Operating Manual, *Qualification Standards for General Schedule Position* or the *Job Qualification System for Trades and Labor Occupations, X-118C*. Applications for dual status positions will be evaluated using the National Guard Bureau *Qualification Standards for Excepted Service Positions* or locally developed standards as allowed by National Guard Bureau. Applicants must meet the basic qualifications established for the position including any selective placement factors. Applicants who meet the minimum qualifications will be considered basically eligible. Determinations of basic eligibility will be recorded on the Qualification Determination Worksheet. For positions advertised at multiple grade levels, (e.g., trainee), the staffing specialist will also indicate on the Qualification Determination Worksheet the grade level for which each applicant is qualified. Applicants not meeting the minimum qualifications will be notified.

4-2. MILITARY GRADE REQUIREMENTS. Upon appointment, applicants must meet the military grade and compatibility requirements established for the position. Military grade inversion is not permitted. Determination of eligibility for appointment or commission as an officer will be made by the appropriate Military Personnel Office. Applicants ineligible for appointment to the required military grade will not be considered for the position. The HRO will notify those candidates of their ineligibility.

4-3. SECURITY REQUIREMENTS. A technician is subject to personnel security requirements in accordance with TPR 700 (732.1). The selecting supervisor must determine whether the applicant has the required security clearance for the assignment. If not, the supervisor will ensure that the clearance is obtained. When a technician cannot meet the security requirements of the position, removal from the position is required IAW TPR 715, Chapter 3, paragraph 3-2.

4-4. EVALUATION. All eligible applicants will be forwarded to the selecting official, unless there are more than ten (10) fully qualified applicants within a designated area of consideration. Fully qualified applicants are those who meet the qualification requirements of the target grade. In this case, the evaluation procedures in Chapter 5 may be used to further screen candidates prior to referral. The evaluation procedures in Chapter 5 may also be used when concurrent advertisements for a competitive/dual status position results in a total of more than 10 fully qualified applicants within a designated area of consideration.

CHAPTER 5

EVALUATING CANDIDATES

5-1. RANKING PANELS. The Human Resources Officer or his/her designee may appoint a ranking panel of 3 members to evaluate and rank candidates for referral to the selecting official, when there is more than 10 fully qualified applicants within a designated area of consideration. Members of the ranking panel will be of equal or higher grade than the position being evaluated and must have technical knowledge in the career field in which the position exists. Additionally, an HRO representative who is qualified in qualification examination techniques will serve as a non-voting member of the ranking panel. At the supervisor's option, he/she may elect to forego the ranking panel and interview all of the candidates.

5-2. JOB ANALYSIS. The specialized experience identified in the NGB qualification standards will normally be used when it is necessary to refine a list of eligible applicants through the evaluation process. In cases where the NGB standards are overly broad, the HRO may do a job analysis and consult with the selecting official to determine what will be used by the ranking panel. Three to eight factors will normally be used.

5-3. EVALUATION OF APPLICANTS. When a panel is used, all applications meeting the basic eligibility requirements will be presented for evaluation. Experience will be evaluated in terms of type and quality in relation to the requirements of the position. Length of service or experience may be used when there is a clear relationship with quality of performance. Experience will be rated in categories as shown below:

a. "A" Level (21-30 Points). The applicant possesses the type and quality of experience/training that substantially exceeds the basic requirements of the position, including selective placement factors, that would allow the applicant to perform effectively in the position almost immediately or with a minimum of training and/or orientation.

b. "B" Level (11-20 Points). The applicant possesses the type and quality of experience/training that exceeds the basic requirements of the position, including selective placement factors that would allow the applicant to perform effectively in the position within a reasonable period of time (3 to 6 months).

c. "C" Level (1-10 Points). The applicant satisfies the basic requirements of the position with respect to experience/training, including selective placement factors. However, type and quality of experience or training beyond that which is basically required is minimal and extensive additional training or orientation would be required to enable the applicant to satisfactorily perform the duties of the position.

5-4. PERFORMANCE AND AWARDS. Credit is awarded for outstanding/excellent performance ratings and suggestion awards conferred at the next lower qualifying grade. The HRO staffing specialist will analyze the awards record to assess the qualifications demonstrated and their bearing on the requirements of the position being filled. The recency of the award or rating is also considered to assure that current qualifications are reflected.

Awards that are more than 3 years old will not be considered. A maximum of six points may be credited for this factor. Points are assigned as follows:

Age of Performance Rating or Award			
	1 year	2 years	3 years
Outstanding Performance Rating	3	2	1
Excellent Performance Rating	2	1	0
Sustained Superior Performance/QSI	1	1	0
Suggestion Award	1	0	0

5-5. OVERALL RATING. Points credited for performance or awards will be added to the rating for experience/education to determine the applicants' final score.

5-6. REFERRAL AND SELECTION CERTIFICATE. When more than 10 candidates are eligible for referral, no less than 5 or more than 10 candidates will be referred. The top 5 applicants, arrived at through the evaluation process, will be listed as Best Qualified on the certificate of eligibles as outlines in Chapter 6.

CHAPTER 6

REFERRAL AND SELECTION PROCEDURES

6-1. REFERRAL OF APPLICANTS. Following the determination of basic eligibility and evaluation of applicants as outlined in Chapter 4 and Chapter 5 (if applicable), the HRO will:

- a. Notify those applicants not meeting the minimum qualifications.
- b. Notify those applicants who were found qualified at the trainee level.
- c. Notify those applicants who were rated by the ranking panel as basically qualified, but not referred for consideration.
- d. Notify Area II applicants when Area I applicants have been referred for bargaining unit positions.
- e. Certify to the selecting official the qualified applicants. Applicants will be listed alphabetically. Qualified applicants will be referred, on separate certificates, in the following order:

(1) Non-Bargaining Unit Positions:

- (a) Best Qualified (when a ranking panel is convened);
- (b) Fully Qualified (Target Grade);
- (c) Trainee Qualified (if applicable);

(2) Bargaining Unit Positions:

- (a) Best Qualified Area I (when a ranking panel is convened);
- (b) Fully Qualified Area I (dual status or non-dual status as applicable);
- (c) Best Qualified Area II applicants (when a ranking panel is convened);
- (d) Fully Qualified Area II applicants;
- (e) Trainee Qualified applicants.

f. Area II and Trainee Qualified applicants will not be referred to the selecting official until fully qualified Area I applicants have been interviewed and considered; and the hiring authority's selection decision for Area I application has been placed in abeyance.

g. Certificates of eligibility will be valid for a period of 45 calendar days. If a selection is not made within 45 calendar days, the HRO will notify the selecting official that the certificate is overdue and the position will again be considered for fill through Placement procedures. If there is no one eligible for Priority Placement consideration, the HRO may either extend the certificate provided the supervisor provides adequate justification for the delay or cancel the certificate at the discretion of the HRO. The selection process, to include certifying, ranking, referral, interviews, and selection should be concluded within eighty (80) calendar days after the closing date of the vacancy announcement. Time extensions may be approved by the HRO.

6-2. ACTION BY THE SELECTING OFFICIAL:

Upon receipt of the certificate of eligibles, the selecting official will: interview all applicants referred on the certificate of eligibles. If the selecting supervisor chooses not to select from a certificate of eligibles, he or she will provide the HRO reasonable justification for requesting additional applicants. When there are two (2) or fewer qualified applicants on an Area I or Fully Qualified Certificate of Eligibles, the supervisor may request that additional applicants be referred, without further justification, other than stating that there are insufficient applicants referred from which to make a selection. Upon approval, the HRO will issue an Area 2 or Trainee certificate as appropriate. The referral and interview process will be repeated until the supervisor makes a selection or has interviewed all of the referred applicants and elects to non-select. Applicants certified as Best Qualified or Fully Qualified may, with the applicant's approval, also be included for consideration at the trainee grade. A second interview, appropriate to the trainee grade, will be required for those applicants. The selecting official must provide the HRO written justification for selecting a Fully Qualified applicant over Best Qualified applicants; or a Trainee Qualified applicant over Fully Qualified or Best Qualified applicants.

a. The selecting official may choose to use a selection panel. If a panel is used it should consist of three non-bargaining unit members with the selecting official chairing the panel. The selecting official will be the supervisor of the position being filled. Members of the selection panel will be of equal or higher grade than the position being evaluated and must have technical knowledge in the career field in which the position exists. The panel composition should reflect the diversity of the applicant pool if possible. A non-voting subject matter expert (i.e. traditional/m-day) may be appointed to advise the interview panel and will not be part of the selection process. Military unit commanders may be part of the board when the position advertised has direct impact on the unit and there is no higher level full time employee within the unit (i.e. Administrative Officer (AO), Readiness Technician). Family members of applicants being considered will not serve as a panel member subject matter expert, or recorder. "Family member" is defined as father, mother, brother, sister, child, spouse, uncle, aunt, nephew, niece, father/mother-in-law, son/daughter-in-law, brother/sister-in-law, step father/mother, step son/daughter, step-brother/sister, or half-brother/sister, and first cousin.

(1) Every effort will be made to conduct personal interviews with all applicants. If this is not possible, telephone interviews may be conducted. E-mail interviews may be conducted with mobilized technicians as a last option. Reasonable efforts should be made to contact the applicants. Should the selecting official be unable to contact an applicant after several attempts, he/she may proceed with the interview process. A record of the dates and times of the attempts to notify the applicant will be included on the return endorsement of the certificate to the HRO. Failure to contact a mobilized technician, who applies does not disqualify the technician from consideration. The mobilized technician may be selected based on their application only.

(2) All rating and selection procedures will be based on careful analysis of the duties of the job to be filled, and to be clearly related to the ability to perform these duties. This also applies to the interview process. The selecting official will:

(a) Conduct an analysis of the job to identify the job elements to be measured in the interview:

(b) Develop a standardized set of questions for use with all of the applicants, which will measure the job elements identified; Questions should be job-related, open-ended, and not have just one "correct" answer;

(c) Review each applicant's application form in detail;

(d) Review the Official Personnel Folder (OPF) in the Nebraska HRO, if applicable and available;

(e) Since the candidates' qualifications have been evaluated prior to referral, written performance or job knowledge tests can NOT and will NOT be administered by the selecting official.

b. The selection process will be based on a number of considerations. Primary consideration will be toward meeting the objectives of the employer's mission. Other considerations include comparison of the abilities of each candidate, the selecting official's judgment concerning the candidate who best fits the needs of the position and the candidate's potential for successful performance in the position. The selecting official is entitled to select or non-select any applicant referred to him/her, subject to the limitations in this chapter. The selecting official may contact the current and/or past employer(s) of a job applicant who is under final consideration for appointment to obtain pertinent information regarding the applicant's qualifications, character, and record of employment. This includes contacting the current employer of an applicant who has indicated on his or her application that the employer should not be contacted provided:

(1) The applicant has been tentatively selected for appointment; and,

(2) The applicant is contacted and gives permission to contact his or her current employer. If at this point, the applicant continues to refuse to have his or her employer contacted, the applicant may be removed from consideration.

c. Ensure the tentative selectee meets the military requirements. The supervisor will verify, with the appropriate military personnel office, that the selectee is eligible for assignment to a compatible military position. If the individual is not compatible, whether through unit/organization of assignment, or AFSC/MOS, forward documentation to HRO along with the selecting package showing the individual has been placed into a compatible position. This action must be prior to or coincide with the effective date of the requested personnel action (dual status only). This includes but is not limited to physical requirements, satisfactory AVSAB scores, suitability for security clearance, and military grade to prevent grade inversion. Selectees cannot be placed or appointed to the position until they meet compatibility requirements.

d. Make a final selection. After completing interviews and evaluating the applicants' qualifications, character, and records of employment the supervisor will make a final selection. This selection is subject to review by the State Equal Employment Manager (SEEM) and approval by The Adjutant General or his/her designated representative. The supervisor must exercise caution to prevent release of the selectee's name prior to approval.

e. Complete the Standard Form 52, Request for Personnel Action, that was included in the certificate of eligibles. Endorse the certificate of eligibles and return all applications, interview questions, score sheets, certificates, and endorsements. A proposed effective date can be requested for the personnel action but must be approved at the HR Office. The entire completed employment package must arrive in the HRO at least **three (3) work days** prior to the beginning of the pay period in which the action is to be effected. Effective dates should be at the beginning of the pay period or the first day the individual reports for work, whichever is applicable. The complete interview package will be forwarded through command channels to the HRO.

f. If all applicants are rejected after being interviewed, the selecting official will return the certificate to the HRO with reasonable justification as to why a selection was not made. Once approved by the HRO, the position may be readvertised, if requested.

6-3. EQUAL EMPLOYMENT REVIEW AND APPROVAL. Upon receipt, the selection package will be reviewed by the State Equal Employment Manager (SEEM) to determine if the selection meets the Affirmative Employment Program objectives/goals established by The Adjutant General of Nebraska. The Adjutant General or his/her designee may:

- (1) Approve the selection.
- (2) Direct the supervisor to reconsider his/her selection.
- (3) Recommend alternate selection to the supervisor.
- (4) Direct the vacancy announcement be closed without selection and the vacancy be re-advertised.
- (5) Reinterview applicants due to an error in the selection package.

6-4. NOTIFICATION. After The Adjutant General or his/her designee approves the selection, the HRO will:

- (1) Authorize the selecting supervisor to inform the selectee of the tentative job offer pending resolution of military compatibility issues. Selectee must meet compatibility requirements prior to appointment to the position. After this is accomplished, the supervisor will notify the other applicants, by telephone or in person or e-mail when the person is LWOP and not available by phone (i.e. deployed), that they were not selected.
- (2) Require the supervisor to document assignment of the selectee to a compatible military position.
- (3) Inform the supervisor and/or the selectee when the technician will be in-processed.
- (4) Notify, by e-mail, those applicants who were not selected.
- (5) Initiate Standard Form 50, Notification of Personnel Action, to effect appropriate personnel action.
- (6) Complete NGB Form, 904-1, Supervisor's Record of Technician Employment for new employees. This form will be hand carried by the individual to the supervisor.

6-5. START DATE. The effective date for non appointment personnel actions will be the first day (Sunday) of each biweekly pay period. For new appointments, it will be the first duty day normally Monday or Tuesday of a pay period, according the individual's work schedule. The effective date for new employees under an intermittent work schedule who report for work on other than the first scheduled workday of the pay period will be the actual day they report. If the selectee is currently an on-board technician, the gaining supervisor must coordinate a start date with the losing supervisor allowing the technician to assume his/her new position as soon as practicable. Release will normally be within two weeks after selection. The gaining supervisor must keep the HRO informed when this situation arises.

CHAPTER 7

PLACEMENT/PROMOTION RECORDS

7-1. PURPOSE. Complete placement/promotion 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 vacancy announcement;
- b. List of all applicants names;
- c. Applications of non-selected applicants;
- d. Forms used in the evaluation and rating process;
- e. Referral certificate and selecting official's endorsement;
- f. Record of priority placement lists having been cleared.
- g. Supervisor's interview questions and documentation used to justify selection.
- h. Copy of the Standard Form 52, Request for Personnel Action.

7-3. DURATION. The complete placement/promotion package will be maintained for a minimum of two years. If a grievance or complaint is pending, the package will be maintained until resolution.

7-4. PRIVACY PROTECTION. Information relating to individual placement actions or to the applicant will not be discussed with or shown to unauthorized individuals. Supervisors and personnel specialists participating in merit placement actions will not disclose the details of their work to unauthorized persons.

CHAPTER 8

GRIEVANCES AND COMPLAINTS

8-1. GENERAL. An applicant who believes that proper procedures were not followed in a particular placement or promotion action for which he/she applied for must submit a written complaint to the Human Resources Officer within 5 days after the date on which the applicant learns of his/her non-selection or failure to place in the best qualified group. The applicant must describe in sufficient detail the basis for the complaint. Upon receipt, the Human Resources Officer or his designated representative will review the complaint and take appropriate action. The applicant will be notified, in writing, of the Human Resources Officer's or his designation representative decision.

8-2. EXCLUSIONS. While violations of Merit Placement and Promotion procedures are proper subjects for complaints or grievances, non-selection from among a group of properly referred, qualified applicants is not a basis for a complaint or grievance. Management has the right to determine qualifications and the appropriate source of candidates most likely to best meet mission needs.

8-3. GRIEVANCES. An applicant may file a grievance under applicable grievance procedures. Refer to TAG Nebraska Pamphlet 690-2/40-01-771 or the collective bargaining union agreement for guidance.

8-4. DISCRIMINATION COMPLAINTS. Allegations of discrimination because of race, color, religion, sex, age, handicapping condition, or national origin made during any phase of selection process will be considered under National Guard Bureau Regulation (AR) 690-600/ (AF) 40-1614, Discrimination Complaints System Vol I, II, for complaint procedures or contact an EEO counselor.

8-5. TIME LIMITATIONS. Complaints must be timely in order to preserve the rights of other applicants. A grievance must be presented within the time limitations established under applicable grievance procedures.

CHAPTER 9

KEY STAFF POSITIONS

8-1. Purpose. This chapter identifies those technician positions in the Nebraska National Guard considered to be Key Staff Positions. In accordance with NGB guidance on Key Staff Positions, these positions are exempt under certain conditions from the normal merit promotion and placement announcement procedures in Chapter 3, because of their special importance to the overall effectiveness of the Nebraska National Guard and their unique military qualifications.

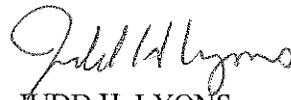
8-2. Key Staff Positions. All Key Staff positions of the Nebraska National Guard are as identified in TN Policy on Key Staff Positions.

8-3. Qualifications. Appointees to Key Staff Positions must meet the qualification requirements for the positions established by NGB, and maintain a compatible military assignment. The HRO staffing section will screen the Official Personnel Folders, if applicable, to determine those individuals having the necessary qualifications for the position. Key Staff Positions are not required to have a vacancy announcement published.

8-4. Referral and Selection. A list of qualified candidates will be prepared by the HRO staffing section for those individuals found to meet the qualification requirements. The candidates will be listed in alphabetic order. The listing will be forwarded to The Adjutant General for selection. Documents pertaining to a Key Staff Position appointment will be maintained as a merit promotion and placement file in accordance with Chapter 7 of this plan.

USERS OF THIS PUBLICATION ARE INVITED TO SEND COMMENTS AND SUGGESTED IMPROVEMENTS ON DA FORM 2028 (RECOMMENDED CHANGES TO PUBLICATIONS AND BLANK FORMS) TO TAG-HRO, 1237 MILITARY ROAD, LINCOLN, NE 68508-1090.

BY ORDER OF THE GOVERNOR:



JUDD H. LYONS
Major General
The Adjutant General

MICHAEL L DEGER
COL, IN, NEARNG
Human Resources Officer

DISTRIBUTION: "Special"
(1 ea. Tech Supv)
(1 ea. Mil Dept. Activity/Organization)

Appendix A DEFINITIONS

AFFIRMATIVE EMPLOYMENT GOALS: Goals adopted to allow the full time workforce to reflect the demographics of the Nebraska National Guard military membership. (See Agency's Affirmative Employment Plan for specific goals and other definitions.)

APPOINTMENT: Initial placement into a technician position in the Nebraska National Guard.

AREA OF CONSIDERATION: The area(s) designated on the merit placement announcement from which applications will be accepted for merit placement action.

CERTIFICATE OF ELIGIBLES: A list of the qualified applicants referred to the selecting supervisor for consideration for a position.

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

COMMUTING AREA: The geographic area surrounding a work site that encompasses the localities where people live and reasonably can be expected to travel back and forth daily to work, as established by the employing agency based on the generally held expectations of the local community.

COMPETITIVE SERVICE POSITIONS (Non-Dual Status): Technician positions that do not require concurrent military membership in the Nebraska National Guard. As a rule, a person acquires competitive status by appointment through an open-competition examination or evaluation administered by the Office of Personnel Management and completes a three-year career-conditional appointment.

DETAIL: A detail is the temporary assignment of an employee to a different position or set of duties and responsibilities for a specific period with the employee returning to his/her original position at the end of the detail. There is no formal change; officially the employee continues to hold the position from which detailed and keeps the same status and pay. Employees do not have to meet the qualifications requirements for the position to which detailed, except for any minimum educational, licensures and certification requirements. Employees must meet applicable security clearance requirements or be eligible to obtain an appropriate waiver prior to being detailed. A detail is an effective method of dealing with short-term staffing requirements and for improving employee utilization and professional development. Details of Nebraska National Guard employees will normally be made only when the workforce needs cannot be met, and should be confined to the shortest possible duration to avoid potential compromise of merit system, position classification and pay principles. Details will be accomplished in accordance with applicable negotiated agreement provisions.

ELIGIBLE APPLICANTS: Eligible applicants are those applicants in the area of consideration who meet the qualification requirements for the position.

EVALUATION OF APPLICANTS: Evaluation of applicants is the process of assessing their eligibility for placement or promotion, and the degree to which they possess the knowledge, skills and abilities needed for successful performance of the job.

EXCEPTED SERVICE POSITIONS (Dual Status): Positions requiring concurrent membership in the Nebraska National Guard with assignment in a compatible military position.

INTERVENING GRADE: A pay grade (GS or WG) with a representative rate more than a downgraded technician's designated grade but less than his/her retained grade.

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

PROMOTION: The change of a technician to a position at a higher grade level within the same job classification system and pay schedule, or to a position with a higher rate of basic pay in a different job classification system and pay schedule.

RANKING OF APPLICANTS: Ranking of applicants is the process of arranging eligible applicants in order of merit relative to each other, either by categories or by rank order.

REASSIGNMENT: The change of a technician from one position to another without promotion or change to lower grade. Reassigned technicians must meet the qualification requirements for the new position.

SELECTING OFFICIAL: The supervisor who has authority to interview and select qualified applicants for placement or promotion.

SELECTIVE PLACEMENT FACTORS: The job-related requirements or personal characteristics absolutely essential for satisfactory performance in a particular position. Selective placement factors are in addition to the minimum qualification requirements. They will be determined by the selecting supervisor in advance of advertising a position and will be stated in the vacancy announcement. When used, they are a basic part of the eligibility requirements for the position.

TARGET GRADE: The fully qualified grade of the position being filled.

TECHNICIAN: A federal employee who is hired under the authority of 5 U.S.C. 709.

(1) **Dual Status Technician:** A technician, who as a condition of federal employment, must maintain military membership in the National Guard. See Excepted Service Positions.

(2) **Non-Dual Status Technician:** A technician, who is not required to be a military member of the National Guard as a condition of employment. See Competitive Service Positions.

TENURE GROUPS: Tenure groups are the categories in which technicians are grouped based on length of employment and completion of probationary/trial periods.

Tenure Group I. Permanent dual status technicians who have successfully completed a trial period and permanent non-dual status technicians, with career status, who have successfully completed a three year career conditional appointment period which included a one year probationary period.

Tenure Group II. Permanent technicians who are serving a trial or probationary period. This category includes non-dual status technicians with career-conditional status and dual status technicians who have not completed their trial period. Non-dual status technicians under career appointments who must serve a probationary period are also Tenure II.

Tenure Group III. Dual status and non-dual status technicians serving under indefinite appointments and are not on a time limited appointment.

Appendix A
INSTRUCTIONS FOR PREPARATION OF SF 52-B

Part A -- Requesting Office	Instructions
Block:	
1. Action Requested:	Nature of request – Appointment, Promotion, Reassignment, Resignation, Detail, etc. (this block completed only when action pertains to an individual) (See Note 1)
2. Request Number:	Leave Blank
3. For Additional Information Call:	Name and telephone number of person who can provide additional information.
4. Proposed Effective Date:	Enter date on which action is desired and use military format (i.e. 21 Sep 08) For: Promotions and Reassignments use the first day of the next pay period. (see note 2) For: Separations show the last date the Technician will be on the rolls. For: Advertisements -- Leave Blank
5. Action Request by (Signature, Title, Date)	Signed by the person initiating the action. Individual requesting LWOP, Resignation, or Vol Reassignment will sign here. First-Line Supervisor will initiate/sign all other actions.
6. Action Authorized by (Signature, Title, Date)	Signed by next higher level supervisor.
Part B -- For Preparation of SF-50	
1. Name:	When applicable
2. SSN:	When applicable
3. Date of Birth:	Use military format (i.e., 21 Sep 08)
4. Effective Date:	Leave Blank (For HRO use)
5-A.through 6-E:	Leave Blank
7. From: Position Title and Number	When applicable (See item 15)
8. through 13.	When applicable
14. & 22. Name & Location of Position's Organization:	e.g. Military Department of Nebraska Office of the Adjutant General Location of Position
15. To: Position Title and Number	Enter official position description, title, position number, FAC
16. & 17. Pay Plan & Occupational Code:	Show pay plan and occupational series from the official position description.
18. Grade or Level:	Indicate grade assigned, could be different than grade shown on position description.
19., 20, 21.	Leave Blank
23. through 31.	Leave Blank
32. Work Schedule:	Fill in block with the appropriate letter.
33. Part-time hours:	Leave blank
34. Position Occupied:	Fill in block with the appropriate number.

INSTRUCTIONS FOR PREPARATION OF SF 52 (Continued)	
35. through 38.	Leave Blank.
39. Duty Station:	Enter location of Technician's official duty station -- city and state.
40. through 51.	Leave Blank.
PART C—Reviews and Approval	
Reserved for HRO	Leave Blank
Part D – Remarks by Requesting Office	
	Must indicate authorized military compatibility data as appropriate (show Unit, UIC, AFSC/MOS, Position title and number, Military grade, etc.). Add any additional information that will help to clarify your request (i.e. vice)
PART E – Employee Resignation/Retirement	
1. through 5.	Must be completed, dated and signed by the Technician.
Part F - Remarks for SF 50	
	As necessary

Note 1: On new appointment, if the Technician has prior active military service, a copy of all DD Form 214s must accompany appointment SF 52.

Note 2: SF52s are to be received by the HRO three (3) workdays prior to the requested effective date.

