



# CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1  
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## NATIONAL GUARD TECHNICIAN AND CIVILIAN PERSONNEL EXCEPTED SERVICE EMPLOYMENT

References: See Enclosure L.

### 1. Purpose.

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of this instruction is to establish policy and assign responsibilities for the National Guard Bureau (NGB) Manpower and Personnel Directorate (NGB-J1) Technician and Civilian Personnel Policy Division (NGB-J1-P) in accordance with (IAW) reference a.

b. Volume. This volume provides policy and assigns responsibilities for National Guard (NG) Technician and Civilian Personnel Excepted Service Employment IAW reference a through reference g.

2. Cancellation. This instruction cancels and replaces Technician Personnel Regulation 300, 01 July 1991, "Employment."

3. Applicability. This instruction:

a. Applies to the NG of the States, Territories, and the District of Columbia, hereinafter referred to collectively as "States," and to all NG employees. The term "NG employees" throughout this volume is defined IAW reference a through reference e as Title 32 (T32) Dual Status Military Technician excepted service employees and Title 5 (T5) NG-excepted service employees within the States.

b. Does not apply to the civilian employees assigned to the Office of the Chief of the NGB, NGB Joint Staff, Air National Guard Directorate, and Army National Guard Directorate.

4. Policy. It is NGB policy to adhere to merit-system principles for the appointment and employment of NG employees. All NG employee appointments and subsequent personnel employment actions will be completed without violating prohibited personnel practices.

**UNCLASSIFIED**

a. Delegation of Authority. Authority is delegated to NGB-J1 to approve requests for exceptions to policy described in this volume. All ETP requests must be forwarded to the NGB-J1-P for staffing.

b. NG Excepted Service. This instruction establishes NG excepted service policy as authorized by reference b and reference d, and IAW reference g describes methods of filling positions; the status of NG employee incumbents; policies and procedures for recruiting and filling personnel using competitive or non-competitive authorities and procedures; processing merit promotions; processing management directed reassignments; voluntary reassignments for all NG employees; and provides the basis for developing or updating a State-level Merit Placement and Promotion (MPP) Plan.

c. Merit System Principals. Any personnel actions under NG excepted service policy will adhere to Merit System Principles, ensuring identification, qualification, evaluation, or selection of candidates and any other phase of the promotion and placement process will be made without bias. Vacancies are filled by selection from the best qualified candidates available without regard to such factors as political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, non-disqualifying physical disability, genetic information, or age. This ensures that qualified applicants receive equitable consideration for positions filled under competitive processes.

d. NG Excepted Service Appointments. A NG excepted service position is specifically excepted from the competitive service pursuant to statute by the President or by the Office of Personnel Management (OPM). Appointments in the excepted service are civil service appointments within the Federal Government. A person appointed to an excepted service position does not acquire a competitive status by reason of the appointment.

e. Appointment Authority. T32 Dual Status appointments to positions will be IAW reference b. T5 NG excepted service appointments to positions will be IAW reference f. All appointments must be made IAW reference a through reference g. Appointments will be to a Federally-recognized NG unit or support entity in the same State where the NG employee is employed. NG employee appointments may be permanent, indefinite, or temporary.

(1) Permanent Employment. Permanent employment is without time limitations, and employees are in either Tenure Group 1 or Tenure Group 2 (see Table 1). Permanent employees who apply for, and are selected for, an indefinite or temporary position do not maintain their permanent tenure status, nor do they have restoration rights back to their permanent position or status. These employees' Tenure Group changes as a result of a change in the appointment status in which the employee is serving.

(2) Indefinite Employment. Indefinite employment is temporary and is expected to last more than one year but no more than five consecutive years. Indefinite employees are in Tenure Group 3. Unless otherwise authorized in this instruction, competitive procedures must be used when filling a position on an indefinite basis. Indefinite employees may be separated after a 30-day written notice is issued by the Human Resources Officer (HRO). NG T32 Dual Status employees must meet military compatibility requirements as described in reference h. All personnel employed under the provisions of indefinite employment:

- (a) Must meet the qualification standards established for the position.
- (b) Do not acquire permanent status but can convert to permanent status if position was competed as such.
- (c) Do not serve a trial period.
- (d) May be promoted through competition, changed to lower grade, or reassigned to another position at any time.

(3) Temporary Employment. Temporary appointments may be made without competition or through a competitive recruitment process. However, NG T5 temporary appointment for over 120 days must clear Priority Placement Program.

(a) The circumstances under which a temporary appointment is appropriate include but are not limited to addressing a temporary workload peak and completing a project or meeting a staffing need that is not anticipated to exceed a one-year timeframe, for reasons such as the end of, or the reorganization of, a function.

(b) Temporary NG employees may be employed in increments of up to one year for a consecutive total of no more than four years. Temporary employees are initially in Tenure Group 0 and then Tenure Group 3 after one year of current, continuous service. They may be separated at any time; however, Tenure Group 3 may be entitled to notice. Personnel employed under the provisions of temporary employment:

- 1. Must meet the qualification standards established for the position.
- 2. Do not have the protection of reduction-in-force procedures.
- 3. Do not acquire permanent status or eligibility to be non-competitively converted to a permanent appointment.
- 4. Do not serve a trial period.
- 5. Do not earn credit towards a civilian retirement and are not eligible for certain civilian employee benefits.

(c) See Table 1 below for NG Employee Appointment Type, Tenure, and Definition.

Type of Appointment	Tenure Group	Definition
Permanent	1	Employees whose appointments carry no restrictions or conditions such as conditional, indefinite, specific time limitation, or trial period. Tenure is equivalent to a career appointment in the excepted service.
Permanent	2	Employees who are serving trial periods and employees whose tenure is equivalent to a career conditional appointment in the excepted service.
Indefinite	3	<p>Employees who:</p> <p>(a) Are serving under indefinite appointments, that is appointments without specific time limitation but not actually (or potentially) permanent.</p> <p>(b) Are serving under appointments with specific time limits of more than one year.</p> <p>(c) Though currently under temporary appointments limited to one year or less, complete one year of current, continuous service.</p> <p>(d) Can convert to permanent status if position was competed.</p> <p>Tenure is equivalent to a competitive service appointment in the excepted service.</p>
Temporary	0	Employed under a temporary appointment limited to one year or less. Temporary employees are not in Tenure Groups 1, 2 or 3.
Source: Reference i and reference j.		

**Table 1.** NG Employee Appointment Type, Tenure, and Definition.

5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This is the initial publication of CNGBI 1400.25, Vol. 213.
8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be reviewed annually by the Proponent/Office of Primary Responsibility for continued validity, and be revised, reissued, canceled, or certified as current every ten years.



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Enclosures:

- A -- Responsibilities
- B -- Employment Information
- C -- Prohibited Personnel Practices
- D -- Qualification Standards, Job Analysis, Crediting Plan, Recruitment Strategy, Job Opportunity Announcements, and Evaluation
- E -- General Non-Competitive and Competitive Procedures for Personnel Placement Actions
- F -- Between-State Movement of Personnel, Change of Appointing Office
- G -- Special Selection Procedures for Preference Eligible and Veterans Under Merit Promotion
- H -- Other Non-Competitive Reinstatement, Retention or Restoration Personnel Processing Actions
- I -- National Guard Accelerated Hiring Authority of Certain Shortage or Critical Need Positions
- J -- Military Key Staff Appointments for National Guard Title 32 Dual Status Technicians
- K -- Merit Promotion Corrective Actions and Grievance Complaints
- L -- References
- GL -- Glossary

ENCLOSURE A  
RESPONSIBILITIES

1. NGB-J1. The Director of NGB-J1 will:

- a. Serve as approval authority for requests for an ETP in this volume.
- b. Serve as the primary advisor to the CNGB on all NG employee personnel and policy matters.
- c. Maintain oversight of the employment and use of NG employees to ensure The Adjutants General (TAGs) and the Commanding General of the District of Columbia (CG) establish policy and procedures consistent with this instruction.
- d. Execute the NG Personnel Program in a nondiscriminatory manner.
- e. Develop and distribute the full spectrum of policies and programs for the employment and use of NG employees IAW references a through e, and reference g.

2. NGB-J1-P. NGB-J1-P will:

- a. Serve as the primary advisor to the Director of NGB-J1, as well as Commanders, staff, and operating officials on all matters pertaining to the appointment and employment of NG employees.
- b. Develop, establish, and administer policy, plans, and programs concerning NG employees, including administrating employment, directing the implementation of policies and instruction, and program oversight.
- c. Staff all ETP requests submitted by States for NGB-J1 final determination.

3. TAGs and CG. TAGs and the CG will:

- a. Appoint, employ, and administer NG employees in their jurisdiction IAW reference b and reference f.
- b. Ensure responsibilities in references b, e, f, and g are used in managing NG employees which includes appointing candidates as Federal employees, promoting, reassigning, changing to lower grade, reducing in pay, furloughing, suspending, or separating employees, unless otherwise directed by the NGB or Department of Defense (DoD).
- c. Ensure that the State's Technician and Civilian Personnel Program is effectively and efficiently managed.

d. Monitor compliance with this instruction and as required, provide reports to the CNGB or NGB-J1 regarding program effectiveness.

4. HRO. HROs will:

a. Provide timely and efficient service while reviewing personnel actions and ensuring they are processed IAW statute, the OPM, DoD, Department of the Army, Department of the Air Force, and NGB instructions and regulations, and the terms of any negotiated collective bargaining agreements (CBAs).

b. Provide training, technical guidance, and staff assistance to managers and supervisors fulfilling the responsibilities specified in this instruction.

c. Maintain documentation of personnel processing actions under this instruction that are sufficient to allow reconstruction of the actions taken and must be for a time frame consistent with the requirement of reference k.

d. As required, prepare reports regarding program effectiveness for TAG or the CG IAW paragraph 3.d. of this Enclosure.

5. State Human Resources Specialist (Staffing). State Human Resources Specialist (Staffing) will comply with the requirements of this instruction and work collaboratively with other Human Resources Specialists to ensure the regulatory requirements associated with the appointment and employment of NG employees are followed.

6. Managers and Supervisors. Managers and supervisors will comply with the requirements of this instruction and work collaboratively with HRO ensuring the regulatory requirements associated with the employment of NG employees are followed.

## ENCLOSURE B

### EMPLOYMENT INFORMATION

1. Applicability of Various Laws and Regulations. NG employees are subject to most of the provisions in law and regulations which apply to Federal employees, including political activity, citizenship requirements, and suitability determinations for NG T5 employees. NG employees are also subject to applicable DoD, Department of the Army, or Department of the Air Force instructions and NGB instructions and regulations.

2. Position Designation. The OPM position designation system and the position designation automated tool is used to establish personnel security clearances or suitability requirements for positions. The position-sensitivity code is based on the duties and requirements of the position and is determined when the position is established. The level of security clearance is documented on the Standard Form 52 "Request for Personnel Action" when requesting personnel actions.

a. Intergovernmental Personnel Act (IPA). NG limitations found in reference I are mandatory. The use of IPA provisions in the NG is limited to TAG and CG positions only. Under the provisions of an IPA, a NG T32 Dual Status Technician may be selected as TAG or the CG for two years, with the option to extend the IPA an additional two years, not to exceed 48 consecutive months. The CNGB has the delegated authority to approve and extend all IPA agreements to NGB-J1. All IPA assignment requests must be forwarded to NGB-J1-P for staffing. Assistant TAG positions do not qualify for an IPA assignment. NG T32 Dual Status Technicians serving under temporary, indefinite, or other time-limited appointments are not eligible for an IPA assignment.

b. Understudy Authority. An Understudy Authority is a delegated authority that allows managers to establish a temporary assignment to allow continuity and a transitional period for NG employees selected for key managerial positions. Management may select, through merit placement procedures, fully qualified individuals to understudy the incumbent for a short period of time immediately prior to the outgoing NG employee's departure date. When implementing this authority, the following actions will be accomplished:

(1) The understudy position will be filled IAW the State's MPP Plan, and the selectee will be required to meet all qualification requirements of the position.

(2) The individual selected may not assume full performance-level duties, or be promoted, until the position is vacated.

(3) The understudy period will not exceed 120 consecutive calendar days; extensions are not authorized.



c. Appointment of Retired Service Members. Retired Service members may be considered for Federal civilian employment IAW reference m.

d. Dual Compensation. NG employees are subject to the statutes governing dual compensation.

e. Appointment of Federal Annuitants. A Federal civilian annuitant under either the Civil Service Retirement System or the Federal Employees' Retirement System may be reemployed in any NG T5 position for which he or she is qualified. Reemployed annuitants may be hired on an indefinite or temporary basis in either a full-time or part-time status. Federal annuitants will be reemployed and compensated IAW the criteria and delegations of authorities in reference n.

3. Negotiated CBAs. Bargaining unit positions are subject to negotiated agreements:

a. Where negotiated labor agreements include bargaining unit positions under the provisions of this policy, negotiated CBAs apply.

b. Where this policy uses excepted service provisions of law, the provisions of the excepted service will apply.

c. When this policy differs from changes in law or regulation, the changes in law or regulation will apply.

4. Selecting Officials. Selecting officials have the right to consider or select candidates from any appropriate source IAW applicable law and policy. Selecting officials may or may not select from a group of qualified candidates referred for consideration, and have the option to interview all, some, or none of the candidates on the referral lists subject to any negotiated CBAs or State NG policy, such as the MPP.

5. Trial and Probationary Periods.

a. A permanent appointment trial period will be one year in duration and used to determine suitability for continued employment. During a trial period, the supervisor carefully considers whether the employee can perform the duties and responsibilities of the position and determines whether the employee has the qualities needed for continued Government employment. The following criteria apply:

(1) An employee who first comes to work under a permanent excepted service appointment normally serves a trial period for 12 consecutive months in the same type of work and in the same State with the same appointing official. Employees may be removed at any time during the trial period, except as provided for preference-eligible employees in reference o, if it is determined that the employee's conduct or performance is unsatisfactory.

(2) Prior service is creditable, providing it meets the below criteria:

(a) Nonpermanent appointments that immediately precede an excepted appointment, and career or career-conditional appointments that immediately precede an excepted appointment.

(b) Periods of leave-without-pay of 30 days or fewer, or furlough of 22 workdays or fewer, that interrupt other creditable service. A trial period will be extended day-for-day when leave-without-pay or furlough exceeds these periods.

b. The trial period for part-time employees is computed based on calendar time in the same manner as for full-time employees.

c. Absence, whether on or off the payroll, due to compensable injury or military service is creditable in full upon restoration to Federal service.

d. Adverse action procedures contained in reference o may apply to discharge during the trial period. The employee serving a trial period may have appeal rights, and under certain circumstances, may be the basis for a grievance.

6. Supervisory and Managerial Probation. New supervisors and managers must serve a probationary period the first time they start a permanent supervisory or managerial position. The length of the supervisory or managerial probationary period is one year.

a. At the end of the probationary period, the supervisor determines whether to retain that individual as a supervisor or manager or to return the employee to a nonsupervisory position.

b. If an employee is required to concurrently serve both an initial trial period and a supervisory probationary period, the initial trial period has precedence and is of greater consequence.

c. When the employee cannot satisfactorily complete the probationary period, they are returned to a nonsupervisory or non-managerial position. Failing to complete the supervisory or managerial probationary period is not an adverse action. The notice of failure to complete probation must include information on how the NG will satisfy the employee's placement rights. An employee who was returned to a nonsupervisory or non-managerial position may be considered for assignment to other supervisory or managerial positions. An employee who returns to a lower-graded nonsupervisory or non-managerial position may not retain the grade or pay of the higher position. If the employee already has an entitlement to grade or pay retention from a prior position, it is unaffected by this assignment. If the employee's entitlement to grade retention ceased on promotion to a supervisory position and they return to the previous or an equivalent position, the employee may resume the remainder of the period of eligibility.

d. If an NG employee is moved to another supervisory or managerial positions during probation, service in the former position counts toward completing the probation for the new position. When an employee serving probation is temporarily placed in another supervisory or managerial position (for example, under detail or temporary promotion), the employee receives credit toward completing the probationary period for the temporary service. Temporarily moving to a nonsupervisory position during probation (that is, detail, temporary promotion, or reassignment) is not credited toward completing probation.

e. When an employee serving a probation period moves to a permanent nonsupervisory or non-managerial position, moves to a non-pay status, or has a break in service of more than three calendar days, the employee does not receive credit toward completing a probationary period under a subsequent appointment. Employees may receive full credit of a probation period for absence on or off the payroll for compensable injury, illness, or military duty.

7. T32 Dual Status Technicians. Any position requiring military membership in the NG are designated as T32 Dual Status Technician positions. T32 Dual Status Technician recruiting and filling personnel actions are exempt from veteran preference provisions of reference p.

a. T32 Dual Status Technicians are required to maintain military membership, wear the appropriate military uniform, observe military customs and courtesies, and maintain military rank and unit of assignment that is compatible with their Military Technician position IAW reference b.

b. Military grade inversion within the T32 Dual Status Technician workforce is prohibited. The HRO, TAG, or CG designee must review a T32 Dual Status Technician employee's official military chain of command to ensure the action will not result in military grade inversion when considering a T32 Dual Status Technician employee's request to change military unit of assignment or military rank. The military grade of the supervisor must equal or exceed the military grade of assigned personnel supervised. Unit of assignment or service component of the T32 Dual Status Technician does not change this requirement.

c. The military grade inversion rule does not apply to Wage Leader or Work Leader positions (under the Federal Wage System) because these positions do not meet the legal definition of "supervisory" with regard to assigned duties and responsibilities of reference q.

d. Federal law requires that civilian personnel, employed IAW reference b, maintain membership in the NG as a condition of continued employment and requires prompt termination from the current position upon loss of membership in the Army National Guard or Air National Guard.

8. Uniformed Services Employment and Reemployment Rights Act (USERRA). USERRA protects civilian job rights and benefits for members of the Active and Reserve components of the U.S. Armed Forces. States will apply the provisions of USERRA in employment and placement policies and practices to ensure the protection of civilian job rights and benefits IAW reference r. Similar or additional USERRA-type rights may be provided under applicable State leave laws.

9. NG T5 Positions. As current NG T5 competitive service employees separate from their respective positions and the position becomes vacant, those positions are directly converted into NG T5 excepted service positions.

a. When an agency accepts applicants from outside its workforce, preference eligible and veteran preference provisions of reference p apply.

<b>Veteran Preference and Preference Points</b>	<b>OPM Shorthand Reference</b>
10-Point 30 Percent Compensable Disability Preference (compensable Service-connected disability rating of 30 percent or more)	CPS
10-Point Compensable Disability Preference (compensable service-connected disability rating of at least 10 percent but less than 30 percent)	CP
10-Point Derived Preference (this type of preference is usually referred to as "derived preference" because it is based on service of a veteran who is not able to use the preference)	XP (spouses, widows, widowers, or mothers)
10-Point Disability Preference (does not qualify as a CPS or CP, or is a veteran who received a Purple Heart)	XP (veteran)
5-Point Preference (is not based on a compensable service-connected disability rating)	TP (veteran)
0-Point Preference (based on sole survivorship discharge)	SSP (sole survivorship)

**Table 2.** Preference Eligible and Veteran Preference

b. Candidate evaluations for NG T5 positions. Assessed applicants are placed in the appropriate group and ranked according to preference eligibility and non-preference eligibility. All qualified preference eligible applicants are placed ahead of non-preference eligible applicants. Qualified preference-eligible applicants are listed in alphabetical order within each preference order as shown in Table 2. Qualified non-preference eligible applicants are listed in alphabetical order. The following are exceptions:

(1) For scientific and professional positions at the General Schedule (GS) Grade 09 or higher, qualified preference eligible applicants, with a compensable service-connected disability of ten percent or more (CPS and CP see Table 2), are placed ahead of non-preference eligible applicants within the same category. Candidates within the preference groups are listed in alphabetical order.

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

c. An agency may determine to accept internal employee applicants only for NG T5 positions. If advertised as such, candidate evaluations and assessments are completed without applying the preference eligible or veteran preference provisions of reference p.

ENCLOSURE C

PROHIBITED PERSONNEL PRACTICES

1. Prohibited Personnel Practices. There are fourteen prohibited personnel practices, including reprisal for whistleblowing, which are defined in reference s.
2. Personnel Action Authority. Reference s states that any employee who has authority to take, direct others to take, recommend, or approve any personnel action, will not, with respect to such authority:
  - a. Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation.
  - b. Request or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics.
  - c. Coerce the political activity of any person; or take any action as a reprisal for the refusal of a person to engage in such political activity.
  - d. Deceive or willfully obstruct anyone from competing for employment.
  - e. Influence anyone to withdraw from competition in an effort to improve or injure the employment prospects of any person.
  - f. Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant.
  - g. Engage in nepotism as defined in reference t.
  - h. Engage in reprisal for whistleblowing. A person with personnel authority cannot take or fail to take a personnel action with respect to an employee or applicant because of a disclosure of information by the employee or applicant that he or she reasonably believes is evidence of a violation of a law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety. This prohibition does not apply if the disclosure is barred by law or is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs, except when such a disclosure is made to the Special Counsel, the Inspector General, or a comparable agency official.
  - i. Take or fail to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right; testifying for or assisting another in exercising such a right; cooperating with or disclosing information to the Special Counsel, or to an Inspector General; or refusing to obey an order that would require the individual to violate a law.

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

k. Knowingly take or fail to take, recommend, or approve a personnel action which would violate an applicable veterans' preference requirement.

l. Take or fail to take a personnel action which would violate any law, rule, or regulation implementing or directly concerning merit system principles.

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

(1) Reference s provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to:

(a) Classified information.

(b) Communications to Congress.

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

(d) Any other whistleblower protection.

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

n. Accessing the medical record of another employee or applicant for employment as a part of, or furthering, any of the prohibited personnel practices listed above.

ENCLOSURE D

QUALIFICATION STANDARDS, JOB ANALYSIS, CREDITING PLAN, RECRUITMENT STRATEGY, JOB OPPORTUNITY ANNOUNCEMENTS, AND EVALUATION

1. Qualification Standards. States will use updated NGB qualification standards which provide instruction and incorporate OPM qualification standards, as appropriate, as a guide in performing a job analysis in developing localized category ratings. Local category rating will be used for all recruiting and filling actions for State NG level General Schedule and Federal Wage System positions.
2. Position Description. The purpose of a position description is to document the major duties and responsibilities of a position, not to detail every possible activity during the workday. A job analysis is performed to develop a category rating for use with existing and new position description releases.
3. GS Class of Positions and Job Families. State Human Resources Specialists (Staffing) will review qualifications to ensure they are relevant to the position and describe the knowledge, skills, and abilities a person must have to be minimally qualified and identify any inconsistencies for NGB to update qualification standards.
4. Federal Wage System Class of Positions and Job Families. State Human Resources Specialists (Staffing) may use a variation of the traditional rating schedule based on training and experience rating factors focused on task-based experience. The task-based method is used to assess applicants' training and experience in relation to descriptions of tasks performed on the job to be filled.
5. Individual Occupational Requirement. State Human Resources Specialists (Staffing) may develop additional qualification requirements to meet local agency needs based on the classes of positions and job families. For any OPM qualification standards that require specialized experience or positive educational curriculum, the class of positions standard may be supplemented with any locally developed individual occupational requirements. States will ensure any additional qualifications are related to the specific needs of the position and are not designed to circumvent any merit principles.
6. Individual Occupational Requirement and Job Grade. Since any significant change in qualification requirements for a job may affect the grade of the job, State Human Resources Specialists (Staffing) and State Human Resources Specialists (Classification) should coordinate with each other to ensure that the relationship between qualification requirements and job grade levels remain consistent. Any additional qualification requirements developed by the State must be approved by the HRO in writing and included in the advertisement.



7. Job Analysis and Crediting Plan. Prior to advertising for recruiting and filling any NG T32 Dual Status Technician or NG T5 employee positions, a completed formal job analysis and crediting plan which focuses on the position's work behaviors, tasks, and outcomes is required. The competencies (knowledge, skills, abilities, and behaviors) must be identified in the job analysis and serve as the foundation for the State Human Resources Specialist's (Staffing) assessment. This can be completed by performing a thorough assessment of the position's competencies, as defined by the job analysis, and clearly identifying the competencies required to minimally qualify and fully qualify applicants based on the crediting plan rating system.

a. The crediting plan provides an objective statement of the position's qualification requirements and criteria against which applicants are evaluated. The rating categories are applied in the crediting plan to rate the candidates' capabilities and competencies to successfully perform the position's described duties and responsibilities.

b. Position qualifications and an applicant's capabilities and competencies to perform the duties and responsibilities of the position are the basis in developing a list of properly qualified candidates for position fills due to vacancy.

8. Area of Consideration (AOC). An AOC for recruitment to compete the position must be broad enough to ensure the availability of a reasonable number of high-quality candidates, taking into account the nature and level of the position to be filled, merit principles, affirmative action goals and objectives, applicable regulations, and requirements of negotiated CBAs.

a. An AOC may be expanded beyond the minimum area at any time during the recruitment process. If a job announcement was used to compete the position, the expanded AOC to meet recruitment needs will be announced with the issuance of an amended or new job announcement.

b. Table 3 below provides examples of AOC and Categories that States may use to recruit candidates. Categories may be combined within an AOC to meet localized recruitment needs. Nothing in any AOC defined by any Category below is designed to obstruct any Federal or State statute, order, or regulation, as applicable, for preference eligible persons from applying for positions in the NG, as so advertised, to meet the mission requirements of the State's NG.

<b>Area of Consideration</b>	<b>Description</b>
AOC 1	Statewide
AOC 2	Nationwide
AOC 3	AOC 3 - Within a specific directorate, etc., that a reduction in force action dictates (Army Aviation Support Facility #1, U.S. Property and Fiscal Office, Surface Maintenance, et cetera)
<b>Categories within an Area of Consideration</b>	<b>Description</b>
Category 1	All On Board Federal employees/NG T32 Military Technicians within [State]
Category 2	Currently serving and former National Guard members within [State]
Category 3	All On Board NG T32 Military Technicians within [State]
Category 4	All current Federal employees
Category 5	All Federal re-employment eligible
Category 6	Current Army M-Day and Air Drill Status Guardsmen within [State]
Category 7	Applicants willing to become NG T32 Military Technicians and gain XXNG membership
Category 8	New or existing NG T5 positions - all current National Guard excepted service Tenure 1 and 2 Federal civil service employees (AOC 2 with Category 8)
Category 9	New or existing NG T32 positions – all current National Guard excepted service Federal civil service employees with permanent, indefinite, or temporary appointments able to meet the employment requirements of reference b (AOC 2 with Category 9)
Category 10	U.S. Citizens

**Table 3.** AOCs and Categories

9. Offset Loss of Professional Military Knowledge. TAG or the CG may consider AOC 1 further defined by Category 2 for recruiting and filling NG T5 positions to offset the loss of professional military knowledge unintentionally prompted by the conversion of Dual Status positions to civilian positions while providing affirmative employment opportunities for Service members and veterans. To apply for positions under this AOC

and Category, candidates may establish eligibility based on current membership or a NGB Form 22 "National Guard Report of Separation and Record of Service" or NGB Form 22A "Correction to NGB Form 22" for former National Guard members. Documentation submitted by former members will be considered valid when the discharge from service in that State has a characterization as an Honorable Discharge or a General Discharge Under Honorable Conditions. Category rating is then used to determine a list of potential candidates.

10. Job Opportunity Announcement (JOA). For each NG T5 employee position that is advertised on USAJOBS for initial recruiting and filling or for merit promotion, the JOA must clearly define the Series' qualifications and group, or category rating used to assess each applicant based on the set of identified competencies directly related to the job.

a. The HRO must ensure the "How you will be evaluated" section of the JOA clearly communicates the rating criteria to applicants, including the groups or category rating and other qualifying factors such as education, certifications, and specialized experience factors, that are applied to assess all applicants as either highly-qualified, well-qualified, or qualified.

b. Unless excluded by a qualification standard, State staffing specialists may credit NG experience on a month-for-month basis (that is, 12 months of NG service is credited as 12 months of experience) in order to determine whether they meet qualification requirements or when evaluating candidates using category rating.

c. For each NG T5 position advertised for initial recruiting and filling, the JOA must clearly define the type of required documentation needed for each identified preference category in the application.

d. IAW reference p, preference and veteran preference apply to NG T5 permanent position appointments (Tenure 1 or 2), and indefinite and temporary position appointments (Tenure 0 and 3) when advertised for competitive processing.

e. NG T5 temporary appointments not to exceed one year (Tenure 0) are authorized outside competitive procedures.

11. Competitive Procedures. JOAs used to solicit candidates are uploaded to USAJOBS as required when filling vacancies through competitive procedures. JOAs are open for receipt of applications as determined by the HRO, subject to any negotiated CBAs. JOAs must include:

a. JOA number, opening, and closing dates.

b. Position title, series, grade (including full performance level, if appropriate), organization, and location.

c. Sufficient information for the applicant to understand the AOC and Categories of those eligible to apply.

d. A summary of the job duties.

e. A statement of the qualification requirements, including any additional qualification requirements developed by the State as approved by the HRO. The JOA may also include information on where the qualification requirements may be accessed.

f. Designation of any special requirements.

g. For an NG T5 position, any preference and veteran preference criteria and eligibility requirements; defined groups (at least two groups) or category rating used to assess each applicant based on the competencies directly related to the job; and an assessment questionnaire with rating criteria as determined by the position's job analysis results.

h. Equal Employment Opportunity statement.

i. Known promotion potential, if applicable.

j. Instructions on how to apply or information on where the instructions can be accessed.

12. Agency-based Compensation Flexibilities. Agency-based compensation flexibilities may be considered by officials who exercise personnel appointing authority. Any compensation flexibilities specific to a and b below should be included in the JOA. Any compensation flexibilities related to paragraph 12.c through 12.f below are not included in the JOA; however, they require approval by the official appointing authority before the selectee's entrance on duty date.

a. Recruitment or Relocation Incentive.

b. Permanent Change of Station (PCS).

c. Highest Previous Rate.

d. Superior Qualifications and Special Needs Pay-Setting Authority.

e. Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service.

f. Student Loan Repayment.

13. Qualitative Categories. For NG T5 positions, qualitative category groups, defined as at least two of the groups below, is used to assess each candidate against job-related criteria defined by the job analysis and crediting plan. Applicants who meet the basic qualification requirements established for the position are placed in a group based on the extent to which they exceed the basic qualifications. The position's job analysis and credit plan's ranking factors are expected to significantly enhance performance in a position; however, they are not essential for satisfactory performance. Applicants who possess such competencies are ranked above those who do not, but no one will be rated ineligible solely for failure to possess all defined competencies.

a. Highly-Qualified. This highest group is applied for candidates who possess the type and quality of experience that substantially exceeds the minimum qualifications of the position, including all selective placement factors and appropriate ranking factors as determined by the job analysis and crediting plan. If using numeric value groups, the rating for this group normally ranges from 90 to 100 points. Candidates are considered highly-qualified, after being evaluated by the State Human Resources Specialists (Staffing) as highly proficient and fully competent to effectively perform all the job requirements, and can successfully perform in the position almost immediately or with a minimum amount of training and orientation.

b. Well-Qualified. The next lower group is used for candidates that meet the minimum qualifications of the position and are proficient in most, but not all, of the requirements of the position. If using numeric values, this group normally ranges from 80 to 89 points. Candidates may require some training and orientation to satisfactorily perform the duties of the position.

c. Qualified. This is the lowest group used for candidates who meet the minimum qualifications of the position and are proficient in some, but not all, of the position's requirements. If using numeric values, this group normally ranges from 70 to 79 points. Candidates will require extensive training and orientation to satisfactorily perform the duties of the position.

ENCLOSURE E

GENERAL NON-COMPETITIVE AND COMPETITIVE PROCEDURES FOR  
PERSONNEL PLACEMENT ACTIONS

1. The following personnel placement actions may be completed by non-competitive procedures:

a. Promotion resulting from the upgrading of a position without significant changes in duties and responsibilities when NGB-J1-P applies a new classification standard or the correction of a classification error; or when NGB-J1-P publishes an amendment to an employee position description; or, when the position description is abolished and replaced with a new position description that is classified higher-grade because of additional duties and responsibilities that meets the criteria to be done non-competitively.

b. Placements made during or in-lieu of a reduction in force as permitted by governing regulations.

c. Actions involving statutory, regulatory, or administrative placement, including actions directed by NGB, DoD, or OPM, arbitration decisions, court decisions, local settlements, and discrimination complaint decisions.

d. Career ladder promotions, such as by promotion without further competition of an employee who was appointed from a civil service register, by delegated examining authority, by direct hire, by non-competitive appointment or non-competitive conversion, or by competitive procedures, for an assignment intended to prepare the NG T32 DS Technician or NG T5 selectee for the position being filled. The intent must be made as a matter of record, and career ladders must be documented on an Individual Development Plan.

e. Promotion to a grade previously held on a permanent basis, from which the NG T32 Dual Status Technician or NG T5 employee was separated or demoted for other than performance or conduct reasons.

f. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than that of a position a NG T32 Dual Status Technician or NG T5 employee currently holds or previously held on permanent basis, from which they were separated or demoted for reasons other than performance or conduct.

g. Temporary promotions or details of 120 days or fewer to higher-graded positions or to positions with known promotion potential. Prior service during the preceding 12 months, under non-competitive time-limited promotions and non-competitive details to higher-grade positions, count toward the 120-day total.

h. Promotion or placement of an employee entitled to non-competitive priority consideration as corrective action for failure to be given proper consideration. The selecting official is not required to select a NG T32 Dual Status Technician or NG T5 employee referred under this provision.

i. Placement of employees who have eligibility for special consideration for re-promotion, such as for NG T32 Dual Status Technicians or NG T5 employees who are receiving grade or pay retention due to involuntary placement in lower grade or declination of a functional transfer.

(1) If fully qualified, they are referred to the selecting official for positions up to and including their former grade before a competitive referral list is issued.

(2) The selecting official is not required to select a NG T32 Dual Status Technician or NG T5 employee referred under this provision.

(3) Declining a valid offer that requires a status change (NG T32 Dual Status Technician and NG T5) will not result in termination or loss of pay and grade retention.

j. Other actions not specified above which are permitted by reference g and reference u, regulation, or authorized in this instruction and are consistent with the spirit and intent of equal opportunity and merit principles in the policy paragraph 4.b. of this instruction.

2. The following personnel placement actions require competitive procedures:

a. Permanent promotion to a higher-graded position or to a position with more promotion potential than any position previously held on a permanent basis.

b. Reassignment or demotion to a position with more promotion potential than any position previously held on a permanent basis except as permitted by reduction in force regulations.

c. Time-limited promotion for more than 120 days to a higher-graded position. Prior service during the preceding 12 months under noncompetitive time-limited promotions and non-competitive details to higher-graded positions count toward the 120-day total. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures, and the fact that it may lead to a permanent promotion was made known to all potential candidates.

d. Detail of more than 120 days to a higher-graded position or to a position with greater promotion potential. Prior service during the preceding 12 months under non-competitive detail to higher-graded positions and non-competitive time-limited promotion counts toward the 120-day total.

e. Transfer or reinstatement to a position at a higher grade or with more promotion potential than any previously held on a permanent basis.

f. Other actions not specified above which are permitted by reference g and reference u, regulation, or authorized in this instruction and are consistent with the spirit and intent of equal opportunity and merit principles in the policy paragraph 4.b. of this instruction.



ENCLOSURE F

BETWEEN-STATE MOVEMENT OF PERSONNEL, CHANGE OF APPOINTING  
OFFICE

1. Between State Movements of Personnel, Change of Appointing Office, in General.

a. TAG or the CG may elect to advertise a position using a category consisting of on-board NG T32 Dual Status Technicians or NG T5 excepted service employees across the States and Territories as an exclusive AOC. For illustrative purposes, see AOC 2 and Category 8 and 9 in Table 3 of this instruction. If advertised as such, candidate evaluations and assessments are completed without applying preference eligible or veteran preference in reference p. Applicant eligibility is established by submission of Standard Form 50, "Notification of Personnel Action," as part of the required documents described in the JOA.

b. If TAG or the CG elects to use this authority, TAG and the CG will follow the applicable paragraphs in Enclosure D of this instruction.

2. PCS for Between State Movements of Personnel, Change of Appointing Office. A PCS, as defined in reference v, may be offered with a between State movement of personnel, Change of Appointing Office. If a PCS is offered, it must be stated in the JOA. The funding for PCS under this authority will be from funding available to the gaining TAG or the CG.

3. Trial Periods and Supervisory Probationary Periods.

a. Employees who are considered for a move to any position under the authorities in this Enclosure must have completed their one-year trial period in their current appointment status or will be required to complete a new one-year trial period.

b. Employees who have completed their initial trial period will not be required to serve a new trial period.

c. Employees considered for movement to a supervisory position must comply with supervisory probationary period requirements IAW this instruction.

d. NG employees in an indefinite or temporary appointment status are exempt from the requirements of paragraph 3.a. and 3.b. above for application and appointment to positions advertised under paragraph 1.a. of this Enclosure. If an applicant is selected for a permanent appointment, the appointee is subject to the requirements of paragraph 3.a., 3.b., and 3.c. of this Enclosure.

4. Status. All movement of personnel under this authority are to positions in the excepted service.

a. HROs will ensure that any NG employee who changes status because of the authorities in this enclosure will acknowledge it, in writing, that the personnel action may result in changes in benefits, entitlement and pay.

b. Nothing under the authorities in this enclosure will relieve a NG T32 Dual Status Technician of a Service-specific reserve obligation contractually remaining by the Service member concerned prior to any movement.

5. Selection. States may develop an internal selection process consistent with this instruction for in-State movement of personnel.

a. For between-State movements of personnel, Change of Appointing Office, TAG and the CG will follow paragraphs 3 and 4 of this enclosure and the applicable paragraphs in Enclosure D of this instruction.

b. Any internal selection processes will adhere to the overarching principles of equal opportunity and merit principles in the Policy paragraph of this instruction.

c. TAG and the CG will publish their selection processes in their State MPP Plan or in a supplemental State policy.

ENCLOSURE G

SPECIAL SELECTION PROCEDURES FOR PREFERENCE ELIGIBLE AND  
VETERANS UNDER MERIT PROMOTION

1. Preference eligible and veterans preference will be considered for NG T5 vacancies under merit promotion when an agency accepts applications from individuals outside its own workforce.
2. TAG or the CG may appoint a preference eligible, veteran, or applicant who has completed three years of continuous active military service or at least three years of National Guard service who have competed under an agency merit promotion announcement and who meet the following criteria.
  - a. The applicant was selected from among the best qualified following competition under a merit promotion announcement open to candidates outside the agency's workforce.
  - b. The applicant's most recent separation from the military was under honorable conditions.
3. An applicant may be appointed from a separate certificate in the following succeeding order according to alternative rating:
  - a. Preference eligible.
  - b. Veterans.
  - c. Applicants who have completed three years of active military service.
  - d. Applicants have completed three years of National Guard service.
  - e. Applicants from outside its own workforce.
4. Those preference eligible, veterans, or applicants selected will not be given career or career conditional appointments in the competitive service IAW reference w because these appointments are in the NG excepted service under reference d, reference e, or reference x. They may, however, receive a permanent appointment that is equivalent to a career or career conditional appointment in the excepted service.

ENCLOSURE H

OTHER NON-COMPETITIVE REINSTATEMENT, RETENTION OR RESTORATION  
PERSONNEL PROCESSING ACTIONS

1. Discretionary Reinstatement.

a. TAG or the CG has the discretion to reinstate certain former Federal employees at any grade level for which the individual is qualified, including positions with promotion potential, without regard to the grade of the position the individual previously held on a permanent basis. If TAG or the CG elects to use this authority such reinstatements may be made non-competitively, provided the following two conditions are met.

(1) The reinstated eligible individual has been separated for at least one year before applying for reinstatement.

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

b. Those individuals reinstated under this authority will not be given career or career-conditional appointments in the competitive service IAW reference w, because these reinstatements are in the NG excepted service under reference d and reference e, or reference x. They may, however, receive a permanent appointment that is equivalent to a career or career-conditional appointment in the excepted service.

2. Combat-Related Disability Retention. TAG or the CG is authorized to retain NG T32 Dual Status Technicians if a Military Technician (dual status) loses such dual status as the result of a combat-related disability under reference c as an NG T5 employee IAW reference d, reference x, or reference y, with appointment for retention under reference e. Retention placement may be to a NG T5 position as long as the following criteria are met.

a. The combat-related disability does not prevent the person from performing the functions of the position.

b. The person is not disqualified from performing the functions of the position because of performance, medical, or other reasons.

c. A person so retained shall be removed not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

3. Statutory Restoration or Appointment. TAG or the CG is authorized to restore or appoint a person who is exercising statutory restoration rights upon full recovery or partial recovery from a compensable injury as an exception to Interagency Career

Transition Assistance Plan selection priority IAW reference z. Restoration rights or appointment is completed under an excepted service appointing authority in reference z.

ENCLOSURE I

NATIONAL GUARD ACCELERATED HIRING AUTHORITY OF CERTAIN SHORTAGE  
OR CRITICAL NEED POSITIONS

1. Certain Shortage or Critical Need Positions. The CNGB authorizes NG accelerated hiring for certain shortage or critical need positions in the NG under reference d. This NG hiring authority prescribes limitations in the implementing procedures, definitions, position specifications, and career fields and series/occupation titles in Table 4 and Table 5.

2. Authority. The CNGB designates TAG and CG authority IAW reference f for appointments of NG T32 Dual Status and NG T5 employees under the provisions of reference aa. Reference aa codified appointments under reference e for excepted service positions in State NGs IAW reference bb, reference x, and reference y. The policy in this Enclosure supersedes any previously issued NGB accelerated hiring authority of certain shortage or critical need positions.

3. Accelerated Hiring Authority in the Excepted Service. Appointments under this NG accelerated hiring authority enable the CNGB, TAGs, and CG to strengthen mission readiness in certain shortage or critical need positions.

a. Certain shortage or critical need positions for direct hire authority have been identified by the Secretary of Defense in the Department of Defense for positions in the competitive service under reference cc.

b. Those individuals selected under this NG authority will not be given appointments in the competitive service IAW reference cc, because these appointments are in the NG excepted service under reference d and reference e, IAW reference bb, reference x, or reference y. They may, however, receive a temporary, indefinite, or a permanent appointment that is equivalent to a competitive service appointment in the excepted service.

4. Implementing Procedures for Accelerated NG Hiring Authority in the Excepted Service.

a. The CNGB authorizes appointment of qualified candidates to certain shortage or critical need positions in the excepted service in the State NGs. Appointments are made without regard to reference dd, other than reference ee, reference ff, and reference gg.

b. This authority should primarily be used to appoint qualified candidates who are not existing NG employees with permanent tenure status. This authority will not be used for the sole purpose of bypassing normal competitive procedures.

5. Use of Accelerated NG Hiring Authority in the Excepted Service. This authority enables the NG to recruit and appoint qualified persons through a process without applying competitive rating and ranking procedures. The following principles shall be followed when exercising this authority.

a. A highly-qualified workforce is critical to missions of the DoD, NGB, and the States in performing missions of the CNGB, and the State NGs.

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

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

d. TAG and CG must ensure transparency, accountability, and auditability in hiring processes.

6. Definitions Associated with Accelerated NG Hiring Authority for Excepted Service.

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

b. For paragraph 12.c. and 12.d., qualified candidates meet or will meet Defense Acquisition Workforce Improvement Act certification requirements within the required timeframe for appointment to the position being filled.

c. For paragraph 12.g., qualified candidates are defined as individuals who possess a finance, accounting, management, or related degree from an accredited college or university, or equivalent experience relevant to the functions of the position being filled. In addition, qualified candidates meet or will meet the DoD Financial Management Certification Program requirements, within the required timeframe, for appointment to the position being filled, as applicable.

d. For paragraph 12.h., business transformation is defined as the processes of fundamentally changing the systems, processes, people, and technology across a whole business or business unit, to achieve measurable improvements in efficiency, effectiveness, and stakeholder satisfaction. To use paragraph 12.h., positions must involve work executing continuous process improvement or organizational change across the agency and meet the following criteria.

(1) Business transformation and management innovation appointees must have:

- (a) A management or business background.
- (b) Experience working with large or complex organizations.

(2) Demonstrated expertise executing, using recognized, repeatable business improvement methods, at least one of the following:

- (a) Management or organizational change.
- (b) Data analytics or business process design.

7. Announcement and Assessment Process for this NG Hiring Authority.

a. Public notice is not required; however, if posting JOAs, TAG and the CG must use announcements that are concise and easily understood. Public notice is appropriate if the AOC and Categories for recruitment includes current Federal employees from DoD or other agencies; or Federal re-employable eligible candidates; who have or held a permanent status.

(1) TAG and the CG may establish recruiting procedures that are in addition to established State MPP Plan procedures for identification of qualified individuals for referral to management for selection and appointment.

(2) TAG and the CG must ensure that Merit System Principles in the Policy paragraph of this instruction are followed when posting advertisements and announcements, receiving applications, referring candidates, and notifying applicants regarding receipt and status of their applications.

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

b. State Human Resources Specialists (Staffing) will assess candidates against job-related criteria, ensuring they have the skills, education, training, and behavioral attributes that provide for successful job performance.

c. Selectees for entry level positions must be assessed IAW reference hh.

d. Appointments under this authority are subject to the Priority Placement Program. Procedures for the Priority Placement Program can be found in the Priority Placement Program Handbook (see reference ii).



8. Appointments Under this NG Hiring Authority.

a. State Human Resources Specialists (Staffing) will use the applicable excepted service Nature of Action Code for appointment type (for example, 170). The Nature of Action is Excepted Appointment, and the Authority Code is ZLM, IAW reference aa and reference d.

b. For appointments under reference y, State Human Resources Specialists (Staffing) will follow the directions in paragraph 8.a. of this Enclosure with a Secondary Authority Code of V8K.

c. Any individual appointment under reference d and reference bb must meet the requirements of reference b.

d. Appointments may be made on a temporary, indefinite, or permanent basis.

9. Oversight and Accountability of this NG Hiring Authority. TAGs and the CG will:

a. Determine the appropriate use of this authority to meet workforce needs, ensuring implementation is IAW Merit System Principles in the Policy paragraph 4.b. of this instruction and any applicable CBAs.

b. Oversee, accountability, and reporting for themselves and their serviced organizations. TAG and the CG may be required to report on the use and effectiveness of this authority as requested by NGB.

c. Appointments under this authority may be evaluated as part of the DoD Human Capital Framework.

10. HRO Records Requirements.

a. Records will be retained to meet the administrative requirements of reference k. In addition, consolidated records of this authority must include the following:

- (1) Number of employees hired by position, series, and grade level.
- (2) Number of veterans hired.
- (3) Number of military spouses hired.
- (4) Number of internal candidates (that is, current employees) hired.
- (5) Quantifiable effectiveness in meeting NG staffing efforts.

11. CNGB Authority. The CNGB retains the authority to update this NG hiring authority of certain shortage or critical need positions as needed through NGB-J1 memorandum and in subsequent issuances of this instruction, and to rescind this NG hiring authority of any specific TAG or the CG who does not follow the principles or implementation procedures of this authority.

12. Types of Positions. This NG excepted service hiring authority can be used to appoint individuals in the GS-14 and below pay grades (or equivalent pay system) to positions meeting one of the following specifications:

a. Positions involved with DoD and NG maintenance and transportation activities, such as maintenance of weapon systems, hardware, equipment, software, installation infrastructure, or any combination thereof, including depot-level maintenance and repair.

b. Positions in the cyber workforce (also known as “cyberspace workforce”) as defined in reference jj and the glossary of this instruction, designated with a cyber-work role code.

c. Positions in the acquisition workforce that are responsible for managing any services contracts necessary to the operation and maintenance of programs of the NG.

d. Positions in science, technology, engineering, or mathematics, including supporting technical positions, within the defense acquisition workforce, or any categories within the NG by DoD designation by the Secretary as a shortage or critical need category, as outlined in Table 4 below.

e. Positions in technology and engineering in the NG for which a qualified candidate is required to possess a bachelor’s degree or an advanced degree, or for which a veteran candidate is being considered.

f. Positions in medical or health professions within the NG by DoD designation by the Secretary as a shortage category or critical need occupation, as outlined in Table 5 below.

g. Positions in financial management, accounting, auditing, cost estimation, operational research, business, or business administration for which a qualified candidate is required to possess a finance, accounting, or management science degree or a related degree, or a related degree of equivalent experience.

h. Positions for the purpose of assisting and facilitating the efforts of the NG in business transformation and management innovation.

Auditing (AUD)	Production Quality and Manufacturing (PQM)
Business – Cost Estimating (BCE)	Program Management (PM)
Business – Financial Management (BFM)	Science and Technology Management (S&T)
Contracting (CON)	Engineering (ENGR)
Facilities Engineering (FE)	Testing and Evaluation (T&E)
Information Technology (IT)	Small Business (SB)
Life Cycle Logistics (LCL)	

**Table 4.** Acquisition Career Fields

101 Social Science	603 Physician Assistant
180 Psychologist	610 Nurse
181 Psychology Aid and Technician	620 Practical Nurse
185 Social Worker	640 Health Aid and Technician
186 Social Services Aid and Assistant	671 Health Systems Specialist
602 Medical Officer or Physician	690 Industrial Hygienist

**Table 5.** Social Science, Psychology, Welfare, Medical or Health Professions Series and Occupation Title

ENCLOSURE J

MILITARY KEY STAFF APPOINTMENTS FOR NATIONAL GUARD TITLE 32 DUAL  
STATUS TECHNICIANS

1. Military Key Staffing Appointment (MKSA). An MKSA is an appointment of eligible Service members as T32 Dual Status Technicians to serve in positions within a State NG that are functionally and organizationally aligned as MKSAs. An MKSA is intended to complement and enable execution of military force development decisions made by TAG or the CG. This authority does not preclude TAG or the CG the option to use standard procedures and instructions for consideration and appointment of eligible candidates to such positions. The policy in this Enclosure supersedes any previously-issued NGB MKSA policy.

a. MKSAs are to major subordinate Commander, primary, or special staff positions that report directly to, or are higher level reviewed by, TAG or the CG, the Assistant Adjutant General of the Army or Air, or the Director of the Joint Staff (when the Director of the Joint Staff position is occupied by a general officer).

b. MKSAs are T32 Dual Status Technician appointments in the excepted service, are not to bargaining unit eligible positions, and must be the sole incumbent of the position to which appointed under this authority. Appointments may not be made to NG T5 positions under this authority.

2. Competitive Process. A competitive process must be used to identify and recommend eligible candidates for MKSA. That competitive process must be documented in the State MPP Plan. The MKSA should consider all qualified, eligible Full-Time Support, Active Guard Reserve, and M-Day or Drill Status Guardsmen (including Service members who remain on the State's military manning document but are absent due to temporary duty elsewhere). However, MKSAs may be filled without a vacancy announcement published.

a. A list of candidates will be prepared by the HRO of those eligible candidates who meet the qualification and eligibility requirements for appointment to the positions. Additional merit based military requirements may be directed by TAG or the CG for consideration in screening eligible candidates for MKSA.

b. The additional military requirements cannot create a new position; change an existing position description; nor can they be used to exclude otherwise eligible candidates for consideration. Additional merit-based military requirements, for example, may include prior command experience or completion of senior service college.

3. Approval Authority. TAG or the CG is the approval authority for all MKSAs. This authority cannot be further delegated.

4. Candidate Notification. After completion of the selection process, and acceptance by the selected individual for the MKSA, all eligible individuals considered will be notified by the HRO of the selection or non-selection.
  
5. Required Documentation. Documents pertaining to selection of a MKSA, including evidence of consideration of eligible candidates, will be maintained as a MPP file. Any Service member appointed through this MKSA must maintain the compatible military assignment that underlies the full-time assignment. MKSA will be documented in the personnel database of record.
  
6. Command and Staff Assignments. TAG and the CG has the authority and flexibility to approve command and staff assignments to positions within their respective NG T32 Dual Status Technician Program.

## ENCLOSURE K

### MERIT PROMOTION CORRECTIVE ACTIONS AND GRIEVANCE COMPLAINTS

1. Grievances and Complaints. NG T32 Dual Status Technicians and NG T5 employees may have the right to file a grievance concerning merit promotion matters under the State NG's administrative grievance procedures or under a negotiated grievance procedure, as appropriate.

a. Non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for a grievance. NGB, DoD, or OPM may conduct investigations of violations of the merit placement program or selection processes and direct corrective action(s).

b. Management and the HRO staff will make every effort to informally resolve employees' concerns regarding placement actions. An employee may not file both a formal grievance and an Equal Employment Opportunity complaint at the same time for the same issue. However, if an applicant believes that they were not provided due consideration because of reprisal or race, color, national origin, gender, religion, age (more than 40 years), disability, or sexual orientation, they may file a complaint through the appropriate State NG Equal Employment Opportunity program.

c. To have complaints considered through the Equal Employment Opportunity process, individuals must contact an Equal Employment Opportunity counselor within 45 days from the date of the matter alleged to be discriminating or, in the case of personnel action, within 45 days of the effective date of the action.

(1) Under the Whistleblower Protection Act, some actions alleging prohibited personnel practices must first be appealed to the Office of Special Counsel.

(2) Some actions may be appealed to the Merit System Protection Board.

(3) Information regarding these actions may be obtained from the State HRO.

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

3. Program Violations. There are three types of program violations for which OPM, DoD, or NGB may require corrective action.

a. A procedural violation occurs when a placement action does not meet the requirements of the State MPP. The NG employee may remain in the position only if

reconstruction of the action shows that they could have been selected if proper procedures were followed at the time the action was taken, or if OPM, DoD, or NGB-J1-P gives approval.

b. A regulatory violation occurs when the NG applicant did not meet the qualification or regulatory requirements at the time of placement. The NG employee may be retained in the position, only if, on current date, they meet all of the position's qualification requirements. In this kind of violation, a NG employee may be retained in the position only if the following criteria are met.

(1) They meet the necessary qualifications or regulatory requirements at current date; no other candidates were adversely impacted.

(2) The OPM, DoD, or NGB gives written and signed approval.

c. A program violation occurs when the State MPP, guidelines, or practices do not conform to OPM, DoD, or NGB requirements. A NG employee may be retained in the position only if there was no accompanying procedural or regulatory violation involved.

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

(2) If the corrective action taken requires the position to be vacated, the NG employee occupying the position is returned to their former position; or, if newly hired, placed in another position for which they are qualified. All NG candidates, who were not given proper consideration, must be considered before new recruiting efforts are initiated.

(3) If the corrective action does not include vacating the position, all NG candidates who were not given proper consideration, based on the violation, are given priority consideration for appropriate vacancies.

d. Immediate action is taken to correct a violation or program deficiency. Appropriate corrective actions are required as a result of procedural, regulatory, or program violations of this instruction and are accomplished IAW the relevant sections of reference b, reference e, and reference g. To ensure that actions are processed IAW regulatory and procedural requirements, corrections of errors or oversights are processed as soon as they are discovered, including correcting any outstanding referral lists. The required records must be correctly documented.

ENCLOSURE L

REFERENCES

- a. Chief of the National Guard Bureau (CNGB) Instruction 1400.25A, 11 May 2020, "National Guard Technician and Civilian Personnel"
- b. Title 32 United States Code (U.S.C.), Section 709, "Technicians: Employment, Use, Status"
- c. 10 U.S.C. § 10216, "Military Technicians (Dual Status)"
- d. 10 U.S.C. § 10508, "National Guard Bureau: General Provision"
- e. 5 U.S.C. § 2103, "The Excepted Service"
- f. CNGB Memorandum, 16 February 2017, "Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees"
- g. 5 Code of Federal Regulations (CFR) Part 302, "Employment in the Excepted Service"
- h. CNGB Instruction 1400.25 Vol. 303A, 12 July 2023, "National Guard Title 32 Dual Status Military Technician Compatibility Program"
- i. 5 CFR Part 351 – "Reduction in Force," Subpart E -- "Retention Standing"
- j. Office of Personnel Management, "Guide to Processing Personnel Actions," Chapter 26, Figure 26, Tenure Group Definitions, < <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/processing-personnel-actions/gppa26.pdf> >, accessed 03 June 2024
- k. CNGB Instruction 5001.01, 05 December 2016, "National Guard Bureau Records Management Program"
- l. 5 CFR § 334, "Temporary Assignments Under the Intergovernmental Personnel Act (IPA)"
- m. Department of Defense (DoD) Instruction 1402.01, 09 September 2007, "Employment of Retired Members of the Armed Forces"
- n. DoD Instruction 1400.25 Volume 300, 10 December 2008, "DoD Civilian Personnel Management System: Employment of Federal Civilian Annuitants in the Department of Defense"



- o. CNGB Instruction 1400.25 Volume 752, 08 November 2021, “National Guard Technician and Civilian Personnel Discipline and Adverse Action Program”
- p. 5 U.S.C. § 2108, “Veteran; Disabled Veteran; Preference Eligible”
- q. 5 U.S.C. Part III, Subpart F, Chapter 71, § 7103, “Definitions; Application”
- r. 38 U.S.C. Chapter 43, “Employment and Reemployment Rights of Members of the Uniformed Services”
- s. 5 U.S.C. § 2302, “Prohibited Personnel Practices”
- t. 5 U.S.C. § 3110, “Employment of Relatives; Restrictions”
- u. 5 CFR Part 335, “Promotion and Internal Placement”
- v. Joint Travel Regulations, Chapters 1 through 6 and Appendices  
<<https://media.defense.gov/2022/Jan/04/2002917147/-1/-1/0/JTR.PDF>>, accessed 03 June 2024
- w. 5 CFR Part 315, “Career and Career-Conditional Employment”
- x. 5 U.S.C. Subchapter IV of Chapter 53, “Prevailing Rate Systems,” As amended by Public Law 92-392, 19 August 1972
- y. 5 U.S.C. § 3101 “General Authority to Employ”
- z. 5 CFR Chapter I, Subchapter B, Part 330, Subpart G § 330.707, “Exceptions to ICTAP Selection Priority”
- aa. Public Law 114-328, Section 932, 23 December 2016, “National Defense Authorization Act for Fiscal Year 2017,” amended Title 10 U.S.C.
- bb. 5 U.S.C. § 2105 “Employee”
- cc. 5 U.S.C. § 9905, “Direct Hire Authority for Certain Personnel of the Department of Defense”
- dd. 5 U.S.C. Part III, Subpart B, Chapter 33, Subchapter I, “Examination, Certification, and Appointment”
- ee. 5 U.S.C. § 3328, “Selective Service Registration”
- ff. 5 U.S.C. § 3323, “Automatic Separations; Reappointment; Re-employment of Annuitants”

- gg. 5 U.S.C. § 3326, “Appointments of Retired Members of the Armed Forces to Positions in the Department of Defense”
- hh. 5 CFR Chapter I, Subchapter B, Part 300, Subpart A “Employment Practices,” § 300.103, “Basic Requirements”
- ii. Priority Placement Program (PPP) Handbook, Chapters 1 through 15  
<[https://www.dcpas.osd.mil/sites/default/files/20230928\\_TAB%20C%20PPP%20Handbook%201%20October%202023\\_clean%20copy.pdf](https://www.dcpas.osd.mil/sites/default/files/20230928_TAB%20C%20PPP%20Handbook%201%20October%202023_clean%20copy.pdf)>, accessed 31 July 2024
- jj. DoD Directive 8140.01, 05 October 2020, “Cyberspace Workforce Management”

## GLOSSARY

### PART I. ACRONYMS

AOC	Area of Consideration
CBA	Collective bargaining agreement
CG	The Commanding General of the District of Columbia
CNGB	Chief of the National Guard Bureau
CP	10-Point Compensable Disability Preference
CPS	10-Point 30 Percent Compensable Disability Preference
DoD	Department of Defense
ETP	Exception to Policy
GS	General Schedule
HRO	Human Resources Officer
IAW	In accordance with
IPA	Intergovernmental Personnel Act
JOA	Job Opportunity Announcement
MKSA	Military Key Staff Appointment
MPP	Merit Placement and Promotion
NG	National Guard
NGB	National Guard Bureau
NGB-J1	Manpower and Personnel Directorate
NGB-J1-P	Technician and Civilian Personnel Policy Division
OPM	Office of Personnel Management
PCS	Permanent Change of Station
SSP (sole survivorship)	0-Point Preference
T5	Title 5
T32	Title 32
TAG	The Adjutant General
TP (veteran)	5-Point Preference
USERRA	Uniformed Services Employment and Reemployment Rights Act
XP (spouses, widows, widowers, or mothers)	10-Point Derived Preference
XP (veteran)	10-Point Disability Preference

### PART II. DEFINITIONS

Area of Consideration -- The area of consideration describes the individuals from whom the agency will accept applications to compete for the position. It may be supplemented with a category of eligible candidates. The area of consideration may be a broad or a limited group of individuals. The area of consideration may also be referred to as "Who May Apply" within the vacancy announcement. If an applicant is not within the area of consideration and not eligible for a non-competitive or special hiring authority, the agency will not consider the applicant.

**Competitive Service organizations** -- Those organizations that use the Office of Personnel Management's competitive hiring processes to evaluate and rank candidates.

**Conditions of Employment** -- Matters that define the essential aspects of the employment relationship. The duty to bargain is limited to the mandatorily negotiable conditions of employment of bargaining unit employees.

**Cyberspace Workforce** -- Personnel who build, secure, operate, defend, and protect Department of Defense and United States cyberspace resources; conduct related intelligence activities; enable future operations; and project power in or through cyberspace. It is comprised of personnel assigned to the following workforce elements: Information Technology, cybersecurity, cyberspace effects, intelligence workforce (cyberspace), cybersecurity, Information Technology, portions of the Intelligence workforces and cyberspace enablers.

**Employee** -- For the purpose of this instruction, "employee" means an officer and an individual who is appointed in the civil service under reference b or reference f.

**Excepted Service** -- The "excepted service" consists of those civil service positions which are not in the competitive service or the Senior Executive Service.

**Excepted Service organizations** -- These are specifically excluded from the Office of Personnel Management's competitive service procedures. These organizations have their own hiring system which establishes the evaluation criteria used in filling vacancies.

**General Authority to Employ** -- Each Executive agency, military department, and the government of the District of Columbia may employ such number of employees of the various classes recognized by chapter 51 of title 5 as Congress may appropriate for from year to year.

**Merit Placement and Promotion Plan** -- Establishes procedures for filling excepted service positions within the State National Guard based on merit using job related selection procedures, provide for management's rights to select or not select, and contain procedures for recordkeeping and providing information to National Guard employees and the public.

**Nepotism and Personal Favoritism** -- In recommending or selecting candidates for promotion, show or give preference to any candidate based upon factors not pertinent to the candidate's qualifications for performing work including personal friendship, kinship, or political connections. A management official may not appoint, employ, promote, or advance one of their relatives (by blood or marriage) to a position in their agency, nor may they advocate a relative for appointment, employment, promotion, or advancement in the agency. Likewise, an individual may not be appointed, employed, promoted, or advanced if the action was advocated by a management official who is serving in or exercising jurisdiction or control over the agency and who is a relative of the individual. This applies to all individuals in the rating, ranking, evaluating, or selecting processes for personnel processing actions.

Prevailing Rate Systems -- Provides for a pay system of prevailing rate employees.

States -- The States, Territories, and the District of Columbia.

Suitability -- Refers to identifiable character traits and ethical conduct, which are sufficient to determine whether an individual is likely or unlikely to be able to carry out the duties of the position with appropriate efficiency and effectiveness.

Tenure Group -- Categories in which excepted service employees are grouped based on employment status for reduction in force purposes.

Termination Notice -- Normally initiated and decided upon based on actions such as lack of funds or work; changes to lower grade based on classification; or physical or mental inability to perform the duties of the position.