

**Employment and Staffing**

**Temporary Employment, Temporary Promotion, and Detail**

**FOR THE GOVERNOR:**

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**Applicability.** California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and California Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management.

**Proponent and Exception Authority.** The proponent of this handbook is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

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

**Suggested Improvements.** Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

**Distribution.** Distribution of the regulation is Army - A and Air Force - F.

**History.** None

**Summary.** This regulation provides guidance regarding the temporary employment, temporary promotion and detail of technicians within the California National Guard. Replaces appropriate sections of the Technician Personnel Manual, Chapter 3, dated March 2000.

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**1. Purpose.**

This technician personnel regulation establishes criteria and conditions for the use of temporary appointments to provide needed services on short notice or for brief periods of time within the California National Guard

Technician Program. In the event this regulation conflicts with other applicable directives, HR will be responsible for resolving the conflict.

## **2. References.**

- a. 32 USC 709, Technicians: Employment, Use, Status.
- b. Part 316 of Title 5, Code of Federal Regulations (CFR).

## **3. General Information.**

Non-permanent appointments are appropriate when the activity expects there will be no permanent need for the services of the technician. Examples of appropriate use follow.

- a. Temporarily increasing staff to meet a workload peak and/or to supplement the work of permanent technicians.
- b. Filling positions when funding and/or workload levels are uncertain or when it is anticipated that funding levels will be reduced or the activity will be reorganized.
- c. Filling positions when the permanent incumbent is temporarily absent.

## **4. Types of Appointments.**

By definition, temporary employment is expected to last for a limited time, compared to permanent or career employment which has no limitation. Appointments under these authorities may be made for shorter periods, but may not exceed prescribed limits. Employees do not acquire permanent status or eligibility to be non-competitively converted to a permanent appointment. Temporary employees may be terminated at any time upon notice in writing from the Human Resources Office; a 30-day advance notice is not required. Individuals appointed to a temporary appointment do not serve a trial period or probationary period.

## **5. Conditions of Temporary Employment.**

The CNG Form 690-3, Conditions of Temporary Employment, is a document describing the conditions of the temporary employment. Individuals are required to read and sign it prior to a temporary appointment with the California National Guard. The form is to be retained as a temporary record in the Official Personnel Folder.

## **6. Temporary Appointments (Dual Status).**

A dual status technician is not required to compete for a temporary position if the initial temporary appointment and *all* subsequent extensions do not exceed four (4) years. Continuous employment lasting longer than four years is outside the normal scope and intent of temporary employment. Temporary appointments may be extended in increments up to one year. Candidates must meet the following requirements:

- a. Be a member of the California National Guard.
- b. Meet the NGB qualification standard established for the position.

## **7. Temporary Appointments (Non-Dual Status/NDS).**

a. Applicants for non-dual status (NDS) positions must meet the Office of Personnel Management qualification standards established for the position.

b. Individuals serving under a temporary appointment may be converted to a permanent appointment in the same position if:

- (1) The technician previously competed for the position.
- (2) The initial position announcement included a statement to that effect.

c. NDS temporary employees are not eligible for benefits such as health insurance, life insurance, TSP, etc.

d. NDS temporary employees do not have the protection of Reduction-in-Force (RIF) procedures.

e. NDS temporary employees do not normally remain in the temporary position longer than one year, however, the appointment may be extended after competition is held for one additional year. NDS temporary appointments will not extend beyond two years without Department of Defense approval.

f. NDS employees appointed under this authority utilize a NGB NDS authorization.

## **8. Temporary Appointment to Supervisory Positions.**

First consideration must be provided to either detail or temporary promote a permanent technician to fill the vacancy on a temporary basis. The employment of a temporary technician performing supervisory responsibilities of permanent technicians is only permitted in rare cases with written justification and HRO approval. Normally, temporary technicians may not be employed as supervisors.

## **9. Time Limited Appointment (Dual Status) AKA Indefinite.**

- a. Commonly referred to as Indefinite this type of appointment is given to an individual who is hired for an unlimited/unspecified period of time.
- b. Eligibility. Dual status technicians must meet the following requirements:
  - (1) Be a member of the National Guard in the same state where the job is located.
  - (2) Meet the NGB qualification standards established for the position.
  - (3) Compatibility must meet established compatibility requirements for position.
- c. Indefinite employees must compete for the position. (Except to backfill a mobilized technician, and then only for a period of time to cover for the absent mobilized technician.)
- d. Indefinite employees are eligible to receive benefits such as health insurance, life insurance, TSP, etc.
- e. Indefinite appointments do not acquire permanent status.
- f. Indefinite employees do not serve a trial or probationary period.
- g. Indefinite employees have limited protection (Tenure Group III) during RIF procedures.
- h. Indefinite employees may be non-competitively converted to a lower, or same graded position with indefinite status.
  - i. Indefinite employees may be terminated at any time (e.g., services are no longer needed, budgetary constraints) with a 30-day notice in writing from the Directorate for Human Resources.
  - j. Indefinite employees may be converted to a permanent appointment in the same position if the initial position announcement included a statement to that effect.
- k. Indefinite employees must receive an annual technician appraisal required in CNG FPR 430.

#### **10. Term Appointment (Non-Dual Status).**

- a. Term appointment is a non-dual status (NDS) appointment to a position that will last longer than one year but not more than four years and which will terminate upon completion of special work or a specified project.
- b. Eligibility. NDS technicians must meet both of the following requirements:
  - (1) Must be selected from an appropriate list of eligibles, be a current career or career-conditional Federal employee, or have reinstatement eligibility.
  - (2) Must meet the Office of Personnel Management (OPM) qualification standards established for the position.
- c. NDS employees appointed under this authority utilize a NGB NDS authorization.

#### **11. Temporary Promotion.**

- a. Technicians may be temporarily promoted for any legitimate management purpose, for example, to handle unexpected workloads, special projects, or to fill in during another technician's absence.
- b. Temporary promotions must be to a valid authorized position description.
- c. The employee must meet the appropriate grade comparability required of the position (Dual Status – Officer, Warrant Officer, Enlisted; or, Non-Dual Status).
- d. While serving on a temporary promotion, the employee should maintain the compatibility of the permanent position. Differences in compatibility must be addressed using a compatibility waiver IAW CNGFPR 303.
- e. Technicians temporarily promoted must meet the NGB/OPM staffing qualifications, time in grade requirement (non-dual status only), and any special licensing requirements necessary to perform the position (example motor vehicle license).
- f. Normally competitive procedures are not required for temporary promotions of 120 calendar days or less. Individual technicians may not be detailed to a higher graded position and/or temporarily promoted for a period of more than 120 calendar days cumulative within a 12 month period. See CNGFPR 335, Merit Placement, for exceptions to competition.
- g. Temporary promotions filled without competitive procedures will be requested on a SF-52, Request for personnel Action, accompanied with an application/resume (used to determine qualifications), and the CNG Form 690-7, Conditions of Temporary Promotion.
- h. A temporary promotion beyond 120 calendar days must be filled by competitive procedures (see CNG FPR 335 for exceptions to competition). A temporary promotion may be used for any period of time up to 5 calendar years if competitive procedures are used.

#### **12. Details.**

- a. Managers may detail technicians for any legitimate management purpose, for example, to handle unexpected workloads or special projects, to fill in during another technician's absence, or for training.
- b. Employees being detailed to another position do not have to meet NGB/OPM staffing qualification requirements. However, employees must meet any special licensing requirements necessary to perform the position (example motor vehicle license).

c. Details to higher graded positions may not normally exceed 120 cumulative calendar days during any 12 month time frame. See CNGFPR 335, Merit Placement, for exceptions to competition.

d. Details to a position of the same grade or lower will normally be accomplished in increments not to exceed 120 calendar days. At the completion of the 120 calendar day detail, managers may detail the technician again for another 120 calendar day period.

e. Details may be to either an official position description or a list to duties developed by the supervisor that was coordinated and approved by the HRO Position Classification Specialist.

f. Details exceeding 30 calendar days must be documented on an SF-52, Request for Personnel Action, and filed in the technicians Official Personnel Folder