

**Employment and Staffing**

**Recruitment, Selection, and Placement (General)**

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**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 policy and guidance regarding the recruitment, selection, and placement Military Technicians within the California National Guard.

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**1. Purpose.**

This full-time personnel regulation provides methods and conveys discretion in filling vacancies and implements the California National Guard policy for technician reemployment placement within the California National

Guard. It also applies to California National Guard ANG and ARNG military technicians when giving consideration to former technicians for vacancies. The restrictions in this chapter apply to all vacancies regardless of whether an activity plans to make a temporary, term, or permanent appointment. Reemployment of technicians from 'active' military service (USERRA) is not covered by this chapter (see CNGTPR 353, Uniformed Services Employment and Re-Employment).

## **2. References.**

5 USC 2301; 5 USC 2302; Title 5, Code of Federal Regulations Part 330, Recruitment, Selection and Placement (General); Department of Defense Directive 1400.25, "DoD Civilian Personnel Management System DoD Priority Placement Program Operations Manual.

## **3. Merit System Principles.**

a. Federal personnel management will be implemented consistent with the following merit system principles contained in 5 USC 2301:

(1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society. Selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity.

(2) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.

(3) Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid to employers in the private sector. Appropriate incentives and recognition should be provided for excellence in performance.

(4) All employees should maintain high standards of integrity, conduct, and concern for the public interest.

(5) The Federal work force should be used efficiently and effectively.

(6) Employees should be retained on the basis of the adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

(7) Employees should be provided effective education and training in cases for which such education and training would result in better organizational and individual performance.

b. Employees should be:

(1) Protected against arbitrary action, personal favoritism, or coercion for partisan political purposes.

(2) Prohibited from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

(3) Protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences:

(a) A violation of any law, rule, or regulation.

(b) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

## **4. Prohibited Personnel Practices.**

a. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority (reference 5 USC 2302):

(1) Discriminate for or against any employee or applicant for employment.

(a) On the basis of race, color, religion, sex, or national origin, as prohibited under section 717 of the Civil Rights Act of 1996 (42 USC 2000e-16).

(b) On the basis of age, as prohibited under sections 12 and 15 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 631, 633a).

(c) On the basis of sex, as prohibited under section 6 (d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (d)).

(d) On the basis of handicapping condition, as prohibited under section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(e) On the basis of marital status or political affiliation, as prohibited under any law, rule, or regulation.

- b. Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of:
  - (1) An evaluation of the work performance, ability, aptitude, or general qualifications of such individual.
  - (2) An evaluation of the character, loyalty, or suitability of such individual.
- c. Coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity.
- d. Deceive or willfully obstruct any person with respect to such person's right to compete for employment.
- e. Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment.
- f. Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment.
- g. Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110 (a) (3) of this title) of such employee if such position is in the agency in which such employee is serving as a public official ( as defined in section 3110 (a) (2) of this title) or over which such employee jurisdiction or control as such an official.
- h. Take or fail to take a personnel action with respect to any employee or applicant for employment as a reprisal for:
  - (1) Disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences:
    - (a) A violation of any law, rule, or regulation.
    - (b) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.
    - (c) A disclosure to the Special Counsel of the Merit Systems Protections Board, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences:
      - (i) A violation of any law, rule, or regulation.
      - (ii) Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.
  - i. Take or fail to take any personnel action against any employee or applicant for employment as a reprisal for the exercise of any appeal right granted by any law, rule, or regulation.
  - j. Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness, any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or the United States.
  - k. Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing or directly concerning the merit system principles contained in section 2301 of title 5 USC.

#### **5. Direct Hire Authority.**

Direct hire authority for Dual Status positions is designed to provide the needed flexibilities to effectively recruit eligibles for appointment to positions in shortage or critical shortage occupations and is based on a continuing shortage of qualified candidates that meet the requirements for highly specialized positions. The HRO will:

- a. Ensure fair and open competition is used in selections and is based solely on the basis of relative KSAs.
- b. Implement procedures to monitor specific recruitment conditions to justify use of direct hire authority.
- c. Establish documentation procedures sufficient to be able to justify the use of direct hire authority.

#### **6. Procedures.**

Technicians are entitled to consideration for positions within the commuting area for which qualified and available at no higher grade (or equivalent), that have no greater promotion potential, and have the same type of work schedule.

- a. Dual Status Positions. Prior to recruitment for dual-status military technician positions, the Human Resources Office must insure consideration is given to candidates in priority programs. This requirement applies to permanent, temporary, and part-time positions at all General Schedule (GS) and Federal Wage System (FWS) grades and in special pay systems.

b. Non-Dual Status Positions. Prior to recruitment for NDS technician positions, the Human Resources Office must insure consideration is given to candidates in priority programs. This requirement applies to permanent, temporary, and part-time positions at all General Schedule (GS) and Federal Wage System (FWS) grades and in special pay systems.

#### **7. Reemployment Priority List (RPL).**

The reemployment priority list (RPL) is the mechanism used to provide “reemployment consideration” for technicians who are separated by reduction-in-force (RIF), those separated as a result of “compensable injury or disability” or who are separated (or accept a lower graded position) through no fault of their own (non-retention, management directed actions, etc.).

a. It is National Guard policy that eligible reemployment applicants are provided priority consideration for appropriate vacancies within the individual’s local commuting area. Within the National Guard, reemployment priority placement will be implemented in accordance with restrictions and modifications contained in this chapter. The RPL is a required component of the placement program. The HRO is required to establish and maintain a reemployment priority list for positions affected by RIF or to facilitate placement of a technician recovered from compensable injury.

b. Technicians must be considered for non-permanent and well as permanent positions when they have indicated interest and availability for both. In lieu of expanded consideration in other locations, a technician who cannot be placed in an equivalent position in the former commuting areas may elect to be considered for the next available position in the former or current commuting area.

#### **8. Priority Placement Program.**

The Priority Placement Program (PPP) is an administrative program unique to DoD. One of its purposes is to provide maximum opportunity for placement in other DoD positions. The PPP is not required by statute or government regulation; it is a placement program in addition to the RPL, it is not the DoD version of the RPL required by statute. See CNG TPH 1006, DoD Priority Placement Program, for further information.

#### **9. Consideration, Qualification Requirements, Selection.**

The technician must meet established qualification standards and requirements for the position, including minimum educational requirements, compatibility and any selection placement factors established by the local merit placement plan. Exception to the conditions may be made if the exception is applied consistently and equitably. The technician must meet any minimum educational requirement, and the selecting official determines the individual has the capacity, adaptability, and special skills (compatibility) needed to satisfactorily perform the duties and responsibilities of the position.

#### **10. Strategic Recruitment.**

The following tools are available to commanders, directors, managers, and supervisors to assist in the recruitment or placement of individuals in technician positions:

a. Interview Expenses. Selecting officials may offer to pay the travel and transportation expenses for applicants for positions who are not in the local area for the purpose of attending a personal interview and/or board.

If offered to one applicant, each non-local applicant must also be offered the same opportunity. Administratively, place the individual(s) on invitational travel orders and have them submit a travel reimbursement claim to the appropriate travel office.

b. Permanent Change of Station (PCS). PCS is paid to current permanent federal employees IAW the Joint Travel Regulation. See CNG TPH 1005 for additional information.

c. Recruitment Bonus, Relocation Bonus, and Retention Allowances – See CNG TPR 575.

d. Advanced-in-Hire Rates Based on Superior Qualifications – See CNG TPR 301.

e. Student Loan Repayment – See CNG TPR 537.