



CHIEF NATIONAL GUARD BUREAU NOTICE

NGB-J1
DISTRIBUTION: A

CNGBN 1407
24 September 2018

NATIONAL GUARD TECHNICIAN PERSONNEL AND TITLE 5 EMPLOYEE
INTERIM POST CONVERSION GUIDANCE FOR EMPLOYMENT AND PAY

References: See Enclosure A.

1. Purpose. This notice provides interim guidance for employment and pay for National Guard (NG) employees in the States, Territories, and the District of Columbia in accordance with (IAW) references a through j.
2. Cancellation. None.
3. Applicability. This notice applies to National Guard Bureau (NGB) personnel performing essential human resources functions required for personnel management of NG Title 5 positions (converted from Title 32) in the States, Territories, and District of Columbia.
4. Background. The NGB requires that all employment policies, procedures and practices, including recruitment, selection, placement, promotion and other staffing related personnel actions comply with all applicable employment laws and regulations IAW references e and j.
 - a. No individual may be newly hired or employed, or rehired or reemployed as a Title 32 Non-Dual Status (NDS) technician after 30 September 2017.
 - b. All Title 32 Competitive Service NDS technician positions were converted to Title 5 Competitive Service positions on 01 October 2017, IAW reference c. All Title 32 Competitive Service NDS technician incumbents, of converted NG Title 5 Competitive Service positions, were non-competitively converted to Title 5 Competitive Service NG employees.
5. Action or Procedure. All recruitment actions, initiated after 01 October 2017, to fill former Title 32 Competitive Service NDS positions are advertised as Title 5 Excepted Service positions, IAW reference k. All Army and Air NG Legacy Title 5 Competitive Service positions that were vacant after 01 October

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2017, converted to NG Title 5 Excepted Service positions. All recruitment actions, to fill former Army and Air NG Legacy Title 5 Competitive Service positions, are advertised as NG Title 5 Excepted Service positions, IAW reference k.

a. Army National Guard Human Capital Management (ARNG-HCM). ARNG-HCM will convert Army NG Legacy Title 5 Competitive Service positions that become vacant after 01 October 2017, to NG Title 5 Excepted Service positions in the State where the vacancy occurs. ARNG-HCM will document the position on the State voucher and Table of Distribution and Allowances and provide the State with the authorization and funding for a NG Title 5 Excepted Service position for recruitment and fill.

b. Air National Guard (NGB/HR and NGB/A1). NGB/HR will convert Air NG Legacy Title 5 Competitive Service positions that become vacant after 01 October 2017, to NG Title 5 Excepted Service positions in the State where the vacancy occurs. NGB/A1 will document the position on the Unit Manpower Document and provide the State with the authorization and funding for a NG Title 5 Excepted Service position for recruitment and fill.

c. ARNG-HCM and NGB/HR. ARNG-HCM and NGB/HR will provide the NGB Manpower and Personnel Directorate (NGB-J1), Technician Personnel Office (NGB-J1-TN) with the following information for all Army and Air NG Legacy Title 5 vacancies that occur after 01 October 2017: State name, position title, description, duty location, occupational series, and grade. NGB-J1-TN will assist States in coordinating recruitment, employment, and pay actions, with NG Title 5 Classification and HR Systems, to fill vacant former NG Legacy Title 5 Competitive Service positions with NG Title 5 Excepted Service employees.

d. NGB-J1. NGB-J1 will issue Human Resources Management policy for NG personnel in the States, Territories, and the District of Columbia.

e. NGB-J1-TN. NGB-J1-TN will provide authoritative and clarifying guidance for execution of policy for NG employees in the States, Territories, and the District of Columbia. Management of these employees will be IAW the rules and limitations of references i and j.

f. State Human Resources Officer (HRO). State HROs will ensure:

(1) Title 5 NG employees are managed using employment and pay-setting regulations and directives, IAW references i, j, l, and m.

(2) Title 5 NG employee position vacancies are not filled with Title 32 Excepted Service Dual Status military technicians.

(3) Title 32 Excepted Service Dual-Status military technicians are not detailed to Title 5 NG employee positions.

(4) NG Title 5 Excepted Service employee appointments are permanent, indefinite, or temporary IAW reference j.

(5) Before filling NG Title 5 Excepted Service position vacancies, States must satisfy the rights of assigned employees entitled to restoration following military duty; recovery from compensable injury or disability; reemployment required by law or regulation; or restoration after a successful grievance or appeal IAW references n, o, p, and q.

(6) When filling NG Title 5 positions with external applicants, preference-eligible candidates are granted preference in selection over non-preference eligible candidates with substantially equal qualifications IAW reference j.


(7) Veterans' preference is not applicable for recruitment of internal candidate sources IAW reference j.

(8) All internal and external recruitment and promotion actions, for NG Title 5 and Title 32 position vacancies, require States to clear mandatory placement programs (for example, the State Reemployment Priority List and the Department of Defense (DoD) Priority Placement Program) IAW reference j.

(9) DoD qualification and certification requirements and NGB Title 5 Qualification Standards are applied to applicants IAW reference j.

6. Releasability. This notice is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpc.ngb.army.mil>>.

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature, unless cancelled earlier.


JOSEPH L. MENGYEL
General, USAF
Chief, National Guard Bureau

Enclosure:

A -- References

ENCLOSURE A

REFERENCES

- a. CNGB Instructions 1400.25A, 17 October 2017, “National Guard Technician Personnel Program”
- b. Title 10 United States Code (U.S.C), Section 10217, “Non-dual status technicians”
- c. Public Law 114-328, 23 December 2016, “National Defense Authorization Act For Fiscal Year 2017”
- d. P.L. 114-92, § 1053, 25 November 2015, “National Defense Authorization Act For Fiscal Year 2016”
- e. 32 U.S.C. § 709, “Technicians: Employment, use, status”
- f. CNGB TAG Delegation Memorandum, 16 February 2017, “Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- g. Office of the Under Secretary of Defense for Personnel and Readiness Email, 29 September 2017, “Title 32 Conversion Policy Issue”
- h. OASD Memorandum, “Guidance to Convert Dual Status and Non-Dual Status Military Technician Positions”, dated 20 April 2017.
- i. 5 U.S.C., §§ 2103, 2105m, and 3101, “Government Organization and Employees”
- j. 5 Code of Federal Regulations (CFR), “Administrative Personnel”
- k. 5 CFR 302, “Employment in the Excepted Service”
- l. 5 CFR 335, “Promotion and Internal Placement”
- m. 5 CFR 332, “Recruitment and Selection Through Competitive Examinations”
- n. 38 U.S.C. Chapter 43, “Employment and Reemployment Rights of Members of the Uniformed Services”
- o. Department of Labor, CA 810, Revised 2009, “Injury Compensation for Federal Employees”

p. 5 U.S.C. Chapter 75, “Adverse Actions”

q. 42 U.S.C. § 2000e-16, “Employment by Federal Government”