

CHAPTER 2

EMPLOYMENT

Section I - General

1-1. **Authority.** Employment of technicians is the function of the Adjutant General of Alabama. The authority to appoint, promote, reassign, demote, separate and compensate technicians has been delegated to the Adjutant General of Alabama (TAG). The authority of the Adjutant General and those designated to act in TAG's behalf, includes authority to separate, suspend, furlough or reduce in grade, and compensate a technician in compliance with established requirements and labor agreements.

1-2. **Policy.** General policy for technician employment is as follows:

a. **Filling Positions.** The Adjutant General of Alabama may choose the method to be used for filling a technician position except when that choice is limited by statute, labor agreement, or regulations. All technician positions will be filled with the best qualified person available.

b. **Principles of Merit Qualifications.** Recommendation and selection for any technician position will be based solely on merit and qualifications without regard to race, age, political affiliation or membership in any lawful group.

1-3. **Responsibility.** General policy of responsibility and authority for technician employment is as follows:

a. **The Adjutant General of Alabama.** The Adjutant General of Alabama has direct responsibility and authority to employ technicians.

b. **Human Resources Officer.** The Human Resources Officer and principal assistant are designated to act for the Adjutant General of Alabama, who has been delegated appointing authority, to approve and issue the required notices of technician personnel and position actions. (This authority and responsibility to act for the Adjutant General is not a re-delegation of the appointing authority of the Adjutant General of Alabama.)

c. **Commanders, Management Officials, and/or Technician Supervisors.** Commanders, management officials, and/or technician supervisors are designated as "nominating officers" (recommending officials). Such persons recommend persons for appointment by The Adjutant General of Alabama.

1-4. **Effective Date of Employment.** The effective date of employment is the day of in-processing. Individual will not be permitted to work nor will they be considered employed until after in-processing.

1-5. **Condition of Employment Excepted Service Technician.**

a. **National Guard Membership.** Technicians employed in the Excepted positions are required to hold concurrent Alabama National Guard membership as a condition of their employment.

b. **Compatibility of Technician/Military Assignments.**

(1) The concept of the National Guard technician program is that all military technicians who are required to be members of the National Guard will be assigned to a military skill that is compatible with their full-time technician job and have a military assignment in the same unit by which employed (or a unit that is supported by the employing activity). This military assignment requirement is intended to ensure that there is a highly skilled and trained cadre available when units are mobilized and deployed and to provide a continuity of operation before, during, and after mobilization. The technician also provides that specialized training capability necessary to train other Guard members. Unless specifically approved by NGB-J1-TN, military technicians will be assigned in accordance with this policy and current compatibility criteria published by NGB-J1-TN. Because of the distinct military nature of the technician program, certain specific restrictions concerning military assignment apply.

(a) General officers may not be in a pay status as a technician, except ANG technician position descriptions requiring the incumbent to be the commander of a tactical combat unit (ANG Wing Commander position).

(b) Situations of inversion of military rank are not permitted; i.e., a military technician may not be militarily senior to his or her full-time supervisor.

(c) A military technician must be the primary occupant of the military position.

(d) **State Headquarters.** Joint Forces Headquarters, Alabama (JFHQ, AL) (Army), United States Property and Fiscal Office (USP&FO), and ARNG Training Site personnel must be assigned to compatible positions in a unit within the state. ANG personnel employed at HRO and USP&FO must be assigned to the JFHQ, AL (Air) manpower document.

(e) **ARNG maintenance personnel.** Maintenance personnel employed in the Combined Support Maintenance Shop (CSMS) and Unit Training Equipment Site (UTES) must be assigned to a compatible position in any unit in the state.

(f) **ARNG Field Maintenance Shop (FMS).** All technicians employed in an FMS must be assigned to a compatible position in a supported organization. If a compatible position

does not exist in the supported organization, the technician may be assigned to any element in the State.

(g) ARNG aviation facilities. Personnel employed in aviation facilities, Army Aviation Support Facility (AASF), must be assigned to a MTOE/TDA organization supported by the facility. If a compatible position does not exist, the technician may be assigned to a compatible position in any unit in the State.

(h) Temporary appointments. Military technician compatibility criteria does not apply to temporary limited appointments, temporary promotions and details.

(2) The Adjutant General may approve exceptions as listed below. These exceptions must be documented, entered in the Defense Civilian Personnel Data System (DCPDS) and filed on the temporary side of the technician's official personnel folder. Situations not specifically covered are to be submitted thru JFHQ, AL/J1-HRO to NGB-J1-TN.

(a) Command/Leadership waivers for Officers and NCOs to serve as Platoon Leaders, Company Commanders, Battalion Commanders, Group Commanders, Brigade Commanders, First Sergeants and Command Sergeants Major may be approved by The Adjutant General for a period not to exceed three years per position.

(b) Surface Maintenance technicians may be allowed to be promoted under the Enlisted Promotion System (EPS) to a compatible position in a unit outside their supported organization when approved by the technician/military chain of command.

(c) Army Aviation Support Facility technicians may be allowed to be promoted under EPS to a compatible position in a unit not supported by their facility when approved by the technician/military chain of command.

(3) A waiver to the compatibility criteria must be approved by NGB-J1-TN for ARNG and ANG personnel when incompatibility results from force structure changes or other circumstances beyond the control of the technicians or the HRO.

(4) When military appointment requirements (officer, warrant officer, enlisted) or compatibility criteria changes create an incompatible assignment, the incumbent may be "grandfathered" for compatibility purposes in that position in the incumbent's current grade. This exception is valid only while the military technician continues to occupy the same military and technician positions. After the incumbent leaves, the compatibility criteria in effect at the time will apply. Continuing efforts must be made to assign the technician to a compatible military position.

(5) For ANG personnel incompatible assignment waivers (grandfathering) must be approved on a case-by-case basis by NGB-J1-TN.

c. **Wearing the Military Uniform.** Technicians in the Excepted Service will wear the military uniform appropriate to their service and federally recognized rank when performing technician duties and will comply with the uniform standards of the Service. The appearance and conduct of technicians on-duty and off-duty must instill public confidence and leave no doubt that the technician lives by a common military standard and is responsive to military courtesy, discipline, and order.

(1) The uniform will be worn at all times while in an official duty status, including attendance at courses of instruction.

(2) Official time will not be used for changing to or from the military uniform at the work site.

(3) The military uniform does not have to be worn when:

(a) Traveling by commercial or private transportation.

(b) Engaging in labor agreement negotiations as a representative of a labor organization.

(c) Serving as a data collector for the Federal Wage System.

(d) Serving as an NGB Administrative Hearing Examiner.

d. **Qualification Requirements.** The National Guard Bureau Qualification Standards outline the minimum qualifications for positions in the Excepted Service.

e. **Medical Qualification Requirements.** National Guard technicians in the excepted service must be medically qualified for National Guard membership. They must also meet medical requirements relating to their technician position and their compatible MOS/AFSC.

f. **Trial/Probationary Period.** When a person first comes to work under an excepted appointment, the individual will normally serve a 1-year trial period. The trial period is the initial one year intended to ensure the appointee is capable of performing the duties of the job and to determine whether they have the qualities needed for continued Government employment. The trial period provides management a reasonable period of time to observe the new technician's overall performance. See Chapter 9 of this manual for action required during the trail/probationary period and proper documentation.

1-6. **Competitive Service.** The Competitive Service covers certain positions in the Alabama National Guard. Normally, employees acquire “Career-Conditional” status after they pass an open competitive examination. The Office of Personnel Management Handbook X-118 prescribes the minimum qualifications for positions in the Competitive Service.

1-7. **Civilian Identification (ID) Cards.** Civilian ID Cards (CAC Card) must be obtained as a requirement of the technician position. To obtain a CAC Card visit one of the RAPIDS sites listed in Appendix 2A.

1-8. **Appointment Requirements - Positions in the HRO.** The Human Resources Office (HRO) provides personnel administration and management services to both Army and Air National Guard technicians. To recognize this consolidated responsibility, representation by both Army and Air National Guard personnel in top positions is necessary to ensure that policy/program development and execution is in best interest of all full-time personnel. However, any selection must be based on merit (the best qualified person for the position), and in no case will eligible candidates be precluded from consideration or selection for the sole purpose of maintaining representation of both Services.

1-9. **Veteran's Preference.** The National Guard Technicians Act of 1969 (PL 90-486) specifically excludes the use of veteran's preference for appointments made under the authority of 32 U.S.C. 709.

1-10. **Types of Appointments in the Excepted Service.** Types of appointments in the Excepted Service include:

a. **Excepted Permanent Appointment.** Appointments granted to individuals employed under 32 U.S.C. 709(b) in a position requiring National Guard membership. Initial employment of technicians in an excepted appointment requires completion of a one-year trial period.

b. **Except Temporary Appointment.** Temporary appointments are time limited appointments not expected to exceed one (1) year. This type of appointment is authorized when funds are available to support the action, and is necessary to enable a unit or activity of the National Guard to meet special or unusual requirements, (i.e., temporary workload increase due to a unit reorganization, etc. extended absence (s) of permanent technicians etc.). Temporary employees:

- (1) Must be members of the Guard in the same State where the job is located.
- (2) Must meet the qualification requirements established for the position.
- (3) Do not incur permanent status.
- (4) May be terminated at any time without advance notice when their services are no longer needed.

(5) Will not be used to train and/or evaluate an individual prior to filling a position permanently.

c. Excepted Indefinite Employment.

(1) Excepted appointments with indefinite time limitations should be used when the appointment is expected to extend beyond one year. Competitive procedures must be used when filling a position on an indefinite basis. Persons appointed with indefinite status:

(2) Must meet all military membership and compatibility requirements.

(3) Must meet the qualification standards established for the position.

(4) Do not serve a trial period.

(5) May be separated at any time when their services are no longer needed. The provisions of chapter 20 of this manual do not apply.

(6) May be promoted, changed to lower grade, or reassigned to other positions with indefinite status.

1-11. **Legal Status of Technicians.** Persons employed under the provisions of the Section 709, Title 32, United States Code, are employees of the Department of the Army or the Department of the Air Force, as the case may be, and employee of the United States.

1-12. **Travel by Military Aircraft.** Military technicians will travel by military aircraft when directed by management officials.

1-13. **Occupying Government Quarters.** Military technicians will occupy Government quarters based on military grade.

Section II - Filling Vacancies

2-1. **Policy.** The Adjutant General of Alabama may choose the method to use for filling a technician position except when that choice is limited by statute, labor agreement, or OPM regulations. Normally, all vacancies will be announced in accordance with Chapter 23 of this manual.

2-2. **Methods of Filling Technician Positions.** Subject to legal requirements, appointing authority rests with the Adjutant General of Alabama. Nominating officers may make recommendations regarding employment to the Adjutant General of Alabama by submitting a SF 52 (Request for Personnel Action).

- a. Appointment of members of the National Guard to positions in the Excepted Service.
- b. Promotions, reassignments, demotions of technicians of the activity or from elsewhere in the National Guard technician program to positions in the Excepted Service if the technicians serving under an excepted appointment, and to positions in the Competitive Service.
- c. Recruitment outside the National Guard for positions in the Excepted Service (when eligible for required military membership).

2-3. **Authority to Make Position Changes.** The Adjutant General of Alabama may promote, demote, or reassign a technician. These position changes must be made with regard to applicable requirements of the Merit System. In general, to be eligible for position change, a technician must meet the requirement standards for the position.

2-4. **Employment of Relatives.** Section 3310 of Title 5, United States Code, restricts the employment of relatives of a public official in the official's own agency or in an agency over which he exercises jurisdiction or control. A public official is anyone who by law, rule, regulation, or delegation, has appointment or promotion authority within his organization, or authority to recommend technicians for appointment or promotion. A public official may not appoint, employ, promote or advance in his agency, or in an agency over which he exercises jurisdiction or control: (a) one of his relatives, or (b) the relative of any other public official in the agency if that official has advocated the action. The official may delegate his appointment authority as it applies so long as the official is in no way involved in the advancement or promotion of his relatives and does not advocate such action. This delegation of designation does not necessarily have to be made prior to the time a promotion or advancement of the official's relative is being considered, but once made, it must involve full and continuing authority for the entire period of time the relatives serving in any position under the jurisdiction and control of the official.

Section III - Tenure Groups

3-1. **General.** Tenure Groups are the categories in which employees are grouped for reduction-in-force purposes.

3-2. **Changes in Tenure Group.** A tenure group may change to:

- a. Completion of a required period such as completion of a trial period. In this type change, no change in the type appointment will occur. A SF 50 will be issued effective on the first calendar day following the day on which the required service period is completed. Nature of action on SF 50 will read Change in Tenure Group.

b. Change in the Appointment. SF 50 will be issued with the nature of action shown as appointment or conversion to appointment. The effective date is the same as the effective date of appointment change.

3-3. **Tenure Group Definitions.** Tenure groups are defined as follows:

- a. Tenure Group 0 - Technicians who are not in tenure groups 1, 2 or 3.
- b. Tenure Group 3 - Technicians serving under indefinite appointment or a temporary technician who completes one year of current, continuous service.
- c. Tenure Group 2 - Permanent technicians who are serving trial periods.
- d. Tenure Group 1 - Permanent technicians who have completed a trial period.

Section IV - Part-Time Employment

4-1. **Purpose.** This chapter establishes administrative procedures and policies concerning Part-Time Employment in the Alabama national Guard. Part-Time career employment is defined as regularly scheduled work between 16 and 32 hours per week performed by excepted or competitive service employees.

4-2. **Scope.** This chapter applies to all Part-Time technician positions in the Alabama Army and Air National Guard.

4-3. **Objective.** Establish and maintain a Part-Time permanent program to implement P.L. 95-437, the Federal Employees Part-Time Career Employment Act of 1978. Develop programs to expand Part-Time career opportunities and establish reporting requirements.

4-4. **Program Implementation.** Prior to the announcement process, each commander, management official and/or technician supervisor should review vacant positions for the feasibility of filling the position on a Part-Time basis.

4-5. **Converting Full-Time Positions to Part-Time.** Positions occupied by full-time positions, nor shall full-time be required to accept Part-Time employment as a condition for continued employment.

4-6. **Filling Vacant Part-Time Positions.** Part-Time technician positions will be filled in the same manner as permanent positions. Normally, all vacancies will be announced. Permanent full-time technicians will be given priority consideration in filling a Part-Time vacancy. All Part-Time vacancy announcements will specify that the position is Part-Time permanent employment and indicate the number of hours to be worked each week. The work schedule will be determined by the supervisor concerned in accordance with mission requirements.

4-7. **Employment Ceiling.** Permanent Part-Time technicians will be counted on a fractional basis. For example, a permanent technician with a work schedule of 20 hours per week will count as 1/2 technician against the employment ceiling. More than one part-time technician may be assigned a position, as long as their total work schedule does not exceed 40 hours in a work week.

4-8. **Benefits of Part-Time Employment.** Benefits of part-time employment are:

a. Permanent part-time technicians can be used to effectively accomplish work which required only a portion of a day or week to perform and which has been assigned to other technicians to perform as an additional duty rather than to ineffectual employ someone on a full-time basis. This relieves the full-time technician of these duties and that technician may then spend more time performing the essential duties of his/her job.

b. Additional technicians can be hired since part-time technicians are counted on a fractional basis against strength ceilings. Two or more part-time technicians may be used on the same, or different jobs for each full-time position vacancy.

c. Fully trained, well skilled personnel who do not desire full-time work can be used. This could advantageously be used for employment of Guardspersons for shift or week-end work.

d. Weekly peak-loads can be leveled off by use of part-time personnel.

4-9. **Reduction-in-Force-Rights.** Part-Time technicians can only compete for part-time positions. Part-Time positions are not considered to be valid job offers for full-time technicians and the offer of such a position will not effect any grade or pay retention benefits a full-time technician may be receiving.

4-10. **Employee Benefits.** A listing of technician employee benefits for part-time employees is shown in Appendix 2B. In general, benefits are prorated in accordance with the number of hours actually worked per week; e.g., a part-time technician earns one hour of sick leave for each 20 hours in pay status.

4-11. **Goals for Establishing Part-Time Positions.** The number of part-time positions that are to be established will be determined by mission requirements, turnover rate, employment ceilings, budgetary considerations and current technician interests. There will be no maximum or minimum goals set by numbers.