

10 July 2002

MEMORANDUM FOR ALL PERSONNEL, NEW MEXICO NATIONAL GUARD

FROM: NMAG-HRO

SUBJECT: New Mexico National Guard Policy on Advanced In-Hiring Rates Based on Superior Qualification or Superior Qualification Appointments

1. References:

- a. 5 USC 5333 – Minimum Rate for New Appointments
- b. 5 CFR 531.203 – Determining Rate of Basic Pay General Provisions
- c. 5 USC 3326 – Appointments of Retired Members of the Armed Forces to Positions in the Department of Defense

2. Definition - Advanced In-Hiring Rates Based on Superior Qualification:

An “Advanced In-Hiring Rates Based on Superior Qualification” is also known as a “Superior Qualification Appointment.” It is defined as an appointment made at a rate of the appropriate General Schedule grade above the minimum rate based on a candidate’s unique qualifications that have exceptional value to the mission or program goals of the NMNG.

3. Eligibility Criteria:

- a. Individuals hired at advanced rates under this authority must be entering Federal civilian service for the first time or after a break in service of 90 days or more (5 USC 5333 and 5 CFR 531.203).
- b. Individuals hired at advanced rates under this authority must have a unique combination of education and experience that meets a special need of the NMNG for the candidate’s services. Furthermore, the individual’s ability to meet this requirement must be demonstrated by the inability of the NMNG to recruit other qualified candidates within a reasonable area of consideration as determined by the Human Resources Officer.

4. Limits on Use of this Authority:

- a. Appointments of retired members of the armed forces (including AGR personnel) to NMNG federal civilian service positions may not occur during the period of 180 days immediately after the individual’s retirement, unless the appointment meets the provisions of 5 USC Sec 3326.
- b. The rate of pay may not be more that 20% above the individual’s current

actual earnings.

c. This authority may only be used to satisfy the “special need” of the NMNG, and therefore will only be used for a position involving direct program management or operation, and not for a position providing administrative support.

5. Required Documentation:

a. Documentation and record keeping procedures must be sufficient to allow reconstruction of the action in each case that this authority is used. Records must be maintained in HRO Personnel Staffing files for a minimum of three (3) years.

b. A written summary from the Responsible Management Official describing how/why it is in the best interest of the NMNG to appoint the applicant at an Advanced In-Hiring Rate Based on Superior Qualification.

c. The candidate’s written request for consideration of appointment under this authority. Address requests to the NMNG Human Resources Officer.

d. The rate requested and evidence of the candidate’s current income.

e. Copies of all vacancy announcements published for the position and a list of recruiting methods utilized (e.g. direct mail, Internet, newspaper, etc.)

f. Copies of selection certificates that demonstrate candidate was the best qualified for the position.

g. A summary of Qualification standards used, evaluation criteria, and how candidate compared against the criteria.

6. Evaluation Procedures and Reports:

a. At least annually, the NMNG Human Resources Officer must ensure a comprehensive evaluation of the effectiveness and appropriate use of this authority. Report findings to NGB-HR NLT 15 November each year. It is recommended that an officer not assigned to the Human Resources Office conduct the evaluation.

b. Evaluation considerations and items to report will be as follows:

(1) The number of actions taken under this authority.

(2) Significant problems encountered with the use of this authority.

(3) Demographics of personnel appointed under this authority (Equal Employment Opportunity).

(4) Benefits the NMNG derived from use of this authority.

(5) Administrative costs for the use of this authority.

(6) Does the use of this authority conform to current laws and regulations?

7. Point of Contact: Questions regarding this policy may be directed to the NMNG Technician Branch Manager, Major Alexis Lewis, at DSN 867-8283.

*//~Signed~//*

EUGENE J. DELGADO, Colonel, NMANG  
Human Resources Officer

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