

# THE TECHNICIAN

January - February 2019 | *Keep the Faith*

Issue #1, Vol. 77

## RALLY IN REWIND EDITION!

### Proposed Amendment

Proposed Amendment of 10 U.S.C. § 10216(g)

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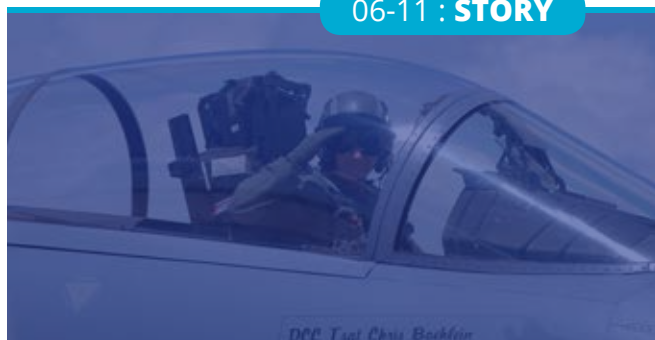
*Duty • Dignity • Dedication*



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## Proposed Amendment

Proposed Amendment of 10 U.S.C. § 10216(g)

12-14 : **STORY**



## Wasteful Conversion

Stop the Costly and Wasteful Conversion of National Guard Technicians to AGR

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## WHAT'S ON MY MIND...

The below article is my follow-up to a meeting with my Congressman Gerry Connolly's aide Marlon Dubuisson concerning the so called Technician – AGR “realignment” as NGB likes to call it. Let’s face it; this is a “CONVERSION” and Employees are losing their careers.

Have you contacted your Congressman / Senator and given them ACT’s legislation concerning this issue? If you have; have you followed up with a second / third / fourth contact to make sure your Congressman / Senator knows this AGR CONVERSION is a waste of taxpayer money? We need you to take ACTION on this ASAP.

Dear Marlon,  
It was good meeting you today and THANK YOU for taking the time out of your busy schedule to discuss with me the plight of the Title 32 Section 709 Technician Federal Employees of the National Guard as well as the AGR (Active Guard Reserve) program of the National Guard.

Also, THANK YOU for taking our legislation packet and having a good discussion with me about our concerns with the AGR program and our legislation.

As discussed please see attached documents that I said I would send to you that is in the packet I left with you today.

I know Congressman Connolly is a Senior Member of the House Committee on Oversight & Reform and he also serves as the Chairman of the Subcommittee on Government Operations and as we discussed he will be interested in what we have to say about the AGR program and the numerous studies DoD has paid for and ignored concerning the AGR program and the Title 32 Technician Federal Employee.

Also as discussed here is the end strength “ask” for the 2020 NDAA that I was talking about: Congress as a minimum at least should change the ANG (Air National Guard) technician and AGR end strengths back to their FY 2018 levels: ANG technicians, 19,135; ANG AGRs 16,260. Because technicians, as a workforce, are less costly for America and more experienced than AGRs, the AGR program should be eliminated. An ANG technician end strength of 25,135 and an ANG AGR end strength of 10,260-- which would be an additional 6,000 increase and decrease, respectively--would start the elimination process.

A similar 6,000 ARNG (Army National Guard) change, increasing the ARNG technician end strength to 28,294 and decreasing the ARNG AGR end strength to 24,593, would start the process of eliminating ARNG AGRs.

As I told you Technician’s are more lethal in their war fighting capabilities as they have years (institutional knowledge) of working on aircraft / tanks / guns etc. and are the original Minute Men of the Guard. The AGR’s are going to be looking for their next military promotion as they currently do. Don’t forget AGR’s get unlimited sick leave and thirty (30) days annual leave from day one of their enlistment.

Also, in our discussion today about the AGR conversion issue we discussed the need to investigate how the extraordinary August 2018 Conference Committee action came about. I appreciate you stating you would up-channel everything to Congressman Connolly concerning the need for investigation into this matter. As I stated in our meeting I really appreciate your willingness to dig into the issues we are raising.

As I expect you have recognized, the highest priority issue is the conversion of ANG technicians to AGRs. The ANG's goal is nothing less than elimination of 70% of the ANG technician work force, a process that the ANG began in August 2018 with an extraordinary event--the Conference Committee's 17% reduction of the ANG technician end strength, despite the absence of any such reduction in either the House or Senate Bill.

For the reasons stated in the paper I gave you and attached to this email, this end strength reduction was a bad idea that should be reversed in the 2020 NDAA. It seems to us, though, that the House Committee on Oversight & Reform and Subcommittee on Government Operations and the HASC and SASC members appropriately ask, "Why should we reverse the action taken last August?" the answer should be not only that the action was a bad idea, but also that the action was taken based on misunderstanding of the reason for it.

Our issue paper raises the questions that should be answered to expose the roots of the misunderstanding that produced the ill-advised Conference Committee action last August. We see several fundamental points.

There was a fundamental contradiction. The February 2018 Budget Estimate stated a rationale for increasing the AGR end strength without decreasing the technician end strength; yet, in August 2018, according to our communications with congressional staff, the same rationale was offered, in support of a "corrected" Estimate, to justify a 17% reduction in technician end strength. That rationale--the need for more AGRs to fill technician positions that are or soon will be vacant because of recruitment and retention difficulty. That rationale (if true, though it is not) logically supports the February Estimate, not the August decision.

There was a fundamental untruth. The facts stated in the February Estimate were not true. Conversions to AGR had not already occurred. The positions targeted for conversion were not vacant. Rather, the positions to be converted were identified only after the August enactment of the 2019 NDAA, the positions are occupied by technicians, and the conversions are scheduled to occur in April 2019.

There was a fundamental failure of communication. Congressional staff understood the August 2018 end strength reduction to be a one-time adjustment, but the IDA Report published a year earlier, in August 2017, clearly states that the ANG's goal is conversion over several years of 70% of technicians to AGRs.

Also as you will see attached the CA Realignment.pptx (California Guard RIF (Reduction In Force) Procedures). Congress was told there will be no RIF's and no Technician will be harmed. Untrue.

Also we discussed that we have been trying to get a copy of the report required by Section 574 of the 2018 NDAA for some time now. We submitted our recommendations as the law allowed but we do not know if any of our recommendations were included in the 574 report. Can you or Congressman Connolly ask about this report and advise us?

Investigation is necessary to get to the bottom of what happened in August 2018. We have commenced an investigation, but you are in a much better position than we are to obtain answers to the relevant questions. Will you help us find out the truth about what happened?

Looking forward to yours and Congressman Connolly's reply on this very important matter that concerns America's security. I am available to meet with the Congressman at his earliest convenience to discuss this matter further.

Thanks, Terry

**ASSOCIATION OF CIVILIAN TECHNICIANS, INC.**

**PROPOSED AMENDMENT OF 10 U.S.C. § 10216(G)**

**TO**

**PREVENT LOSS OF TECHNICIAN CIVILIAN EMPLOYMENT  
DUE SOLELY TO LOSS OF MILITARY MEMBERSHIP  
WITHOUT FAULT**

**3 JANUARY 2019**

**PROBLEM**

Under current law dual status technicians—most of whom are 32 U.S.C. § 709 National Guard technicians employed to maintain military equipment and perform other military support functions—automatically lose their civilian employment if for any reason they are separated from the military. Military retention boards customarily separate technicians from the military in mid-career, when they are in their late forties or early fifties, with no statement of reasons, and typically just to create openings on the military roster for younger Guard members—to have a “young, vibrant” military force, despite the consequent reduction in experience, efficiency, and readiness.

This destructive practice—which treats maintenance personnel as if they were infantry—is contrary to the intent of Congress in enacting the 1968 Technicians Act. The legislative history of the Act—Senate Report 1446, page 12—expressly states that Guard technicians who properly do their jobs should be employed until they reach age 60, normal retirement age.

In the 5 years prior to April 2016 over 7500 dual status technicians lost their technician employment after losing Guard or Reserve membership. Only about 15% qualified for immediate unreduced civil service retirement. Thus, about 85%, most of them veterans of overseas deployments, received modest severance payments but no immediate retirement benefits. They were thrust into the unenviable position of being in their mid-40s to mid-50s with a family to support, no job, no affordable health insurance, and a dismal career outlook.

A right to reach normal retirement—absent misconduct justifying removal, unsatisfactory job performance, or medical disability warranting disability retirement—is necessary to recruit and retain high quality technician personnel. Vulnerability to arbitrary separation at age 46 or 52 impedes recruitment of the best and brightest. With respect to those who accept technician employment initially, it creates a strong incentive for the best, at age 38 or 42, to take their taxpayer-paid training elsewhere, to careers where they have ample assurance of reaching normal retirement age.

## Proposed Solution

Dual status technicians who are separated from the military, other than for unacceptable job performance or misconduct of a kind that also warrants removal from civilian employment, should not be separated involuntarily from their civilian positions until they reach entitlement to an unreduced retirement annuity—unless they are separated for unacceptable performance, misconduct, or disability entitling them to civilian employment disability retirement.

## Enhancement of Military Readiness

### **The proposed solution would enhance, not reduce, military readiness.**

The original concept of dual status employment is that, with some exceptions, technicians should hold identical civilian and military positions so that when the entire unit is activated to full-time overseas military service the unit's capabilities are unchanged. This concept has continued validity today, but with a significant modification. The era of whole unit deployments—as in World War II—is over. Entire state Army or Air National Guards no longer deploy overseas en masse. No stateside bases are completely vacated by military personnel—with only civilian office workers remaining, and runways and villages of empty buildings left to the tumbleweeds. Equipment maintenance units overseas often are staffed by Guard members from several different states. The standardized training they receive enables them to work together as efficiently as they did with their colleagues at their respective home bases.

Since Guard or Reserve units normally deploy on a rotational basis, units activated for overseas military deployments typically do not take all personnel and unit equipment with them. Depending on the type of unit, deployed personnel normally use and maintain equipment that is already at the deployment site. Some equipment always remains at the home base for training non-deployed unit personnel or in case another federal mission or State emergency develops. Non-deployed personnel must be trained and stay-behind equipment must be maintained.

Consequently, there always is a continuing need at the home base for employees who perform the same jobs as those who have been activated for overseas military duty. Having available for home base work experienced former dual status technicians who have lost military membership without fault would ensure that this work is in capable hands and also make these experienced employees available to train younger technicians and Traditional Guard members.

**7** Technicians militarily separated for medical disabilities that do not qualify them for normal civilian disability retirement under 5 U.S.C. § 8337(a) or § 8451 should have the option of continuing their employment or electing the special disability retirement to which technicians are entitled when medically separated from the military. See 5 U.S.C. §§ 8337(h) and 8456. The option to elect either continued employment or special technician retirement is available at this time only to Wounded Warrior technicians whose disabilities are combat related. The option should be available to all technicians irrespective of the cause of their military medical disqualification. To date, very few, if any, Wounded Warriors have elected the option of continuing their federal employment—likely because special technician disability retirement plus private sector employment is more remunerative. Nonetheless, the option of continued federal employment should be offered to those who might prefer it, despite the financial sacrifice.

Additional benefit and flexibility would be afforded by the fact that, although these non-military members could not be compelled by law to perform overseas duty, they could be assigned to work overseas as civilians, if management so desired, and most of them likely would accept the assignments rather than resign from their employment.

By transforming technician employment back to career employment, as Congress originally intended, ability to recruit and retain the highest quality personnel would be enhanced and greater numbers of more experienced personnel would be available for home base employment, while an ample number of military members—and experienced, willing civilian employees, should management choose them—would be available for overseas deployments.

The attached amendment would require the Secretary of Defense to convert dual status technicians who are separated from the Guard—involuntarily and without cause—to Title 5 National Guard employees until they are eligible for early FERS retirement under 5 U.S.C. § 8414(c). The technicians would be required to apply for conversion and would be disqualified if disability prevented them from performing the duties required for the position. Like all federal employees, they would continue to be subject to removal for unacceptable performance or misconduct.

This amendment would be a win-win for employees and the National Guard. The Guard technician program again would provide career employment—an expectation that, normally, employment will continue at least until eligibility for early retirement benefits is attained. The Guard would enjoy a cadre of experienced employees and, when they reach early retirement age, be able to convert their positions back to dual status.

We ask your support for this amendment.





**Bill Language for New 10 U.S.C. § 10216(g)****SEC. \_\_\_\_\_. RETENTION OF MILITARY TECHNICIANS WHO LOSE DUAL STATUS.**

Section 10216 of title 10, United States Code, is amended by striking subsection (g) and inserting—

“(g) Retention of Military Technicians Who Lose Dual Status.—(1)

Notwithstanding subsection (d) of this section or subsections (a) (3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of involuntary separation from the Selected Reserve, except for cause, the Secretary shall convert that person’s position in accordance with section 2102(a) of title 5 to a position under section 3101 or section 5342(a)(2) of that title, as the case may be, and retain the person as a non-dual status employee so long as—

(A) the person requests retention;

(B) the disability does not prevent the person from performing the duties of the position; and

(C) the person, while a non-dual status employee, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

(2) For purposes of section 8414(c) of title 5, the service of a person so retained is service as a military reserve technician and as a military technician and

the person shall be removed not later than 30 days after becoming eligible for an unreduced annuity under that section.”

**Current 10 U.S.C. § 10216(g)**

(g) Retention of Military Technicians Who Lose Dual Status Due to Combat-Related Disability.—(1) Notwithstanding subsection (d) of this section or subsections (a) (3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of a combat-related disability (as defined in section 1413a of this title), the person may be retained as a non-dual status technician so long as—

(A) the combat-related disability does not prevent the person from performing the non-dual status functions or position; and

(B) the person, while a non-dual status technician, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

(2) A person so retained shall be removed not later than 30 days after becoming eligible for an unreduced annuity and becoming 60 years of age.

(3) Persons retained under the authority of this subsection do not count against the limitations of section 10217(c) of this title.

**New 10 U.S.C. § 10216(g), Showing Amendments**

(g) Retention of Military Technicians Who Lose Dual Status ~~Due to Combat-Related Disability.~~—(1) Notwithstanding subsection (d) of this section or subsections (a) (3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of *involuntary separation from the Selected Reserve, except for cause a combat-related disability (as defined in section 1413a of this title)*, *the Secretary shall convert that person’s position in accordance with section 2102(a) of title 5 to a position under section 3101 or section 5342(a)(2) of that title, as the case may be, and retain the person* ~~may be retained~~ as a non-dual status ~~employee technician~~ so long as—

(A) *the person requests retention;*

(B) ~~the combat-related~~ disability does not prevent the person from performing the *duties of the non-dual status functions* or position; and

(C) the person, while a non-dual status ~~employee technician~~, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

(2) *For purposes of section 8414(c) of title 5, the service of a* ~~A~~ *person so retained is service as a military reserve technician and as a military technician and the person shall be removed not later than 30 days after becoming eligible for an unreduced annuity under that section* ~~and becoming 60 years of age.~~

~~(3) Persons retained under the authority of this subsection do not count against the limitations of section 10217(c) of this title.~~

**New 10 U.S.C. § 10216(g)**

(g) Retention of Military Technicians Who Lose Dual Status.—(1) Notwithstanding subsection (d) of this section or subsections (a) (3) and (b) of section 10218 of this title, if a military technician (dual status) loses such dual status as the result of involuntary separation from the Selected Reserve, except for cause, the Secretary shall convert that person’s position in accordance with section 2102(a) of title 5 to a position under section 3101 or section 5342(a)(2) of that title, as the case may be, and retain the person as a non-dual status employee so long as—

- (A) the person requests retention;
- (B) the disability does not prevent the person from performing the duties of the position; and
- (C) the person, while a non-dual status employee, is not disqualified from performing the non-dual status functions or position because of performance, medical, or other reasons.

(2) For purposes of section 8414(c) of title 5, the service of a person so retained is service as a military reserve technician and as a military technician and the person shall be removed not later than 30 days after becoming eligible for an unreduced annuity under that section.

# STOP THE COSTLY AND WASTEFUL CONVERSION OF NATIONAL GUARD TECHNICIANS TO AGR

Dual status National Guard technicians employed under 32 U.S.C. § 709 perform work that in most instances is identical to that of Active Guard and Reserve members (AGRs)—for example, they both repair and maintain military aircraft or surface vehicles—but AGRs, as a workforce, are far more expensive, and less experienced, than technicians.<sup>1</sup>

Yet, in August 2018, during the House and Senate conferees' consideration of the National Defense Authorization Act for Fiscal Year 2019 (2019 NDAA), Air National Guard (ANG) officials proposed and obtained from the conferees a startling change found in neither the House nor the Senate Bill—a decrease of the ANG technician end strength by 3274. This decrease was accompanied by an increase of the ANG AGR end strength by 3601.

The extraordinary circumstances of this “conversion” of ANG technicians to AGRs raise a substantial question whether agency officials obtained it as a result of misunderstanding, miscommunication, or deception. After conversations with congressional staff members having knowledge of the August 2018 agency communications to the conferees, we believe agency officials portrayed the proposed change as a one-time adjustment reflecting personnel decisions that already had been implemented, or previously had been scheduled to occur soon, involving no technician reduction in force (RIF).

Nothing, however, could be further from the truth. The 2019 NDAA ANG technician end strength reduction was a major change—17% of the 2018 NDAA end strength (19,135). As the accompanying California National Guard power point presentation shows, the technician positions to be eliminated by conversion—or “realignment”—to AGR are not vacant. Technicians occupying these positions who are not offered or do not accept AGR appointments face potential separation by RIF. California plans to terminate technicians by RIF effective May 15, 2019.

Further, as the accompanying message from ANG Director LTG Scott Rice reveals, the 2019 NDAA technician end strength reduction did not reflect personnel decisions that already had occurred or previously had been scheduled to occur soon. Rather, selection of technician positions for conversion began only after the NDAA was enacted. LTG Rice scheduled final conversion decisions for September 28, 2018, so that nationwide implementation could occur April 1, 2019, after “6 month required notification.”

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<sup>1</sup> This is due primarily to AGRs' eligibility to retire at any age—such as 38—after twenty years of service, while technicians are ineligible to retire until at least their late 50s. See, CNA, Report on the Termination of Military Technician as a Distinct Personnel Management Category (September 2013), Vol. 1, p. 2 (AGR retirement costs 34% higher than technician retirement costs due to earlier AGR retirement age). To replace a technician who provides 40 years of service, two AGRs who retire after 20 years are required. During the second twenty-year period the retired pay of the first AGR must be paid as well as the active duty pay of the second AGR—an enormous increase in cost. Further, the second AGR starts the second twenty-year period as a new, inexperienced Guard member, while the experienced technician continues to work at peak proficiency. For these reasons, replacing technicians by AGRs is inefficient and a waste of taxpayer money.

These conversions, moreover, are not one-time events. LTG Rice states he is “very hopeful we can continue this incremental effort in subsequent Fiscal Years.” A report by the Institute for Defense Analysis, *Analysis of Alternative Mixes of Full-Time Support in the Reserve Components* (August 2017) (IDA Report) expressly states LTG Rice’s goal. “The ANG preferred workforce incorporates a large shift in its workforce, decreasing MTs [military technicians] and increasing AGRs by approximately 70 percent.”<sup>2</sup> IDA Report, p. 55.

The waste and inefficiency of the ANG’s “preferred” policy of decreasing ANG technicians and increasing AGRs “by approximately 70 percent”—and the extraordinary means by which the ANG in August 2018 obtained the initial launch of this policy—are appalling.

Members of Congress should inform ANG officials immediately that they oppose the costly and inefficient conversion of technicians to AGRs. Congress, in the 2020 NDAA, should reverse the 2019 ANG technician end strength reduction and AGR end strength increase.<sup>3</sup>

### Addendum

Additional evidence suggests that in August 2018—as conversations with congressional staff members have indicated—ANG officials incorrectly portrayed the proposed technician end strength reduction as a one-time adjustment reflecting conversions that already had occurred or, by previous decision, soon would occur, with no RIF of technicians.

Similar misinformation had appeared earlier, in February, in Air National Guard Fiscal Year (FY) 2019 Budget Estimates, Appropriation 3850, National Guard Personnel, Air Force (February 2018). This February 2018 Budget Estimate states, on page 5:

Congress requested in the FY 2017 NDAA a feasibility/advisability study [the August 2017 IDA Report] on converting ANG Technicians to Active Guard Reserve (AGR). As part of this analysis the ANG converted 14% (3,190) of the dual status technician work force to AGRs. This action targeted duty positions which have difficulty meeting recruiting and retention levels.

<sup>2</sup> Although this report was published in August 2017, we have seen no indication that it was formally delivered to Congress as an official agency report. We do not know whether in August 2018, a year after its publication, the House and Senate NDAA conferees were aware of the ANG’s goal, expressly stated in the report, of converting 70% of Guard technicians to AGRs. It would be remarkable, however, if the ANG officials—who, according to a congressional staff member, portrayed the proposed 2019 technician end strength reduction as a one-time adjustment reflecting previous decisions and involving no RIF—actually were unaware of the ANG’s multi-year plan to seek this 70% conversion.

<sup>3</sup> LTG Rice asserts, without explanation or evidence, that conversion of technicians to AGRs “maximizes recruiting, retention, readiness and the overall lethality of our force.” The IDA Report, however, at page v, found that there is no “clearly apparent” “relative readiness benefit” achieved by converting technicians to AGRs and, contrary to LTG Rice’s assertion, that some data support “[a]dvantages of the MT [military technician] program in position stability and career longevity,” though further research is necessary. The idea that military units miraculously become more ready or lethal, merely upon changing the status of their members from technician to AGR, is absurd.

Consistent with conversations with congressional staff members, this February Estimate incorrectly asserted that the 3,190 conversions already had occurred and implied that, due to recruiting and retention difficulty, the “targeted” positions were vacant, or voluntarily soon would be—thus making a RIF of technicians unnecessary.<sup>4</sup>

The claimed conversions, 3,190, are exactly the number by which the FY 2019 Senate Bill, S. 2987, increased the ANG AGR end strength. The House Bill, H.R. 5515, raised it by a slightly larger number, 3,601. As noted, however, neither bill comparably reduced the technician end strength—again implying that the “targeted” technician positions were or soon would be vacant, and thus could be filled by a one-time adjustment increasing AGRs, without need for a RIF of technicians.

The February Estimate’s portrayal—as we now know from the end strength reduction obtained by the ANG in August, LTG Rice’s message, and the California power point—was inaccurate. The 3,190 conversions had not already occurred; and they cannot occur without an end strength reduction, because the targeted technician positions are not all vacant. Targeted technicians who do not convert to AGR face potential separation by RIF. The ANG’s goal is a massive, costly 70% conversion. Has the inaccurate ANG communication to Congress been mistaken or dishonest?

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<sup>4</sup> Unexplained, however, was why, if the targeted positions were so undesirable as to make it difficult to recruit and retain technicians, there would be no similar difficulty recruiting and retaining AGRs. The idea that AGRs like positions that technicians do not is, of course, absurd. Further, although the February Budget Estimate vaguely referenced the August 2017 IDA Report, it did not mention the goal, stated in that report, of converting 70% of technicians to AGRs.

# Report on the Termination of Military Technician as a Distinct Personnel Management Category

Final Report to Congress and the Secretary of Defense

Volume I: Main Report

Michelle A. Dolfini-Reed • Charles H. Porter • Diana S. Lien  
James E. Grefer  
with  
Brandon R. Deland • David Gregory • Laura J. Kelley  
Kletus S. Lawler • Jessica S. Oi • Christopher J. Petrillo  
David L. Reese • Robert W. Shuford • Darlene E. Stafford  
Lauri D. Wells



The estimated cost of the report for the Department of Defense is approximately \$1,299,000. This includes \$950,000 in expenses and \$349,000 in DoD labor.

DRM-2013-U-005399-1Rev  
September 2013



## Executive summary

In this report, we provide Congress with an independent study of the feasibility and advisability of terminating the military technician (MilTech) as a distinct personnel management category within the Department of Defense (DOD). Specifically, we examine the Army National Guard (ARNG), U.S. Army Reserve (USAR), Air National Guard (ANG), and U.S. Air Force Reserve (USAFR) MilTech programs. We compare each service’s MilTech program with congressional intent, highlighting where programs are consistent with and different from that intent and discussing how inconsistencies contribute to concerns about the MilTech program.

To frame our analysis, we focus on three MilTech program characteristics: complexity, compatibility, and continuity and deployability. We also consider and evaluate alternatives to the MilTech program in terms of compensation costs and provide a comparative analysis of the benefits and challenges associated with potentially converting MilTechs to active-duty personnel—either active component (AC) or active Guard/Reserve (AGR)—state civilian employees, or Title 5 federal civilian employees. Maintaining unit readiness is a major consideration. To conduct our analysis, we use a combination of service-level MilTech and reserve personnel data, compensation data, and input provided by dual-status (DS) MilTechs via a survey.

### Converting MilTechs to AC or AGR personnel

We find that it is feasible to replace MilTechs with AC or AGR personnel with no harm to unit readiness: using AC or AGR personnel would erase the complexity of the MilTech program while providing functional compatibility and continuity to units when they deploy. However, doing so would increase compensation costs. Assuming a direct conversion to DS MilTechs’ paygrade structure, we estimate that the aggregate cost of DS MilTechs’ compensation is lower than that of their AGR/AC counterparts. Basic pay and basic allowance for



housing (BAH) compensation estimates of a conversion from DS MilTechs to military full-time support (FTS) range from a \$140-million to a \$379-million annual increase over the DS MilTechs' civilian earnings and Selected Reserve (SelRes) pay. Our estimates, however, show that AGR/AC compensation is not higher for all DS MilTech categories. Assuming a direct grade conversion based on military rank, the ANG and USAFR federal wage grade system DS MilTechs would receive slightly less pay, on average, if they were converted to AGR/AC.

So far, these compensation comparisons do not include retirement. For DS MilTechs under the general schedule pay system, the cost to DOD of AGR/AC retirement is 34 percent higher than DS MilTech retirement. The DS MilTech retiree receives two pensions, and the sum of the two net present values (NPVs) is greater than the NPV of the active-duty retirement. Nonetheless, the annual cost to DOD of providing the retirement benefit to the AC is greater because those in the AC have an earlier retirement age.

## Converting MilTechs to state civilian employees

Converting MilTechs to state civilian employees presents legal issues that introduce new complexities to the National Guard's FTS program. State employees might support some aspects of unit readiness, but we assume that they would not also be members of the National Guard. The ability of FTS personnel to support compatible functions that enable the seamless continuity to units when they deploy would be lost and readiness would be impaired. Shifting the responsibility of paying for National Guard MilTechs to the states would save the federal government money, but states are not likely to be receptive to this option because of their own fiscal constraints. States' governors and adjutants general would probably pressure their congressional representatives to oppose it. For these reasons, we do not view converting MilTechs to state civilian employees as a viable option.

## Converting MilTechs to Title 5 federal civilian employees

Converting MilTechs to Title 5 federal civilians would erase the administrative complexities of the program, but we cannot assume

inherently governmental but not military essential, we recommend that the services determine whether it is more appropriate to use military FTS for other reasons (such as currency in military operations and training and augmentation), DS MilTechs, NDS technicians, or Title 5 federal civilian employees.

Based on survey input from DS MilTechs, we find that nearly 90 percent of all survey respondents indicate that their military and civilian training and duty requirements are compatible. ANG and USAFR DS MilTechs indicated the greatest level of compatibility, while ARNG and USAR DS MilTechs indicated lower levels of compatibility and higher levels of incompatibility. We also found that 21 percent of all DS MilTech positions are general administration, clerical, and office services occupations. Positions that provide FTS but have limited military compatibility, such as administrative jobs, may be good candidates to convert to FTS Title 5 civilian positions. This would require congressional action to authorize the National Guard to hire Title 5 federal civilian FTS positions. If Congress chooses to do so, we recommend that it give affected MilTechs the option of converting to a Title 5 civilian position or keeping their DS MilTech status until they choose to retire or switch their civilian employment to another job.

Survey input suggests that, for the most part, the DS MilTech programs are functioning as intended with regard to providing an experienced workforce of FTS DS MilTechs that is readily available to augment AC forces when their National Guard and Reserve units are activated.

## Recommendation

Based on our analysis of the MilTech program, we recommend that Congress continue the program, although limited conversions to Title 5 civilian employees may be appropriate for positions that are inherently governmental but not military essential. Although the MilTech program is complex, its complexity tends to manifest in terms of program management and we have recommended steps in this report that OSD and the services can take to address these issues.

that federal civilian FTS would also be National Guard or Reserve members. Consequently, unit readiness would be degraded in terms of supporting compatible functions that provide seamless continuity to units when they deploy. Compensation costs are neutral because DS MilTech civilian compensation tends to be similar to their federal civilian counterparts. We assume that National Guard and Reserve authorized endstrength levels would remain the same, so those who maintained their SelRes affiliation would continue to receive their reserve military compensation, but the services would incur replacement costs for those MilTechs who did not continue to be drilling SelRes members. DS MilTechs fall under the same federal civilian employee and military retirement rules as individuals who are not DS MilTechs; thus, DS MilTechs legitimately earn their “dual retirement.”

## Maintaining the MilTech program

The MilTech program is a complex program in three main ways: its program administration, understanding how it works, and its dual-compensation systems. Effective personnel management of the MilTech program is hampered by these complexities and contributes to misconceptions about the program.

Lack of centralized data that clearly identify MilTechs, whether DS or non-dual-status (NDS), is a fundamental problem. MilTechs are not identified accurately in the Defense Civilian Personnel Data System (DCPDS) or the Reserve Component Common Personnel Data System (RCCPDS). This problem limits oversight at two levels: the Office of the Secretary of Defense (OSD) and the services. For example, neither currently has adequate management oversight of the MilTech program in terms of characteristics and behavior, such as retention. These complexities lead to a lack of information about the program and how it is working. OSD and the military services need to work together to ensure the maintenance of reliable MilTech information in the DCPDS and RCCPDS.

In judging the MilTech share of the workforce mix, we find that DS MilTechs largely appear to be both inherently governmental and military essential. However, if the function that a MilTech supports is

# CA REALIGNMENT



## AGR REALIGNMENT

LTC BEEGLES  
DIRECTOR, HUMAN RESOURCES OFFICE  
NGCA-JSD-MP



## Background



National Defense Act FY19 increased the ceiling on Air National Guard Air Active Guard Reserve authorizations by 3,183 with a corresponding decrease in Title 32 Military Air Technicians authorizations.

This realignment results in a two-fold mission for each state:

- Maximize execution of the newly gained AGR resources
- Maximize placement of the technicians encumbering the realigned resources



## Impacts



- California receives 227 ANG AGR positions effective: 01 April 2019
- 227 Title 32 Military Air Technician positions will be reduced effective: 31 March 2019. (\*196 Funded Title 32 Military Air Technician Authorizations)
- 197 Military Air Technicians will be impacted by the realignment

129RQW	144FW	146AW	163ATKW	195WG
+3 AGRO	+3 AGRO	+2 AGRO	+12 AGRO	+6 AGRO
+71 AGRE	+32 AGRE	+30 AGRE	+38 AGRE	+30 AGRE
-74 Tech	-35 Tech	-32 Tech	-50 Tech	-36 Tech

\*Seven additional positions have not yet been designated for loss by wings



## AGR Recruitment



### AGR Advertisements for the AGR Realignment:

- Advertise Nationwide
- Category Rating modified to reflect:
  - A-Current CNG Technicians-AFSC/Rank Qualified
  - B- All Sources-AFSC/Rank Qualified
  - C-Rank Qualified-Retraining Required
- Justification required to pass over category A
- Good faith effort for technician placement
- Will prevent need to re-advertise if there isn't a current/qualified technician available

## Technician Placement Process



Policy and Procedures for Reductions in Force (RIF) in the Civilian Workforce,  
Dtd. 19 Jan 2017

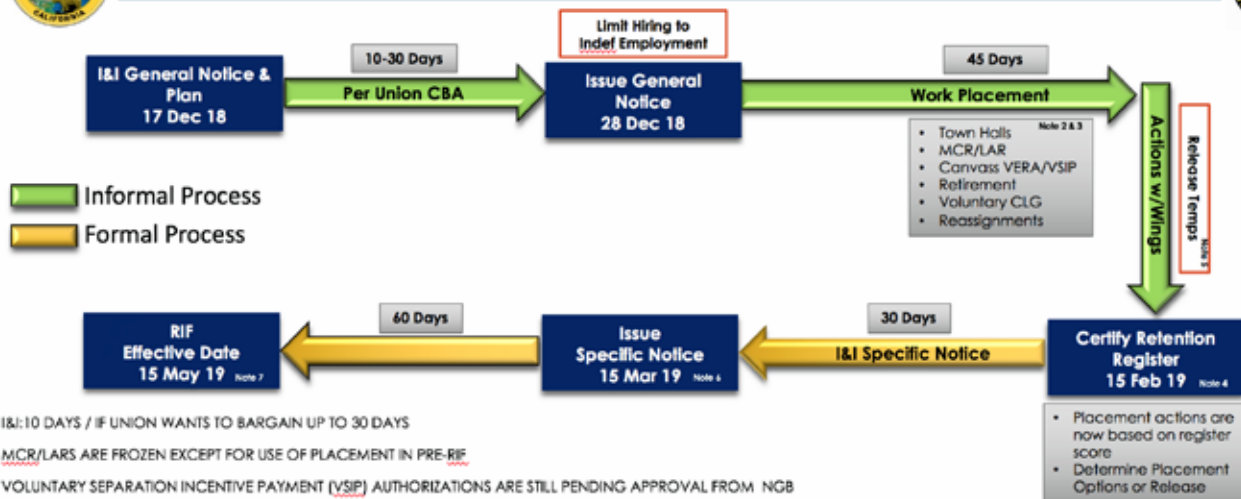
“The heads of DOD Components will consider and employ every reasonable available option to mitigate the size of a proposed RIF, including job changes or retraining, the use of voluntary early retirement authority (VERA), or voluntary separation incentive payments (VSIP), hiring freezes, termination of temporary employees, reduction in work hours, curtailment of discretionary spending, and other pre-RIF placement activities for employees eligible for placement assistance and referral programs.”

Robert O. Work,  
Deputy Secretary of Defense

## Technician Placement Process



## Technician Placement Process



1. I&I: 10 DAYS / IF UNION WANTS TO BARGAIN UP TO 30 DAYS
2. MCR/LARS ARE FROZEN EXCEPT FOR USE OF PLACEMENT IN PRE-RIF
3. VOLUNTARY SEPARATION INCENTIVE PAYMENT (VSIP) AUTHORIZATIONS ARE STILL PENDING APPROVAL FROM NGB
4. RETENTION REGISTER IS BASED ON RATING OF RECORD, TENURE GROUP, AVERAGE SCORE, AND SCD-RIF CALCULATION DATE P.L. 114-92: MUST I&I SPECIFIC NOTICE
5. TEMPORARY TECHNICIANS SHOULD BE RELEASED TO CREATE VACANCY OR COST SAVINGS PER CBA-ARTICLE 23-4
6. SPECIFIC NOTICE IS TO IMPACTED EMPLOYEE SPECIFYING ACTION (JOB OFFER OR SEPARATION), REASON FOR RIF AND DATE OF RIF, APPEAL AND GRIEVANCE RIGHT
7. EFFECTIVE DATE OF THE PERSONAL ACTION / NO LESS THAN 60 DAYS FROM SPECIFIC NOTICE PER DOD-1 1400.25, VOLUME 351, CNGFPR 351, TPR 351, AND CBA
8. EFFECTIVE DATE OF GENERAL NOTICE HIRING WILL BE LIMITED TO INDEF/CAN CONVERT TO PERM

## Additional Considerations



- **Vacancy Announcements:** Vacancy Announcements are now limited to Indefinite employment to create workforce shaping flexibilities.
- **Temporary Technicians:** Temporary technicians will be released (CBA, Article 23-4) the date the retention register is certified to create vacancy or cost savings
- **AGR Realignment tours** begin effective 1 Apr 19, after the specific notices have been issued but before the effective date of any RIF action. Increase in AGR tours may create additional placement opportunities for displaced technicians

## Message from Lt. Gen. Scott Rice:

It is my pleasure to announce the FY19 plan for the incremental conversion of some ANG Military Technicians to AGRs. This is a good news story for the ANG in that it maximizes recruiting, retention, readiness and the overall lethality of our force. We based the distribution methodology using 4 guiding principles: Readiness (NDS compliance), critical AFSCs, location factors, and special military mission needs. Conversion highlights/time lines as follows:

- 3,183 Dual Status Technicians (267-0 / 2916-E) converted to AG Rs with no end strength growth
- Proposed UMDs available for Directors of Staff/Wing CC review and feedback (13 Aug)
- Return feedback suspense to ANGRC (31 Aug)
- Final UMD release (28 Sep) to ensure the 6 month required notification of impacted military personnel
- Conversion to take effect (1 Apr)

The ANG RC will send expanded guidance to your Directors of Staff/Wing CCs, as well as, State HROs on available options to help force manage the military personnel impacted by this action. I am very hopeful we can continue this incremental effort in subsequent Fiscal Years and I thank you for the support in making this happen!



**Message for Brig. Gen. Steven S. Nordhaus**

Late Friday, the DANG notified CNGB and your TAGs on the FY19 plan realigning 3,183 ANG Military Technician authorizations to AGRs. AI is drafting your Unit Manpower Documents (UMDs) to have them available by 13 Aug. Since this will be the first time you will be seeing this information, I want to reiterate some important points regarding this military initiative.

We developed the distribution methodology based on FAM input, along 4 principles: military readiness (in compliance with SECDEF's NDS guidance & SECAF's CI/C2 Goals), critical AFSCs, location factors, and special military mission needs. Our FAMs methodically placed the resources where they anticipated having the greatest impact on military readiness; we now need your feedback.

You will have the same flexibility to realign the resources as you do today. AI will update the UMD if realignments involve the same Program Element while small realignments across Program Elements will be locally managed. Do your absolute best to maximize your Wing's Readiness--TEAM ANGRC stands ready to serve and support!

We request your feedback by 31 Aug. We understand this is an aggressive timeline, but we want to ensure we have enough time to make the requested changes and provide a minimum 6-month time

Please submit the requested feedback in the form of a Manpower Change Request (MCR) through myPers. The process and business rules will be similar with one exception-you may submit as many actions as needed in one MCR using the attached continuation form, which has also been posted to the MCR library on the AIM Sharepoint site. Please remember that the MCR must zero-balance both in requirements and resources.

Your wing commander's flexibility remains the same. If the request is to realign the resource to another position in the same Program Element, AI will update the UMD. If the request is to realign across Program Elements, realignment of full-time manpower resources will be locally managed by updating the Tech ID in MilPDS. The need to maintain program integrity on the UMD (i.e., keeping the resources in the Program Element in which it was programmed) stems from the fact that this military technician to AGR initiative was staffed through AF, OSD, and ultimately Congress, and allowing resources to flow across Program Elements on the UMD undermines not only NGB's credibility but our rationale for future military technician to AGR initiatives. Please keep a strategic mindset when considering realignment of these resources as ANG, AF, and OSD leadership expect measurable improvements primarily in terms of your units' (-ratings but also with recruiting and retention of both fulltime and DSG military members.

We request your feedback by 31 Aug. While this is an aggressive timeline, it is to allow AIM sufficient time to modify your UMDs and return them prior to 1 Oct, to provide a minimum 6-months for wings to take necessary force management actions prior to the positions becoming effective on 1 Apr 19.

For fulltime personnel concerns, please work hand-in-hand with your HROs as AI and J1 are working directly with them concerning the options available to force manage your fulltime military personnel through this transition.

Are converted positions compete or non-compete? Is there a waiver process to ANGI 36-101 and is there an intent to authorize a waiver and timeline to publication? This has bearing on Wing commander and unit decision making.		
How are restoration rights affected in the case of a "reprogramming action"? If this is a true conversion, are AGR tours authorized and do they fall under USERRA? If forced to convert to AGR, does the technician have rehire rights under USERRA (38 U.S.C. 4301)? (presuming there is a like position in which to place them)		
What if a technician cannot pass an AGR (Chapter 2) physical? What if they have a disability rating?		
What if a technician cannot pass the physical fitness test or pass height/weight?		
Will the technician have the ability to get 20 years as AGR? What if it extends a career past a technicians Mandatory Retirement Age?		
If a technician refuses to convert, what do we owe them when their technician position becomes unfunded?		
What happens with technician leave/comp time/sick time balances upon conversion?		
If no Control Grade available, is there a process for Over grade or reduction in rank?		
If unwilling or unable to convert or be placed into another like technician position, will technicians be non-retained?		
Will technician retention incentives pay full amount if the position is converted (organizational process ended contract)? Does any service obligation remain in place?		
Do converted technicians not vested (under 10 years technician service) lose federal time bought into the tech program?		
Wilt AGRs be authorized PCS?		
Will career AGRs be placed on probationary status?		
Are furlough exempt positions converted first?		
What is the timeline for publishing business rules - anything rior to 31AUG18 MCR suspense?		
Will there be any relocation of AGR controlled grades to support the new AGR resources that require them?		
Is there a requirement to follow the same process to staff the converted positions (i.e., positions that have incumbents, convert some TECHs to AGR but advertise other positions so there is an open competition)?		
Can this realignment of resources validate a Reduction in Force and if so, can a General RIF notice be implemented to make available pre-RIF benefits (ie. early Priority Placement, reassignments with grade and pay retention, etc)?		
For TECHS "converting" to AGR, will there be an opportunity to recoup funds for any military deposit that they no longer want to apply towards a retirement under FERS?		
Will the member have to compete for the position they currently occupy?		
What if the member does not want to convert?		
What if the member wants to convert but can't medically qualify?		

## End TRICARE Discrimination Against Federal Employees

Under 10 U.S.C. §1076d, all military members of the Selected Reserve are eligible for TRICARE health insurance except one group—Reserve members who serve the country not only as military members, but also as federal employees.

This discrimination is unjust and contrary to the public interest. It deters military members from seeking federal employment, and it eliminates a major incentive for federal employees to seek or maintain military membership.

Federal employees who also are military members are a unique, major asset of our country. Their dual status affords flexibility that facilitates accomplishment of military missions without disruption of the private sector. The best and the brightest should be encouraged to be, not deterred from becoming, federal employee military members.

The impediment imposed by § 1076d is enormous. The table below compares some of the costs of TRICARE Reserve Select (TRS) to one of the more popular national Federal Employee Health Benefit (FEHB) plans available to federal employees (APWU-High).

Health Plans- 2019	Premiums	Deductibles	Co-Pays	Catastrophic Caps (annual)
	Self/ Family	Self/ Family	Out Patient Surgery	Self/ Family
TRS-E-5 & up	\$42.83/ \$218.01	\$150.00/ \$300.00	\$25.00	\$1028.00
FEHB/ APWU	\$227.50/ \$604.72	\$350.00/ \$700.00	10% of allowed fees	\$5500.00/ \$10,000.00

As the table shows, APWU-High out of pocket expenses are many times higher than the TRS costs. The catastrophic out-of-pocket limits are five times greater for an individual and almost ten times greater for a family.

As recent House and Senate Bills have proposed, Congress should amend 10 U.S.C. §1076d to read as follows:

**§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve**

(a) ELIGIBILITY. A member of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces is eligible for health benefits under TRICARE Standard as provided in this section.

# 2019 ACT CAPITOL HILL RALLY REVIEW

By: Les Hackett Legislative Director  
ACT's 2019 Training and Rally session was held February 5th through the 10th at the Embassy Suites in Alexandria, VA.

It was great to see old friends and also new faces as participants. Everyone was briefed on the rally legislation late Wednesday afternoon and prepared to hit the Hill the next two days. I was encouraged to see the enthusiasm of the delegates as they went about their business visiting their respective state congressional delegations and educating law makers and their staff members on ACTs legislative initiatives.

One of our top priorities was to bring attention to the dramatic reduction in Air Guard Technician authorizations that was agreed upon between HASC and SASC House and Senate conference committee members in August 2018. The reduction of 3,274 Air Guard Technician by the conference committee was particularly shocking since both NDAA bills passed in the House and the Senate called for a minimal reduction of minus 166 Air Guard tech Authorizations. Normally when both NDAA bills have identical provisions there is no need to negotiate and the provision is automatically adopted. But as we discovered during the rally it appears DoD officials convinced HASC and SASC conferees that the reductions would not result in a RIF. We all know this is not the case. During the Rally ACT delegates set the record straight concerning the reduction and made sure their legislators knew that a RIF of a large number of Air Guard Technicians was a distinct possibility. Once they were made aware of DoDs apparent sleight of hand many legislators expressed alarm over what they were told by DoD concerning the technician reductions and were very disturbed over how it was presented to them. Since the

NDAA for 2020 will be formulated soon we must keep communicating ACTs views concerning this issue. At a minimum Air Guard Technician authorizations should be restored to levels authorized in FY 2018 (19,135). But we should also advocate for reduction in AGR authorizations in favor of more experienced and cost effective technicians.

Delegates also reported interest in ACTs legislation that would provide dual status technicians an opportunity to reach eligibility for civil a service retirement under certain conditions when separated from the Guard. This legislation would amend 10 USC §10216(g) to require DoD-upon application- to convert your status from Title 32 Technician to Title 5 non technician in the event you lose your military membership without cause (for example retention boards, MRDs for officers, medical disqualification). Under the proposed legislation technicians converted to Title 5 could not be separated, for the loss of Guard membership until they qualify for early technician retirement under 5 USC §8414(c). Retiring under §8414(c) entitles the retiree to an unreduced annuity and the annuity supplement. This legislation has been submitted to Sen. Thom Tillis' office in an attempt to have it included in the Senate version of the 2020 NDAA. I urge you to keep in touch with your legislators and continue pushing support for this legislation. We will keep you updated.

ACTs third major legislative effort for this session is to make Federal employees eligible for TRICARE Reserve Select (TRS). As you know individuals who are eligible to enroll in the Federal Employees Health Benefits (FEHB)-either directly or through a family member- are not eligible to enroll in TRS. There is some good news concerning this issue. Two Bills have been introduced in Congress that would amend the law to allow folks eligible for FEHB to enroll in TRS if otherwise qualified. H.R.613 has been introduced by Rep. Trent Kelly in the House and S.164 was introduced by Sen. Steve Daines in the Senate. There seems to be

broad support for both bills in each house with 39 cosponsors for H.R.613 and 11 cosponsors for S.164. It was very encouraging to see several additional cosponsors sign on after our Capitol Hill Rally so our efforts are having an impact. The major issue with these Bills is where the money to pay for it will come from. Since TRS is funded through mandatory spending the additional funding must come from that pot of money. Congress establishes mandatory programs under authorization laws. Congress legislates spending for mandatory programs outside of the annual appropriations bill process. Discretionary spending on the other hand will not occur unless Congress acts each year to provide the funding through an appropriations bill. Any changes in mandatory spending requires buy in by the leadership in each House and a 60-vote majority in the Senate to pass. So while there is increasing support for these bills, passage is not guaranteed. For now we must continue to convince additional cosponsors to sign onto the Bills in hopes that the leadership in each House will agree to open up mandatory spending. If you want to see if your legislator is a cosponsor go to [www.congress.gov/](http://www.congress.gov/). Then enter the bill numbers (hr613) (s164) in the search box. If not enacted, these bills will remain introduced until Jan 2021. So we do have time to get this done.

The final issue that was included in the packet was legislation that would allow technicians to take an additional 44 days of military leave under 5 USC §6323(d). Currently leave under §6323(d) may only be requested for specific unpaid orders authorized under Title 10. The problem is most of the extra military duty technicians perform is under State orders authorized under Title 32 §502. Our proposed legislation would amend §6323(d) to include unpaid military duty under §502. This simple legislative fix would still give technicians the option to expend their own personal leave if they choose in order to receive both military and civilian pay but also would give them the option of using leave under §5323(d) if they are willing to forgo the military pay. Once

again our strategy is to get this legislative language into the 2020 NDAA in order to get it passed.

ACT's strategy is to get our language added to the FY 2020 NDAA in order get them enacted. The National Defense Authorization Act (NDAA) are laws specifying the annual budget and expenditures of the U.S. Department of Defense. The NDAA establishes funding levels, and sets the policies under which money will be spent. We use it as a vehicle for our legislation because unlike most other bills, the NDAA is sure to be considered and passed and most of our legislation is related to DOD policy or spending. The next few months are critical in our efforts to get our legislative issues addressed this year. There are several steps in the NDAA process that will occur this spring that may allow us to get our language added into its provisions but as the process advances it gets more difficult to amend the Bill. If these legislative issues are important to you and your family the best thing you can do is call your Congressional representatives in the House and Senate and let them know you support ACT's Legislation. Since the TRS issue already has Bill numbers assigned your message would be quite simple. "Please let your Congressman know I support passage of H.R. 613/ S.164 and this is why..." But since the other issues are not introduced as Bill language yet you will have to explain the issue and ask the member to introduce the legislation.

I believe our rally gave us a great start for this legislative session but the work to get our legislation enacted did not end with the rally. We must continue to reach out to legislators and educate them on the unique issues that technicians face and ask for their support to pass legislation addressing those issues. Please keep me in the loop of your efforts and any responses you receive from your Congressman/ Senator. Thanks and KTF...Les

## WA RAINIER CHAPTER



Back row, left to right: Jeffrey Brathovde, Tomas Huber, Richard Shaffer, Scott Falk, Kelley Haapanen, Scott Couchman. Front row, left to right: Huber Lagrou, Julio Romero, Matthew Carpenter, Melissa Mathews, Walter Palacios.



ACT Washington State Rainier Army Chapter #108 newly elected Officers and appointed Stewards received their initial training from their Field Rep Julio Romero on December 4-6, 2018 in Wenatchee, WA.

Back story: The Washington State Rainier chapter #108 can be considered one of ACT's success stories since the chapter members fell victims of their previous president Casey Cortese's theft of chapter funds in 2016 which then lead to his conviction in 2017. Cortese's selfish actions resulted not only in the betrayal of his union brothers and sisters but also in the crippling of the Rainier chapter's infrastructure as well caused the chapter's members to lose trust and eventually caused some to drop out of the chapter. A story which has been heard of too often lately among states.



Thanks to the Rainier chapter members pictured, led by their newly elected President Matthew Carpenter. These individuals made a group commitment to step up and recover their chapter from what had happened prior. Their joint efforts led to utilizing a chapter Facebook page when conducting meetings or providing information to members, conducting site visits to speak to members and non-member employees to assure them they had representation, instilled financial transparency, and began giving back to the membership by doing prize raffles. Their actions regained their past members trust and confidence as well as dramatically increased new chapter membership in 2018. I would say they have successfully achieved their intent and more. This is a good example of what people can achieve when they have a common goal and interest. Great Job Rainier Chapter #108.

**Julio Romero**  
**ACT Regional Field Rep**

# 2019 COLLINS AWARD



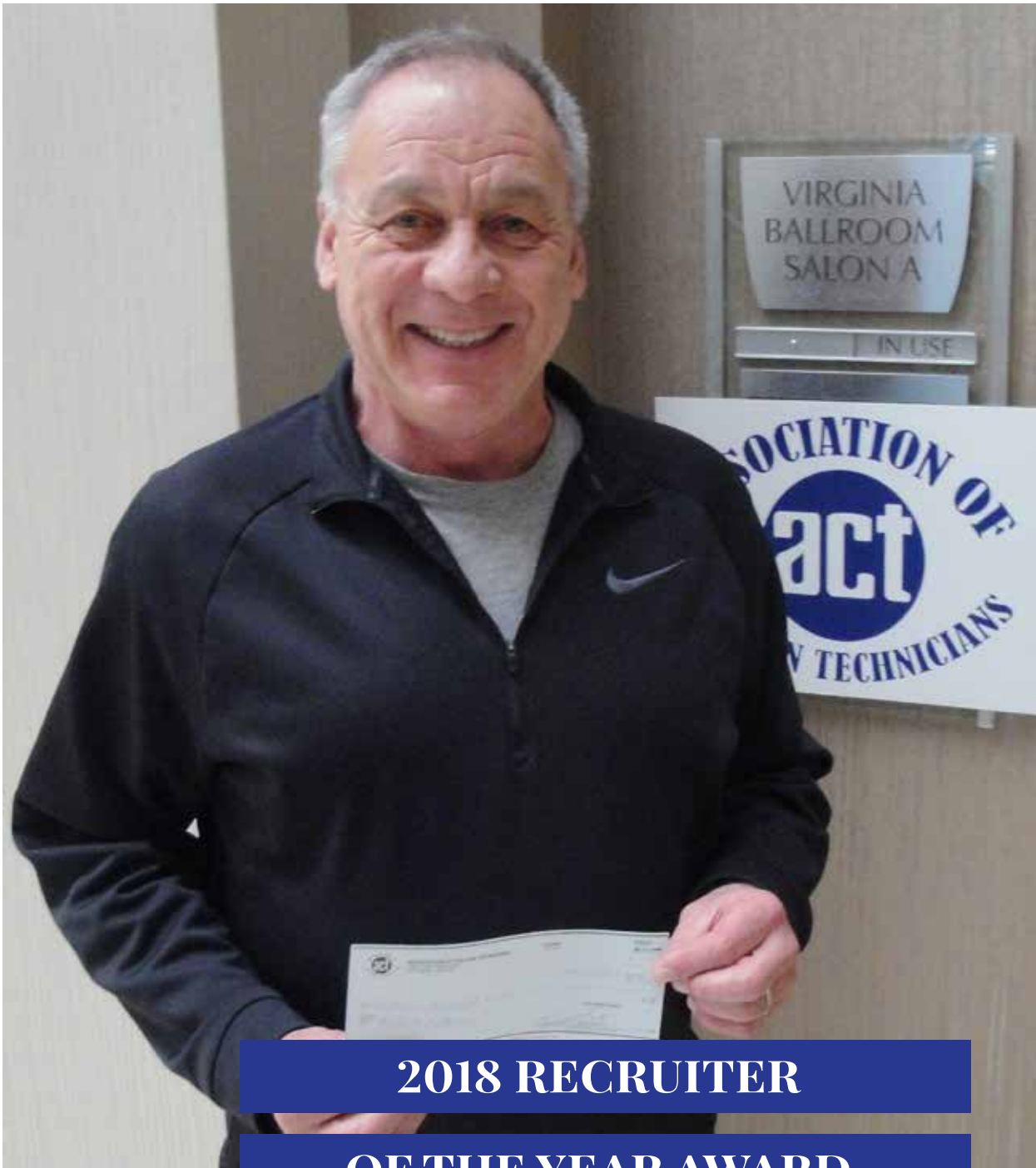
Matthew Black



Rob Jentsch



Stephanie Oakley



**2018 RECRUITER**

**OF THE YEAR AWARD**

**ROBERT RITCHIE**



# JOHN HUNTER



Carol O'Roake



Eric Smith



Gary Levant



Kyle Young



Matthew Carpetner



Carlos Fernandez  
& son Allen



Mike Dennis

# AWARD

# Legislation To Increase Military Leave

By Terry Garnett

5 U.S.C. §6323(a) entitles federal employees to 15 days of military leave per fiscal year which allows them to receive both their federal civilian and military pay when absent from their federal jobs for military service authorized under Title 32 (State Status) and Title 10 (Federal Status).

At the time Congress enacted the military leave statute Guardsman were normally required to perform 15 days of annual training (Summer Camp) and 12 Drill weekends per Fiscal year. So for the most part the 15 days of military

leave was adequate to cover the employee's absence for required military service.

Since the beginning of the Global War on Terror after 911 the increased operational tempo and training requirements for Guardsman have dramatically increased the time they are required to be absent from work for extra military training. The traditional "drill weekend" has morphed from one weekend a month into the "supper Drill" which may start on Thursday and run through Sunday. The traditional 2 week annual training in many cases has been extended to 3 weeks and sometimes a month. Unfortunately Congress has not updated the military leave statute in order to reflect

the new reality concerning increased absence's from work due to military service.

This new "Guard reality" is especially true for dual status (DS) technicians who work in support of the National Guard in each state and territory. As you know DS technicians are required to hold concurrent membership in the National Guard as a condition of employment.

Many times these extra military days fall upon DS technicians who work in Guard facilities throughout the states and are readily available for unscheduled extra military duty. Also Guard Commanders realize that extra days away from work for traditional

Guardsman who work in the private sector or other governmental agency's may put additional stress on their relationship with their employers and may negatively affect retention. Although employer support for Guard service is generally quite strong additional time away from work may eventually degrade that relationship. Especially when these additional military duty days start to add up. In order to avoid assigning extra duty to traditional Guardsman Commanders will many

44 days of military leave and receive their civilian pay as long as the military duty is "without pay".

Currently leave under §6323(d) may only be requested for specific unpaid orders authorized under Title 10. The problem is most of the extra military duty we are concerned with is performed by Guard members is performed under State orders authorized



under Title 32 §502. Our proposed legislation would amend §6323(d) to include unpaid military duty under §502.

This simple legislative fix would still give technicians the option to expend their own personal leave if they choose in order to receive both military and civilian pay

times instead rely on the DS technicians to perform extra duty.

The issue is, once technicians expend there 15 days of military leave they either must use their own personal annual leave or request leave without pay in order to satisfy these extra military commitments. It seems unfair that Guardsman should have to take their personal leave or be in a non-pay status from their civilian jobs in order to support the increased demands of what was traditionally part time Guard service.



but also would give them the option of using leave under §5323(d) if they are willing to forgo the military pay.

We believe that there is a simple legislative fix to this situation that Congress could enact as part of the 2020 NDAA. Under 5 U.S.C. §6323(d) DS technicians are entitled to request an additional

This amendment would ensure that commanders would continue to have a ready supply of personnel to perform additional military missions and also provide technicians with the option of not using personal leave

**5 USC 6323: Military Leave; Reserves and National Guardsmen**

**§6323. Military Leave; Reserves and National Guardsmen**



for military duty. Since the military orders are unpaid we also feel this amendment would be revenue neutral.

We ask for your support for this amending 5 U.S.C. §6323(d) to read as follows (amendment in italic font).



(d)(1) A military reserve technician described in section 8401(30) 1 is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on duty without pay under section 502 of title 32 or on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 for participation in operations outside the United States, its territories and possessions.

(2) An employee who requests annual leave or compensatory time to which the employee is otherwise entitled, for a period during which the employee would have

been entitled upon request to leave under this subsection, may be granted such annual leave or compensatory time without regard to this section or section 5519.



**Vincent J. Paterno Award  
Recipient Les Hackett**

ACT is proud to present it's Founder Award known as the Vincent J. Paterno Award which is named after ACT's founder and first President to Les Hackett.

Les is from Wisconsin and has been an active member of his local ACT Chapter #26 Wisconsin Army. He served as Chapter President for numerous years settling grievances and other membership issues.

He ran for and was elected to the ACT National Executive Board as a National Regional Vice President. After serving as a National Regional Vice President; Les was elected as the National Executive Vice President and served in this positions for numerous years. In the National Executive Vice President position Les served as the assistant to the National President of ACT.

Upon retiring from Technician employment with the Wisconsin Army Guard; Les was hired by ACT as a National Field Representative. After serving a few years as Field Representative, Les was asked to take over the position of ACT's Legislative Director.

As ACT's Legislative Director Les oversees ACT's Legislative initiative and meets with members of Congress on a regular basis to pursue Membership Rights via legislation.

ACT Staff and Membership have had the honor and privilege to work with Les for many years and come to know him and how he has undeniable success in every position he had taken on. It has been a pleasure for ACT to experience Les' Outstanding Leadership ability within the strenuous Labor / Management environment. Les has the ability to quickly assess situations and provides remedies to correct errors on behalf of Labor and Management issues. Les has always been the type of ACT asset that given any job he always delivered his best for ACT and its Membership.



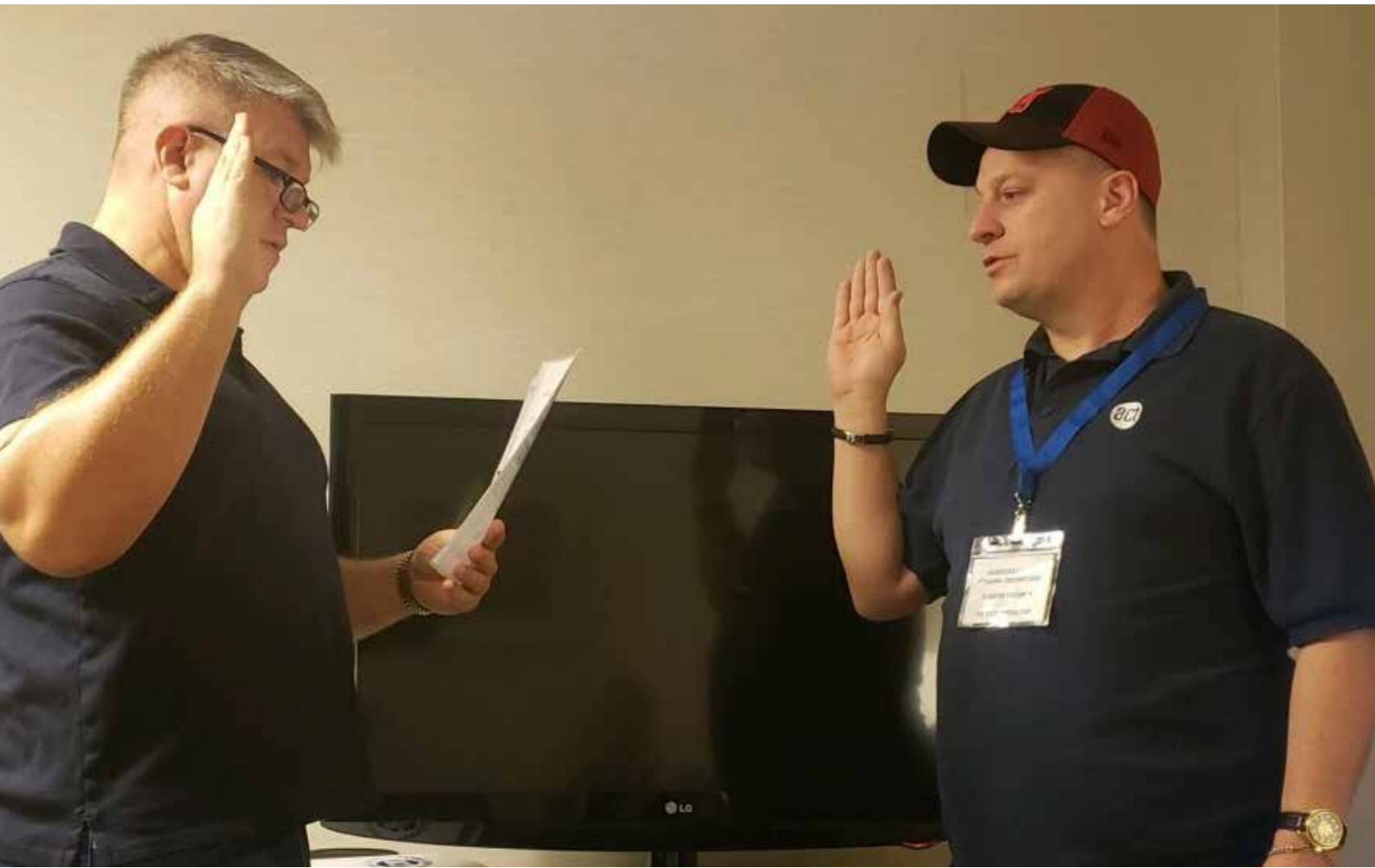
Les Hackett walking hall of Congress



## ARKANSAS MEMBERS MEET CONGRESSMAN

Left to right: Mark Barger, Sarah Caffey, Mike Caffey, Representative Womack, Rhonda Barger, Britney Key, Luke Sossaman





# THE SWEARING IN OF VP GENE FUEHRER TO THE EXECUTIVE BOARD



# PUERTO RICO CHAPTER PRESIDENT ROBERTO HERNANDEZ WITH REPRESENTATIVES OF CONGRESS







**CONGRESSMAN ANDY KIM WITH NEW JERSEY CHAPTER STEVE LANDIS & ROB JENTSCH**



# BOARD AND FIELD REPS



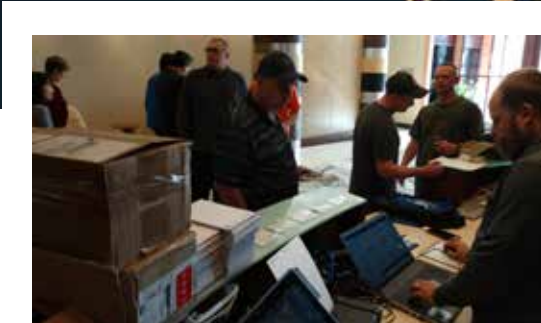
Front Row Left to Right: Northeast Field Rep Travis Perry / Central Region Field Rep Tom Mahoney / Mid-West Field Rep Steve Olguin / Western Region Field Rep Julio Romero / National Secretary Steve Fisher / National Legislative Director – National Field Rep Les Hackett.

Back Row Left to Right: Northeast Vice President Eugene Fuehrer / National Treasurer Tim Keesecker / National President Terry Garnett / National Vice President Northwest Bob Niemer / National Vice President Southeast Robbie Webb.



**ACT National Field Rep's & Legislative Director** = Left to Right: Northeast Field Rep Travis Perry / Central Region Field Rep Tom Mahoney / Mid-West Field Rep Steve Olguin / Western Region Field Rep Julio Romero / National Legislative Director – National Field Rep Les Hackett.

# BOARD AND REPRESENTATIVES REGISTERING DELEGATES FOR RALLY 2019



# DELEGATES PARTICIPATE



# PARTICIPATING IN RALLY 2019



# GEORGIA DELEGATES





# WASHINGTON DELEGATES

# MISSOURI DELEGATES



Left to Right: St. Joe Pony Express #94 Chapter President John Sappington, Senator Blunt, St. Louis Show Me Air #93 Chapter Vice President Bob Francis,



Left to Right: John Sappington, Congresswoman Hartzler, Bob Francis

## ARIZONA DELEGATES







## KENTUCKY CHAPTER

# PRESIDENTS AT RALLY 2019

Left to Right: Kentucky Blue Grass Chapter President Pete Rendon and Kentucky Long Rifle Chapter President Chris Searcy.

## ACT EXECUTIVE BOARD



Left to Right: Northeast Vice President Eugene Fuehrer / National Treasurer Tim Keesecker / National President Terry Garnett / National Vice President Northwest Bob Niemer / National Secretary Steve Fisher / National Vice President Southeast Robbie Webb (Not pictured Executive VP Steve Landis and Southwest VP Rick Wrenn).

# RALLY L 2019



Randy Crews Election Chairman



President Garnett Briefing Delegates



Pete Rendon Gives  
Opening Prayer



Registration



National Secretary Steve Fisher  
Takes Roll Call

# LEADERSHIP



Board Members



Les Hackett Legislative Director



Breaktime Delegates Board Discussion



John Sappington Parliamentarian

# RALLY MEALS



# DELEGATES ADDRESSING DELEGATE BODY



# \$100 GIFT CARD DRAWING WINNERS



Bob Francis



Britney Key



Donna Prock



Emmanuel Bekis



Eric Smith



Kyle Young



Luke Sossamon



Richard  
Roopnarine



Rob Jentsch



Tim Pike

# ACT COAT WINNERS AT THE RALLY



Dan Johannes



Denaë Mongeon



Elisabeth Burnette



James Mayfield



Jo Martz



Joseph Armstrong



Matthew Carpenter



Robert McFarland



Tomas Huber



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Organization within DoD**