

# THE TECHNICIAN

December 2019 | *Keep the Faith*

Issue #6 , Vol. 77

## Looking Back Edition









Merry Christmas










**MERRY CHRISTMAS TO ACT MEMBERS FROM ACT AND THE EXECUTIVE BOARD.**

**NATIONAL OFFICERS**

-  Terry Garnett  
National President  
tgarnett@actnat.com / 703-494-4845
-  Robert Niemer  
Executive Vice President  
rthdniemer@gmail.com / 608-843-0317
-  Tim Keesecker  
Treasurer  
timkeesecker@actnat.com / 402-429-4436
-  Steve Fisher  
Secretary  
sfisher@actnat.com / 703-899-7890
-  Gene Fuehrer  
Northeast VP  
gfuehrer@actnat.com / 402-416-4520
-  Felicia Neale  
Southeast VP  
vneale1@yahoo.com / 340-513-7539
-  John Sappington  
Northwest VP  
herchammer@gmail.com / 816-284-1462
-  Rick Wrenn  
Southwest VP  
rwrenn@actnat.com / 267-980-1534

**ACT NATIONAL FIELD REPRESENTATIVES**

-  Les Hackett - Legislation Director / Organizer  
lhackett@actnat.com / 703-690-1330
-  Travis Perry  
Northeast Region  
tperry@actnat.com / 703-843-2153
-  VACANT - Southeast Region
-  Tom Mahoney  
Central Region  
tmahoney@actnat.com / 703-690-1330
-  Steve Olguin  
Midwest Region  
solguin@actnat.com / 703-843-2156
-  Julio Romero  
Western Region  
jromero@actnat.com / 703-843-2157

membership.info@actnat.com  
Phone: 703-494-4845  
Fax: 703 494-0961  
www.ACTnat.com  
www.chooseACT.com  
twitter.com/ACTNAT

**2020 RALLY DATES**

START PLANNING

**NOW** TO ATTEND

Tuesday	February 4, 2020	-	Delegates Arrive & <b>***Registration***</b>
Wednesday	February 5, 2020	-	Training <b>\$75.00 Per Delegate</b>
<b>*Thursday</b>	<b>February 6, 2020</b>	-	<b>Hill Visits</b>
<b>*Friday</b>	<b>February 7, 2020</b>	-	<b>Hill Visits</b>
Saturday	February 8, 2020	-	Annual Business Meeting
Sunday	February 9, 2020	-	Delegates Depart

**\*HILL VISIT DATES HAVE CHANGED\***

## 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.”

1 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.” 2 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.

2 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.

3 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.

4

5

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?

<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.



### ARKANSAS MEMBERS MEET CONGRESSMAN

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



### DOL TRAINING AT RALLY 2019

## 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



# 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.

# WASHINGTON RAINIER CHAPTER MEETING



Justin Gillaspie of CSMS



Dawn Lagrou of USPFO

# RAFFLE

Chapter President Matthew Carpenter presenting prizes to members.

# DELEGATES PARTICIPATING IN RALLY 2019



12

13

# RALLY MEALS



# DELEGATES ADDRESSING DELEGATE BODY





# \$100 GIFT CARD DRAWING WINNERS

# ACT COAT WINNERS AT THE RALLY



Bob Francis



Britney Key



Donna Prock



Emmanuel Bekis



Eric Smith



Kyle Young



Luke Sossamon



Richard Roonarine



Rob Jentsch



Tim Pike



Dan Johannes



Denae Mongeon



Elisabeth Burnette



James Mayfield



Jo Martz



Joseph Armstrong



Matthew Carpenter



Robert McFarland



Tomas Huber



## WISCONSIN TRAINING

Front Row: Rob Schwerin (MadCity President), Dustin Bell (MadCity Secretary), Brandon Trinastic (Badger State 4th Vice), Gary Cywinski (1st Vice Badger State), Alex Breyer (3rd Vice Badger State)

Back Row: Tom Mahoney, John Schueman (MadCity Vice President) Jason Lacher (Badger State President), Dan Johannes ( MadCity Treasurer), Nic Brandstrom (2nd Vice Badger State) James Johnson (MadCity Steward), Mike Post (MadCity Steward)



## PENNSYLVANIA OFFICERS AND TAG

Left to Right: PA State Council Treasurer Pat Straka, ACT Field Rep Travis Perry, PA State Council VP Nate Sherk, PA State Chairman Marc Hunsberger, PA TAG Tony Carrelli, ACT National President Terry Garnett, Lt. Col. Munch, PA State Council Vice Chair Admin Jo Martz

# SEVERE WEATHER

*Travis Perry ACT Field Rep Northeast*

In March of 2017, Stewart ANGB and the surrounding area experienced an unusually severe winter storm. Snow totals measured up to 24" in a 24 – 36 hour period. Located just south of Poughkeepsie, NY the area doesn't typically get this much snow in such a short period of time. The governor and county officials declared a state of emergency on 13 March. The county executive order declared roads unsafe to travel and prohibited non-essential vehicles from traveling. Stewart ANGB however, was to remain open.

The storm was predicted early and many supervisors told their employees that leave would be granted if employees felt that travel would be unsafe. Some employees accepted that offer based on their individual locations and distances driven. The storm hit on 14 March and buried Stewart ANGB and the surrounding areas. Stewart called for assistance from other guard units for snow removal. Flying was cancelled.

In April, after reviewing the NY State Labor-Management Relations Agreement (LMRA), the employees discovered that per the contract, they may be entitled to have their annual leave restored and be granted administrative leave in place of their annual leave. Article 15, Inclement Weather Policy, paragraph 5 states:

"5. If tardiness or early release periods have not been authorized and the immediate area where a technician resides is such that travel is prohibited within that county or the installation where the technician is assigned is closed, the technician may request excused absence which will be reviewed for approval/disapproval at this headquarters by MNHF. The request must be forwarded through command channels and contain at a minimum the following information:

- a. Technicians name/work site location
- b. Title/grade of position
- c. Scheduled hours of work/shift
- d. Home of record (including county and zip code)
- e. Primary/alternate routes from home of record to work site
- f. Name/phone number of immediate supervisor
- g. Statement of circumstances"

Through the local chapter (Chapter 51 Stewart Chapter) the employees filed their request. The request was denied by the HRO on 17 April stating that, "per TPR 630 15-3, severe weather does not necessitate administrative closing. Employees may use any form of appropriate leave when they are prevented from arriving on time, need to leave early to avoid hazardous conditions, or could not return home if they report to work."

On 2 May, the ACT NY State Council filed a verbal grievance. The grievance asked the HRO to review the contract, specifically Article 15, paragraph 5 as well as the Orange County Order closing the roads to non-essential personnel. The verbal grievance asked the HRO to reconsider the decision denying restoration of leave.

A significant amount of time went by due to procedural issues at the Wing (not mention the agency lost the grievance packages a couple of times). Finally, after submitting the grievance package directly to the HRO, on 11 May 2018 the agency responded. Again, they denied the request for restoration of leave. This time, they based their reasoning on another paragraph within the contract; Article 15, paragraph 2. Paragraph 2 states:

"All technicians are to presume their work site will be open each regular workday regardless of weather conditions or public announcements made by private organizations or other government agencies. Each activity will remain open in anticipation of providing support to the affected areas of the state. Each Wing/MACOM Command will determine the minimum essential staff required to respond when called." As you can see, they never addressed the paragraph ACT used, instead looked for a loophole elsewhere in TPRs and the contract.

At this point, I think it's important to note that in December of 2016, the National Defense Authorization Act (NDAA) for FY 2017 was signed. The NDAA included changes to 5 U.S.C. § 6329 Administrative Leave. The changes broke §6329 into four parts; §6329 – Disabled veteran leave, §6329a. Administrative leave, §6329b. Investigative leave and notice leave, and §6329c. Weather and safety leave.

5 U.S.C. § 6329c. (b) states:

"(b) Leave for Weather and Safety Issues. – An agency may approve the provision of leave under this section to an employee or a group of employees without loss of or reduction in the pay of the employee or employees, leave to which the employee or employees are otherwise entitled, or credit to the employee or employees for time or service only if the employee or group of employees is prevented from safely traveling to or performing work at an approved location due to-

- (1) An act of God;
- (2) A terrorist attack; or
- (3) Another condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location."

The change to the U.S.C. sounds remarkably similar to the contract language. The NY LMRA was signed by all parties in March of 2016. While the changes to the law were a positive change, OPM and NGB had not issued policy direction on how to apply the law at the time of the March 2017 blizzard. The changes were not widely known until later in the year.

On 12 June 2018, the ACT NY filed a formal, written grievance. Once again, ACT NY identified Article 15, paragraph 5 as their argument. Once again, the agency denied leave restoration and administrative leave use. On 19 July the agency responded, attempting to use the NY National Guards' status as a "first responder" and 5 USC § 7106 (a)(2)(D), which states:

"(a) Subject to subsection (b) of this section, nothing in this chapter shall affect the authority of any management official of any agency-

(2) in accordance with applicable laws-

(D) to take whatever actions may be necessary to carry out the agency mission during emergencies."

The HRO continued further stating that technicians are afforded a liberal leave policy with supervisor approval provided the agency is able to fulfill its mission without their presence.

NY ACT decided this was an issue that needed further pressing. The agency continued to deny its own capability to provide administrative leave for its employees which would relieve them from having to use their own annual leave. Annual leave is leave is meant for the employee to enjoy rest and relaxation time away from work or to take care of personal business, when the employee determines it is necessary (and through proper scheduling). Annual leave was not intended to be used when an employee can't physically make it to work because of an adverse weather event. In August 2018, NY ACT invoked Arbitration on the matter. By September 2018, the list of Arbitrators was given to ACT and the agency. A hearing was set for November 28.

Pre-hearing Briefs from ACT and the agency were submitted on 14 November.

The agency's pre-hearing brief expectedly once again argued that all employees are expected to presume their worksite is open even during times of adverse weather conditions and are expected to report to work. The agency further pontificated that the 105th Airlift Wing did not announce the base's closure and anticipated its members and employees would arrive at their respective work sites in order to provide emergency services and maintain the operation of the base. They continued stating that large numbers of the agency's employees were transitioned into a military status and directed to provide emergency services. Finally, they went on to say that some employees elected to, or were unable to make it to the base. Through the Union, those employees requested their absence be excused and while the contract states that they have an opportunity to make such a request, it does not specify that the agency must approve such requests.

ACT's pre-hearing brief countered previous and current arguments. On the argument that many employees were transitioned to a military status to respond to the storm, we countered that none of the employees involved with the grievance were "activated". We argued that commanders were

to identify "essential" personnel who may be "called"; paragraph 2 of Article 15 states, "each Wing/MAJCOM Command will determine the minimum essential staff required to respond when called". While employees must be available to be called, not everyone is required to work, and not everyone is ineligible for excused absence. On the point of management's rights, specifically, 5 U.S.C. §7106 (a)(2)(D), we argued that while "essential" employees may be needed during an emergency, there was no impingement on agency operations by granting administrative leave after the emergency to restore a "non-essential" employees leave (under the assumption that the employees that were granted annual leave prior to the storm were, in fact, "non-essential"). Further, the "liberal leave" policy for those that did not wish to travel in inclement weather appears to only be "liberal" if the leave approved is the employee's leave. This thought process is contrary to the changes, earlier stated, in 5 U.S.C. §6329c. Congress recognized that there may be instances when employees – through no fault of their own, are unable to travel to or do their work and they should not suffer the loss of accrued personal leave for circumstances out of their control. Finally, our opinion was that the agency's decision to deny administrative leave and personal leave restoration is arbitrary and capricious.

During the hearing on 28 November, the arbitrator heard arguments from both sides and several witnesses were called to provide testimony.

The agency's argument focused again on Article 15, paragraph 2; that technicians are to presume their work site will be open each regular workday regardless of weather conditions and that each Wing/MAJCOM Command will determine the minimum essential staff required to respond when called. They argued that the agency determines "who" the minimum essential staff will be and employees should presume they are considered essential staff. They argued that the agency may need to call upon anyone prior to, during and after a severe weather event which is another reason employees should report to work.

ACT's arguments centered primarily around the fact that the agency disregarded its own capability to grant administrative leave in accordance with the contract and 5 U.S.C. § 6329c. We countered that while they denied employees administrative leave during circumstances which the Article in the contract and the law was designed for, the agency routinely grants administrative leave to employees attending National Guard Association conferences. We argued that if the Wing identifies essential employees, but doesn't inform the employees they are on "the list", how can an employee prepare and what good is the list? We argued that regardless of status – technician, AGR, or traditional, if there was a call to respond to the emergency, all personnel were to respond. That response would be regardless of their status of leave or whether they were technician, AGR or traditional. If an employee, regardless of the type of leave they were on, if called to come to work, would have to come. However, none of the employees associated with this grievance actually received a call or were required to respond to any sort of emergency. The agency chose to determine these employees were basically, non-essential. This argument referred us back to the original argument and question; if the agency was willing to allow an employee to expend their own personal leave due to a severe weather event,

why wouldn't they allow for restoration of that personal leave and instate administrative leave in its place as both the contract and the statute clearly allows for?

The hearing closed and the Arbitrator determined that closing arguments would be given in the form of post-hearing briefs. She set the date post-hearing briefs were due as 18 January 2019.

The agency based their post-hearing arguments on the same arguments again; technicians are to presume their work site is open, etc., etc.; it's the mission of the NY National Guard to respond to emergencies when activated by the Governor; the Wing does not need to inform the member ahead of time that they are "essential"; the contract states "may" request excused absence and "may" be approved or disapproved, and in this case it was disapproved; the agency met its obligations by approving "liberal" leave.

ACT again countered the agency's argument. We argued that the agency made up a phrase that is clearly no where in the contract: "report unless excused or declared non-essential". What is actually in the contract states, "each Wing/MACOM Command will determine the minimum essential staff required **to respond when called**." By changing the language and/or misinterpreting the language, the agency is attempting to rewrite the contract. It is apparent the agency never determined the minimal essential staff and none of the grievants were called. We argued that the CBA requires that approval or disapproval of an excused absence request be based on review of the request to determine whether it provides information establishing criteria for approval. Approval or disapproval must be based on a good-faith determination of the issue. The decision cannot be arbitrary and capricious. The grievants' excused absence requests met criteria for approval, therefore the agency's decision was arbitrary and capricious. Finally, we argued that the agency's position is contrary to public policy. 5 U.S.C. §6329c allows for the agency to approve administrative leave during severe weather events like the blizzard Stewart ANGB and the surrounding areas experienced. It is not in the public interest for the agency to encourage dangerous travel by non-essential employees by imposing a penalty – loss of annual leave – on employees.

The Arbitrator's decision came, finally, on 13 May 2019. The Arbitrator ruled in our favor, awarding the grievants credit on their personal leave and replacing it with administrative leave. Rather than summing up the decision, please read it for yourself on the following pages.

This was a long, hard fought battle. As you can see, perseverance and patience are key to winning. Many times, management will drag things out simply to wear you down. Be strong. Keep your chin up and know that you are fighting to help your fellow brothers and sisters.

I'd like to acknowledge the hard work of Chapter 51, Stewart Chapter, the NY State Council, Les Hackett, and Dan Schember. This win would not have been possible if not for these folks.

\*This article is only a summary of the hard work put in to make this arbitration successful. If you would like further details or copies of the pre or post-hearing briefs themselves, please contact me at tperry@actnat.com.

# TO CONVERT OR NOT..AGR



## Chapter President Kimothy Steele

## First Coast Chapter #86



You're not entitled to Florida 30 Kicker  
Minimum Per-Diem rates hope you like Chow Halls  
TDY accommodations are based on RANK and Sq Footage  
Drill weekend and you're not going to receive pay for it  
Don't want to go TDY? You got no choice  
Hope you like standing ALERT on weekends for no pay  
What's High Time and Shift Differential?  
No Double Dipping on TDY's for you anymore  
Blended Retirement almost mimics Civil Service Retirement  
But you only have 20 years to build your nest egg  
You have no USERRA rights for your position  
No position to return to after you volunteer to convert  
Maybe OPM can find you a job within the geographical area  
Enjoy being Category II for Technician jobs that come out  
Can't buy back your time once you retire you lose all those years  
You have no rights to dispute management's decisions

# ACT WELCOME'S TEXAS AIR GUARD FOLKS AS OUR NEW CHAPTER. ACT CARES / EMPLOYEE'S KNOW / ACT GROWS



26

27



## ARKANSAS TRAINING AND RECRUITING TRIP

By: Steve Olguin

**Attending training from left to right. Mike Caffey, Daniel Hayes, James Evans, Mark Barger, Scott Elliot, Luke Sossamon, Justin Likens, and Steve Olguin ACT Field Rep in front.**

ACT conducted steward and officer training for the Arkansas Air National guard chapters from July 9 – 11 in Russellville, AR.

During this training we had a few new faces, so we really concentrated on the legal aspect, to ensure that these new folks truly understood the rights that the union and their members have, as well as making sure that they understood managements rights. We also covered how to investigate grievances and adverse actions and the use of 7114 (b)(4) requests.

As most of you know that have been through the training that it can be somewhat overwhelming for a new steward, but in the end I believe they all had a pretty good understanding of how to move forward in their representative duties.

### 2020 RALLY DATES

**ACT 60 Years**

**Embassy Suites Alexandria Old Town**

**Arrive-Check In: Tuesday February 4, 2020 - Registration fee due then per delegate.  
Depart-Check Out: Sunday February 9, 2020**

**ACT 2020 Rally Link**

[https://embassysuites.hilton.com/en/es/groups/personalized/W/WASOTES-JAC-20200204/index.jhtml?WT.mc\\_id=POG](https://embassysuites.hilton.com/en/es/groups/personalized/W/WASOTES-JAC-20200204/index.jhtml?WT.mc_id=POG)

# IF YOU USE A STORY, SOMETIMES THE ARGUMENTS CREATE THEMSELVES...

Travis Perry ACT Field Rep Northeast

A new, 22-year-old, 2-year WG-10 technician with E4 for military rank is probably only going to look at the money – example:

SRA Joey Bagodunuts...

*“If I take that AGR job, I can put on SSGT, I can make twice what I’m making now each month – that means I can get my own apartment and buy a new car...PLUS I still get my college pretty much paid for! All I need to do is suck it up for a couple enlistments, do some deployments, then I’ll have my degree and I can either go OTS or get out and get a good paying civilian job...or, I can make a 20-year career out of this. If do that though, I need to focus on getting as high a rank as possible because no one can survive on SSGT retirement.”*

Joey takes the AGR job. Joey does everything management demands of him. He studied hard and got through his skill-level CDCs...He got SSGT...and went to the NCO academy...he’s been taking online college courses and CLEP testing everything he can. Joey works hard. 6 years go by. Joey got permission to reenlist again. He’d gotten his bachelor’s degree – barely; if it hadn’t been for the downtime he had while deployed he probably wouldn’t have been able to get it done. He got a TSGT stripe (applied for and was chosen for an AGR TSGT position). Also, over those 6 years, he went on 5 deployments. Some were 4 months, but some were 6 months. When he was home, his unit put everyone on 12-hour shifts for weeks at a time; post deployment repairs...pilot training requirements...pre-deployment prep... Some months he only got one full weekend off – he had drill one weekend a month sure, but Mission Capable rates were hovering around 75% when they needed to be at 80%, so the MXG commander started making everyone work a 12 on some Saturdays. Joey kept telling himself that all this was temporary, that the unit just needed to get over this slump, then he’d be able to take some time off; he’d racked up 60 days (maximum you can carry) consistently the last few years but has only been able to take a couple days here and there because his boss said he was needed on the flight-line. When he was able to take a week or so off, he had to sign for the weekend also – having to take leave for a weekend...who thought that one up? Never had to do that when he was a technician. His boss also “owed him” for all those 12 hour days...His boss said he was keeping track of all the extra hours everyone was working in a little black notebook he kept in his desk drawer and that he’d start “cutting people back” when things got slow...Joey started to wonder when things were going to get slow. Also, come to think of it, he’s never actually seen that little black book...

28

29

Well at least the pay was good...awesome in fact. Especially when deployed; TAX FREE BABY! Joey was able to increase his TSP contributions and have a little rainy-day fund in the bank. Pretty great... Got that new car 4 years ago and its only got 30,000 miles on it – he hadn’t been home to drive it anywhere really...Got that apartment of his own, a nice one too. In a really safe neighborhood, had its own wash/dryer. Rent was a little high, but the BAH covered it easily...It was just hard to keep up on the rent when deployed 4-6 months a year. Joey relied on friends to drop the rent check off. It usually worked out ok, but a couple of times his buddy got deployed after he did...so he got a call from the 1st sergeant when he was in Afghanistan asking why he was getting a phone call from the rental agency...3 months overdue on the rent! Well, at least he’d gotten his own place to chill and sleep...mostly sleep since he was so tired from the 12-hour shifts. He thought, maybe it was time to start looking at changing careers, or maybe locations. After all, he’d done everything that had been asked of him. He’d been with this unit for 8 years now. He was due to be in line for E7. Then, he’d be off the line and working a nice cushy supervisor job. How hard could writing EPRs and Awards all day be anyway? MSGT pay...man that would be awesome. The trouble was, all the MSGT slots were filled...A lot of them by his “buddies” ...A lot of young MSGTs...All the old, “crusty” guys retired already or were non-retained. Maybe if he relocated to that unit he heard about on the west coast he’d get his MSGT stripe. He’d heard the unit was having a hard time filling all of the AGR slots they had which is really weird because who wouldn’t want this kind of money??? The place couldn’t be any worse than what he’d already endured. He wanted that stripe and to get off the flight line...His knees were starting ache a little in the morning (well, his morning – Joey’s been on the second shift for the last 4 years...1500 – 2300; which actually meant 1500 – 0300, 12-hour days of course). Usually, he could jog it off during mandatory shift PT, but some cold winter nights they ached pretty good either way. Time to start flying a desk maybe. Hey, they call it the “Chair Force” don’t they? His ears had been ringing a little lately too...well, not really ringing – he would hear like a tone or buzz that didn’t go away for a while sometimes. He slept with a fan on sometimes to try to drown it out...

So, Joey applied for a job at that base on the west coast and was selected. It had taken some real convincing to get his commander to sign the transfer paperwork; the colonel had not been pleased. The meeting started out pleasant enough; the colonel tried to convince him to stay. He told Joey that he was one of the most valued crew chiefs he’s got. He told Joey that there were going to be some MSGT slots opening real soon; there were some underperformers that he was likely not going to retain and that would open up some slots. When Joey asked him, who was going to get cut, that a lot of his friends were in those slots, the commander shifted the conversation back to Joey’s career; transferring could be a mistake...things could get uncomfortable if he ever wanted to come back. Joey stood his ground and told the commander that he really needed a change and that he wanted to use the skills he had learned to help improve the west coast unit...to show ‘em how east coasters do it and get the job done. Finally, the commander agreed to sign the paperwork...while muttering under his breath Joey probably wouldn’t be welcome back.

Immediately, after settling in at the west coast unit, Joey realized that things could be much worse. The unit was short-handed and the mission capable rate was in the 40 percentiles. After talking with some of the local airmen, he found out that the unit hadn’t implemented the AGR realignment very well. A lot of back door deals were made. Many of the older technicians that chose to realign, were

surprised with walking papers after their first 3 years as AGRs. Management apparently thought it was a good way to “clear the cupboard” of old mindsets. Getting rid of the older folks that remembered what being a tech was like would eliminate any “hurt feelings” when the 12-hour shifts started and there was no compensation. No more dealing with union stewards when disciplining someone for showing up to work late. No more bargaining, no more reasonable accommodations. No more silly “Contract”. So, management “cleared the cupboard” alright, and they lost a lot of their most experienced workers and trainers at the same time. The airmen Joey talked to also said that since then, all the younger airmen had to “up their game” or else. Or else what? Or else it would be reflected on their EPR. Keep your mouth shut. Don’t protest or argue on things like - it’s 100 degrees on the line but no one’s allowed to bring even a water bottle with them. The expo truck had a water jug – when he comes by, you just take that paper cup and fill it up. Oh, and you can drink as much water as you want, as long as Expo doesn’t have somewhere to be. Also, make sure your paper cup gets in the trash bag in the expo truck before he leaves, don’t just throw it in cab of the truck – the airmen that clean the expo truck at the end of each shift really hate picking them up.

Joey wasn’t sure he’d made the right decision. He’d been at the west coast unit for 6 months and barely had time to find an apartment. He had to schedule the arrival of the movers to drop off his stuff on his days off. Joey’s new days off were Monday/Tuesday. The west coast unit decided rotating days off throughout the week helped keep the “machine moving”. The rotating shifts were the brainchild of the new commander who had transferred from active duty to ANG. His mission heavy opinion was that the flight line never sleeps – there should always be someone working, especially with their mission capable rates as low as they.

Joey seldom actually got to enjoy his days off when he actually got them off. He had to make sure that he was still doing community service to pad his military resume. It was easy back home – he just volunteered with his old boy scout troop – didn’t even feel like work! Now, he was a stranger in a new town and no one would give him any tips on what to do for community service (other NCOs didn’t want him to get one up on them...sharing their easy ways to fill the community service square would help him be promotable, and help him compete against them). So, Joey volunteered at the standard go-to spots; the homeless shelter, the animal shelter, he gave blood at the Red Cross as often as he could. All honorable ways to sacrifice his time, but it none of it felt like it was his, like he owned it. Well, it was just another sacrifice necessary to ensure he made SMSGT.

6 more years go by. Joey had been serving his country for 14 years now. Another reenlistment. He continued making sacrifices. He got through all the mandatory PME and started working towards a Master’s degree (his commander advised him that it was strongly recommended to have his Master’s degree while he was a MSGT; a lot of other E7’s already did). At 34, Joey was part of the old “crusty” group. He managed an entire section of 10 personnel. He got his desk job...and a pair of glasses from the eye strain of sitting at the computer all day working on those EPRs and awards. Joey was also struggling with his weight a little. Nothing to worry about right now, he was still passing his fitness tests, but his knees still ached from all those years on line. Passing the test WAS getting harder. Getting away from the desk to get in any PT was nearly impossible. His commander had an “after-hours” policy on PT; he would say, “exercise is not work, it’s a requirement. You can find the

time during your off-duty hours to exercise.” ...Yeah right. After a 12-hour day...

On Joey’s 15-year service anniversary, he spent it...deployed, in Afghanistan. Joey had lost count how many times he’d been there. 15 years. Wow. Where did the time go? His commander had said to him before he left that this was the year he was going to be promoted! All his cards were lined up right, all his hard work and sacrifice was going to pay off. Making SMSgt now, would give him 5 years to make Chief, maybe 7 years if he was honored with a rare extension of two years. Then, he could retire at 42-44 years old. Between E-9 retirement pay and his TSP, he would probably only have to get some easy factory job, or something like that to supplement his retirement...some extra spending money... Ha! Ha! So close. Then, the base alarm went off. Incoming rocket. Or mortar. Whatever. Time to hit the shelter floor like so many other times. The rocket came in too close. Joey woke up in the hospital. He had been lucky, sustaining only “minor” injuries; a piece of shrapnel had hit his left arm and shattered his forearm. They had operated and stabilized him, but he was going to have to be flown back to the states for further surgeries.

Joey spent the next year and a half recovering. More minor surgeries, physical therapy, mandatory mental health therapy (to help treat possible PTSD). He was also expected to perform light duty at his unit. Joey’s supervisor told him he was behind on his EPRs. He needed to get on top of that. Joey explained to his boss that typing with both hands was difficult due to the damage and slow recovery of his left arm. He’d had to do most typing one-handed. It was time consuming and frustrating. His boss rolled his eyes at him and said, “we’ve all been there. Suck it up.” Joey did his best. He worked hard at his physical therapy. He was behind in his plan to make Chief. He was still just a MSGT. The commander passed him over for SMSGT. Gave the stripe to someone “currently more capable”. Told him to focus on his recovery so he could get back at it! Finally, medical squadron personnel concurred that he was “fit for duty”. However, due to the long-term injuries sustained to his left arm, he was still going to be classed as “non-deployable”. “oh man”, Joey thought. “This made him un-useful in the eyes of his commander. If he couldn’t deploy, what point is there in being in?” Then it happened. He failed his fitness test for the first time in his career. It was his first “real” fitness test since being declared “fit for duty”. During his time in physical therapy, while he was exercising, it was limited and not as high intensity as he normally exercised. His waist had gained too much circumference. He met with his supervisor. Instead of providing Joey with some encouraging words like, “it’s going to be ok, we’ll get through this together.”, Joey was met with low-brow “fat-ass” jokes. His supervisor told him to stop being so lazy and using his arm as an excuse and get fit. Then Joey remembered his first supervisor when he was just a new 3-level; the guy must have been like 100...oh yeah - he was a technician...he said he’d been in for 36 years...wow, don’t see that anymore. He was old, he didn’t move really fast, but he moved with purpose. And he always had words of encouragement. When Joey was learning the nuances of safety wiring certain components, he would get it wrong the first time. That old supervisor would just come in and “snip!” the wire. Then he’d set back and simply say, “do it again Joey, but this time remember to...”. That guy seemed to know everything; and everybody. He was there when Joey was first sworn in to his original unit. He called him and texted him when he was at tech school. He was there at the airport when he got back from tech school and gave him a ride home. “I guess that’s not how things are done anymore”, Joey thought to himself.



In the end, Joey couldn't make it. His supervisor and commander continued to put on the pressure for him to get fit and somehow "heal thysel?" to get deployable again. Joey tried as hard as he could, but he had a target on his back now. He was undesirable. He ended up getting discharged due to being non-deployable and unable to pass his fitness test. He'd still get his blended service retirement, but it wasn't enough to live on. He was still young – under 40, but he had a service-related/combat-related injury. He was eligible and received VA disability as well, but it wasn't enough. He had to find a new career. Who was going to take him? Sure, he was young, but with his injuries, and also the VA had diagnosed him with early onset arthritis in his knees as well as tinnitus in both ears, who wanted to hire someone so worn out?

During Joey's TAP (transition assistance program), he met with a VA employment coordinator. She asked him if he ever thought about continuing to serve his country as a civilian. He laughed at the way she had said it. Yeah right. How's he gonna do that? She sat down with him in front of a computer. She showed him how to log in to USAJobs. He put his resume into the system. Joey found a job ad in his home state at his old base! The job ad was for a GS-9 position. It had potential to become a GS-11. The coordinator said it was a Title 5 civilian position. He applied. He got an interview. He got the job. Joey drove through the old gate he remembered driving through as a passenger so many years ago with his old "crusty" supervisor, taking him in for his first day on seasoning days. He remembered what this "100-year-old" guy said to him, "think of your career here as marathon, not a sprint. Don't get caught up in trying to reach the finish line, just enjoy the run."

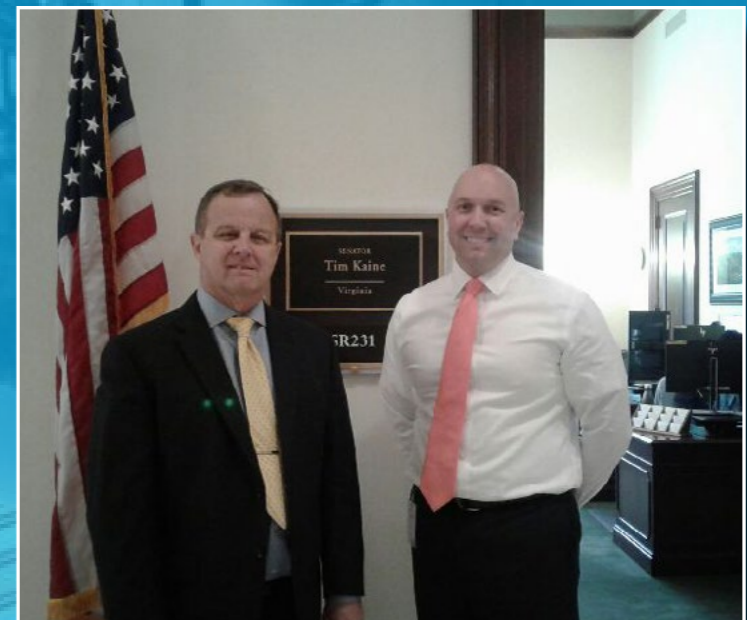
As Joey walked in to his new office, there was someone waiting at his desk already. As he approached, the middle-aged, petite woman extended her hand and said, "Welcome. My name is Joanne. Has anyone told you about the Union here?" Joey smiled, "Where do I sign up?"



# ACT WORKING THE HILL FOR MEMBER'S



Les Hackett with  
Senator Inhofe Aide



Les Hackett with  
Senator Tim Kaine Aide

# ACT wishes its members a Happy New Year!

# 2020

I've been an active member of ACT since I returned to technician service in 2006 after a nine year break working for a succession of defense contractors. In that time I have noticed a rapid and rather depressing decline in the state of labor relations at the local level. I fear that my state is the rule

given the current climate, not the preferred "way to go" when there is a dispute between labor and management. No sir, says I. I'm still filing Unfair Labor Practice charges like it's cool.

Last year two WG-08 automotive workers at an FMS shop in



our state were loading a thing on the back of a big 'ol Army truck (I'm a Blackhawk guy by trade, so I don't know or care what these things are) and that thing slipped off of the edge of said big 'ol truck and got all bent up and mangled. Using fuzzy math and monopoly money figures, the agency came to the conclusion that the damage to the thing totaled over \$20,000. And then the agency rolled out a Financial Liability Investigation of Property Loss or as it's more affectionately called, a flipl or FLIPL, if you're one of those weird acronym lovers. At the conclusion of said flipl, after investigation by a Captain and review by three or four Colonels, the bottom line was that the two WG-08's were financially liable for the damage to the vehicle and their share (no one else was found to be at all responsible for any of the damage) was \$500 each.

rather than the exception and my conversations with brothers and sisters from other chapters bolsters this feeling.

One reason that the state of labor relations is declining stems from the composition of the current Federal Labor Relations Authority. A cursory examination of the latest FLRA decisions reveals a distinctly anti-union bias: the current panel has, in the majority, abandoned precedent in their decisions, to the detriment of union membership, and has consistently "taken the part of" management in nearly every instance since being appointed. One notable exception to these

## MORAL VICTORY

Chris S. Searcy  
President Chapter #83 KY



After the two affected bargaining unit members contacted their faithful union president, we filed an information request under 5 USC § 7114 (b) (4) with the agency. The agency denied the request, stating that the FLIPL process was, in and of itself, an appeal process and as such,

issues has been Authority member Ernest DuBester who has written blistering dissents in nearly all FLRA decisions since his latest appointment.

You may come to the conclusion that I feel that the Authority is,

was precluded from the negotiated grievance process. We responded that we did not agree that the FLIPL process was an appeal process because it provides no recourse for civilian employees and that even if it were, the agency was obligated to provide information requested by a union in any process



conditions of bargaining unit members, not just grievance procedures. The agency again denied our request. And they also had JAG send me an email stating that we had no leg to stand on, again because the FLIPL process was an existing appeal process and thus outside of the negotiated grievance process. Moreover, the FLIPL process precluded the representation of bargaining unit members by union officials (the regulation specifically requires that folks being hit with a FLIPL MUST represent themselves...they can consult with a JAG officer who can advise, but not represent them). We dutifully responded that the FLIPL process was not a legitimate appeal process for civilian employees of the Army and that regardless of the language of the Army Regulation, bargaining unit members are

entitled, as a matter of law, to union representation.

Ultimately, the investigating officer sent me an email stating that the process had taken far too long and that, absent some legitimate reason from me, he was going to advise the USPFO to get the government their \$500 from each of our wayward young men. I would however, have to wait until the investigating officer returned from annual training in three weeks before he would be able to review whatever response I formulated in the defense of the reckless destroyers of government equipment.

I dutifully responded that the determination of pecuniary liability was based on a poorly conducted investigation and its legally insufficient

determination that two WG-08 automotive workers were solely responsible for over \$20,000 worth of damage to government property (the regulation states that the instant appeal [request for reconsideration] of an investigation's findings can only be based upon legal error). After the investigating officer returned from annual training he responded to me that I was obviously ignorant of the FLIPL regulation because I could not respond for the destructors of government property, they must do that for themselves; thus, they lose. He also left me with the ever helpful advice that I take the time to familiarize myself with said regulation. I responded that we would go another direction with our defense of bargaining unit members. The next day I filed an Unfair Labor Practice charge

against the agency.

In the ULP filing, we alleged that the agency had violated 5 USC § 7114 (b) (4), 5 USC § 7116 (a) (1), (5) and (8). Specifically, "...the agency has willfully refused to provide information that the union needed to provide representational assistance to bargaining unit members and that as a result of this refusal, the bargaining unit members were harmed by the agency arbitrarily assigning pecuniary liability to those bargaining unit members. Further, the agency has repudiated the contract by assuming



they break the law, there is no way to legally compel them turn from their errant ways. This view is, however, short-sighted. Eventually, there will be someone sitting in the OGC position and all of these cases from the various FLRA regions across the country will be adjudicated. The chickens always come home to roost.

The temptation to seek instant gratification is strong in the vast

a level of responsibility in the instant action that is beyond the contractual obligation of bargaining unit employees and by denying the rights of the affected employees to be represented by union officials of their choosing."

On 21 December 2018, the Chicago office of the Federal Labor Relations Authority informed us that, "The Region decided that case no. CH-CA-18-0480 has merit and that the Agency violated the Statute by not providing the information

requested." The key words here are that the agency violated the statute, or to put it in plainer terms, the HRO decided to break the law.

The Chicago office later reached out to the agency in an attempt to allow them to save face by agreeing to a settlement. I've been down this road before and settlement is the preferred route when dealing with the Authority or the MSPB. However,

majority of people today. Unfortunately, if you're an official with a union that represents federal employees, instant gratification will never be your companion. Not ever. But you can't give up the fight and every once in a while you'll get a moral victory that may just carry you through.

Keep the faith.



# MINNESOTA TRAINING



L/R Kneeling: Kyle Young, Quentin Burg, Mark Scribner, Alex Warzecha, Jim Becker, Shawn Holtz  
L/R Middle: Jody Ruotsalainen, Brian Pawlovich, Dan Roth, Steve Gerads, Richard Lanthier, Andy Rohweder, John Foltz, Mayra Rodriguez , L/R Back: TJ Sherman, Andre Beaudry, National Field Rep Tom Mahoney, Brad Jensen, Mike Lerol, Lyle Kill

# DELAWARE TRAINING



38

From left to right. Timothy Rodriguez , Alberto Dominguez, Thomas McGill, Jared Stone, Otis Worden, Michael Stone, Nicholas Sayers, Mikhiel Canady, National Field Rep Travis Perry.

# DC TRAINING



Training was conducted by National President Terry Garnett for the DC Capitol Air Chapter and DC Potomac Army Chapter. The training was recently held at ACT National HQ in northern Virginia. Each Officer and Steward got enlightened on the laws of Labor and Management relations and grievance processes. Also the financial requirements were trained on so that the Chapter President's and Chapter Treasurer's understand the laws that cover Chapter dues monies.



39

Left to right Shawn Arnold, Michael Laurence, Don Neely, Travis Kielty, Anthony Thomas, Brandon Pavey and Jonathan Scoggins.

# PA TRAINING



Pennsylvania training was held in Johstown PA, conducted by National Field Rep Travis Perry. Zebadiah Lynn, Sereno Beneccio, Jason Fry, Travis Naser, Scott Luster, Robert Melego, Marc Hunsberger, Paul Wagaman, Tyler Billig, Luis Arce-Diaz, Mike Zukauskas, Jason McFarland, Albert Garcia, Jose Garcia, Joanne Martz, Steve St Clair, Patrick Straka, James Bowers, William Shillingsford, Gregory Reigle, Dustin Taggart, John Moscow, Daniel Benjamin, Joshua Shuster, Lucas Swartz, Christopher Krause, Michael McKinney, Scott Bartholomew, John Deetscreek, Daniel Maher, Ron Hanzek, Andrew Shultz, Al Kinney and National Field Rep Travis Perry.



## RETIREMENT LUNCH AASF#1 TOPEKA

Ricardo Ruiz, John Miller, National Field Rep Steve Olguin, Andrew Daily...Johns Union Retirement gift, after 26 years as Uh-60 helicopter T.I. and mutiple tours. A 1st Sgt and 35 year marriage hes finally ready to enjoy his will deserved time with his family.



## TENNESSEE TRAINING

Back Row: Marty Leavell, Chad Humphrey, National Field Rep Tom Mahoney, Bethany Hill, Front Row: John Spence Troy Verbowski, Mirina Wallace



## CONTRACT NEGOTIATIONS DULUTH ACT 73

Pictured left to right National Field Rep Tom Mahoney, Dan Roth , Jeff Johnson, Capt. Elizabeth Horngren, Col. Robert Troy, Richard Lanthier, Kyle Young, Ann Todd, 2019 Contract Negotiations Duluth MN ACT Chapter 73.

40


41

# Looking back at past officers

## NATIONAL OFFICERS

 **Terry Garnett**  
National President  
tgarnett@actnat.com / 703-494-4845

 **Steve Landis**  
Executive Vice President  
steve.landis@actnat.com / 609-970-2393

 **Tim Keesecker**  
Treasurer  
timkeesecker@actnat.com / 402-429-4436

 **Steve Fisher**  
Secretary  
sfisher@actnat.com / 703-899-7890

 **Gene Fuehrer**  
Northeast VP  
gfuehrer@actnat.com / 402-416-4520

 **VACANT - Southeast Vice President**


 **Robert Neimer**  
Northwest VP  
bniemer@actnat.com / 608-843-0317


 **Rick Wrenn**  
Southwest VP  
rwrenn@actnat.com / 267-980-1534

## ACT NATIONAL FIELD REPRESENTATIVES

 **Les Hackett - Legislation Director / Organizer**  
lhackett@actnat.com / 703-690-1330

 **Travis Perry - Northeast Region**  
tperry@actnat.com / 703-843-2153

 **VACANT - Southeast Region**

 **Tom Mahoney - Central Region**  
tmahoney@actnat.com / 703-690-1330

 **Steve Olguin - Midwest Region**  
solguin@actnat.com / 703-843-2156

 **Julio Romero - Western Region**  
jromero@actnat.com / 703-843-2157

[membership.info@actnat.com](mailto:membership.info@actnat.com)  
Phone: 703-494-4845  
Fax: 703 494-0961  
[www.ACTnat.com](http://www.ACTnat.com)  
[www.chooseACT.com](http://www.chooseACT.com)  
[twitter.com/ACTNAT](https://twitter.com/ACTNAT)

## Ralph T. Price 1966 – 2019



Ralph T. Price Lebanon - Ralph T. Price, 52, passed away on Sunday, June 30, 2019 at Pinnacle Harrisburg Hospital. He was the husband of Jodi L. (Keener) Price. Born in Lebanon on October 18, 1966, Ralph was a son of Catherine E. (Mullen) Price and the late Ralph C. Price. He was a 1984 graduate of Cedar Crest High School and a faithful member of Ebenezer United Methodist Church where he served as chairman on the Board of Trustees. Ralph was proud to serve in the Army National Guard for 22 years, many of which he spent as a helicopter mechanic. He was a devoted husband to Jodi for 18 years and an incredible father to his four children. Always taking an active part in their lives and supporting each of their interests over the years, Ralph even tackled the restoration of a 1966 Ford pickup truck with his son, Michael. In the days since his passing, his children recall with admiration their dad "always being there for them" - never missing Michelle's marching band performances or Michael's karate classes. Ralph was selfless with his time, spending countless hours volunteering at the VA Hospital, the local food bank, and with the Bible School at his church. He enjoyed hunting and camping, but most of all, he enjoyed family gatherings with his brothers and vacationing with his wife and kids. They traveled all over the United States so they too could experience and appreciate the country he was so proud of. Ralph was a lot of things to a lot of people, but his grandson, Brantley gave him one of his favorite titles of all - "Pa Pa" - that he would so delicately whisper, as only Brantley could do, each time he crawled up onto his lap. In addition to his wife, he is survived by four children - Sara Price, Timothy Price, and twins Michelle and Michael Price; three brothers - Michael, Thomas, and David; his grandson, Brantley Basselgia; and several nieces, nephews, and cousins. Viewing hours will be held on Thursday evening, July 4th, from 6-8pm and Friday morning July 5th, from 11-12 at Thompson Funeral Home, Inc., 126 South 9th Street, Lebanon, PA 17042. Funeral services will be held at 12 noon on Friday, July 5th and interment with full military honors will immediately follow at Covenant/Greenwood Cemetery in Lebanon. In lieu of flowers, donations in Ralph's name may be made to Disabled American Veterans (dav.org), 4219 East Trindle Road, Camp Hill, PA 17011 or to Gift of Life (donatelifenet), 867 Fishburn Road, Hershey, PA 17033. Please share your memories with the family at our online guest book at [thompsonfuneralhomelebanon.com](http://thompsonfuneralhomelebanon.com)





**KEEP THE FAITH**  
DUTY • DIGNITY • DEDICATION

[www.chooseACT.com](http://www.chooseACT.com)  
[www.ACTnat.com](http://www.ACTnat.com)

Fourth Largest Labor  
Organization within DoD