

THE TECHNICIAN

October - November 2019 | *Keep the Faith*

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What's On My Mind

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National President

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Duty • Dignity • Dedication





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What's On My Mind

National President Terry Garnett

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Trainings!

Minnesota, Delaware, DC & Pennsylvania and Tennessee

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2020 RALLY DATES

START PLANNING

NOW TO ATTEND

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

HILL VISIT DATES HAVE CHANGED

What's On My Mind...

CRIMES AGAINST MEMBER'S...

By Terry Garnett

National President

The following "narratives" are facts that have been copied from public records from the U.S. Attorney's Office District of Alaska & OLMS (Office of Labor Management Standards) websites.

ACT continually trains and informs its Chapter Officer's & Stewards and Membership about the financial responsibility of EVERYONE in the Chapter and to use the Chapter funds ONLY for what has been approved by the member's. Some continue to ignore this training and have to face the consequences of STEALING money from their Chapter Member's, co-worker's &

friends. Unfortunately, it's people like these that give Unions a bad reputation.

Below is a report of one such person who now has a criminal record and has ruined his and his families lives because of theft. Below report is from the OLMS (Office of Labor-Management Standards) investigative website and from the U.S. Attorney's Office District of Alaska.

Also, following below are reports from OLMS.

DO NOT BE THIS PERSON...
YOU WILL BE CAUGHT...

BE RESPONSIBLE WITH
CHAPTER MEMBERSHIP
FUNDS.

Thanks & KTF, Terry

**Wasilla Man Sentenced
for Embezzling Approx
\$80k from Labor Union in
Alaska**

<https://www.justice.gov/usao-ak/pr/wasilla-man-sentenced-embezzling-approximately-80k-labor-union-alaska>

Anchorage, Alaska – U.S. Attorney Bryan Schroder announced that a Wasilla man has been sentenced in federal court for embezzling

approximately \$80,000, over the course of nearly five years, from the Alaska Chapter of the Association of Civilian Technicians labor union.

Timothy Carrol Smith, 49, of Wasilla, was sentenced on Friday, Oct. 19, 2018, by Chief U.S. District Judge Timothy M. Burgess, to serve eight months in prison, followed by three years of supervised release. Smith



was also ordered to pay \$80,990.61 in restitution to ACT Chapter 84. Smith previously pleaded guilty in April 2018 to one count of making a false statement.

According to court documents, from 2007 to 2015, Smith held volunteer positions as secretary-treasurer and then president, for Alaska Chapter 84 of the Association of Civilian Technicians (ACT) at Joint Base Elmendorf-Richardson, a labor union representing approximately 70 dues-paying members who are Air & Army National Guard civilian technicians throughout Alaska. During that time, Smith was responsible for managing the organization's funds, including

making travel arrangements, co-signing checks, paying bills, and meeting reporting requirements. Specifically, Smith was responsible for submitting annual financial disclosure reports to the Department of Labor Management and Standards, regarding how the organization's funds were disbursed. Smith filed the required Form LM-3 on behalf of ACT Chapter 84 for the fiscal years ending 2011, 2012, 2013, and 2014.

Over the course of nearly five years, beginning in January 2011, Smith knowingly and willfully embezzled, stole, and illegally converted union funds to his own personal use in a total amount of \$80,990.61, by conducting hundreds of unauthorized transactions. Smith then



concealed his embezzlement by filing false reports to the Department of Labor by omitting the full amount of money he was receiving from the union.

For example, between January 2011 and

September 2015, Smith used ACT Chapter 84 ATM card to make over 200 unauthorized cash withdrawals totaling \$59,401.85. Between December 2010 and September 2015, Smith used an ACT Chapter 84 debit card to pay for over 300 unauthorized transactions totaling \$20,988.76. In December 2013, Smith wrote a check payable to “cash” in the amount of \$600 and cashed the check for an unauthorized expense. Smith used the stolen funds to pay personal expenses rather than ACT Chapter 84 expenses.

The U.S. Department of Labor, Office of Labor-Management Standards (OLMS) conducted the investigation leading to the successful prosecution of this case. This case was prosecuted by Assistant U.S. Attorneys Aunnie Steward and Stephen Corso.

OLMS (Office of Labor-Management Standards)

https://www.dol.gov/olms/regs/compliance/enforcement_1.htm

On September 27, 2019, in the United States District Court for the Northern District of Iowa, Gregg Pedersen, former President of Association of Civilian Technicians (ACT) Local 75 (located in Sioux City, Iowa), pleaded guilty to one count of wire fraud in the amount of \$6,320, in violation of 18 U.S.C. 1343. The guilty plea follows an investigation by the OLMS Denver-St. Louis District Office.

On May 31, 2019, in Circuit Court for Baltimore County, Maryland, John Scarcella, former Secretary-Treasurer of Association of Civilian Technicians Local 125 (located in Middle River, Md.), was charged with one count of theft of more than \$10,000, but less than \$100,000, in violation of Section 7-104 of the Maryland Criminal Code. The charge follows

an investigation by the OLMS Washington District Office and the Baltimore County Police Department.

On October 19, 2018, in the United States District Court for the District of Alaska, Timothy Smith, former President of the Civilian Technicians Chapter 84 (located in Anchorage Alaska), was sentenced to eight months in a federal penitentiary and three years of supervised release, and he was ordered to pay restitution totaling \$80,990 and a \$100 assessment. On April 13, 2018, Smith pleaded guilty to a single count of making a false statement in order to conceal the embezzlement, in violation of 18 U.S.C. 1001. The sentencing follows an investigation by the OLMS San Francisco-Seattle District Office.

On March 27, 2017, in the Superior Court of Washington for Pierce County, Casey Cortese, former President for the Association of Civilian Technicians (ACT) Chapter 108 (located in Pierce County, Wash.), was indicted on a single count of theft in the 1st degree, in violation of RCW 9A.56.020(1)(c) and RCW 9A.56.030(1)(a). Cortese is charged with converting over \$27,000 in Chapter 108 funds to his own personal use. The charge follows an investigation by the OLMS San Francisco-Seattle District Office.

On October 11, 2016, in the United States District Court for the Eastern District of Kentucky, Steve Hartman, former Secretary-Treasurer of Association of Civilian Technicians Chapter 83 (located in Frankfort, Ky.), was sentenced to two years of probation and 50 hours of community service, and he was ordered to pay a \$100 special assessment. On June 22, 2016, Hartman pled guilty to one count of forging a security of an organization in the amount of \$2,173, in violation of 18 U.S.C. 513. Hartman previously paid restitution in the amount of \$13,208. The sentencing follows an

investigation by the OLMS Cincinnati-Cleveland District Office.

On February 26, 2015, in the Commonwealth of Kentucky, Hardin County Circuit Court, Thomas Wilson, former Secretary-Treasurer of Association of Civilian Technicians Chapter 83 (located in Fort Knox, Ky.), was charged in a one-count indictment for felony theft by unlawful taking over \$10,000. The charge follows a joint investigation by the OLMS Cincinnati-Cleveland District Office and the Department of Defense, Criminal Investigative Service.

On January 9, 2014, in the United States District Court for the Western District of Tennessee, Don McMahon, former Treasurer of Civilian Technicians Association Independent (CTAI) Tennessee State Council for Air (located in Memphis, Tenn.), was indicted on eight counts of wire fraud totaling \$3,543, in violation of 18 U.S.C. 1343. The indictment follows an investigation by the OLMS Atlanta-Nashville District Office.

On May 16, 2013, in the United States District Court for the Eastern District of Arkansas, Owen Smith, former Secretary-Treasurer for Civilian Technicians Association Chapter 117 (located in Jacksonville, Ark.), was sentenced to three years' probation, assessed a \$100 special assessment, and ordered to pay \$18,023 in restitution. On October 18, 2012, Smith pled guilty to one count of embezzling union funds in the amount of \$18,012. The sentencing follows an investigation by the OLMS Dallas District Office.

On July 6, 2004, in the Ventura County (California) Superior Court, President James D. Torrez, former president of Association of Civilian Technicians Chapter 105, was sentenced to 180 days in jail for embezzling \$9,801. In addition, Torrez must pay full

restitution and faces three years' probation on his release from incarceration. Torrez had previously entered a guilty plea on May 10, 2004, following an investigation by the OLMS Los Angeles District Office.

Office of Labor-Management Standards (OLMS) Historical Enforcement Data

https://www.dol.gov/olms/regs/compliance/enforcement_data.htm

| Indictments | | Convictions* | |
|---------------|------------|---------------|------------|
| FY2019 | 84 | FY2019 | 60 |
| FY2018 | 73 | FY2018 | 72 |
| FY2017 | 77 | FY2017 | 79 |
| FY2016 | 93 | FY2016 | 87 |
| FY2015 | 83 | FY2015 | 68 |
| FY2014 | 95 | FY2014 | 100 |
| FY2013 | 97 | FY2013 | 116 |
| FY2012 | 121 | FY2012 | 121 |
| FY2011 | 145 | FY2011 | 116 |
| FY2010 | 129 | FY2010 | 130 |
| FY2009 | 123 | FY2009 | 121 |
| FY2008 | 131 | FY2008 | 103 |
| FY2007 | 100 | FY2007 | 118 |
| FY2006 | 121 | FY2006 | 133 |
| FY2005 | 115 | FY2005 | 97 |
| FY2004 | 110 | FY2004 | 111 |
| FY2003 | 131 | FY2003 | 152 |
| FY2002 | 166 | FY2002 | 89 |
| FY2001 | 99 | FY2001 | 102 |
| FY2000 | 204 | FY2000 | 191 |
| FY1999 | 118 | FY1999 | 131 |
| FY1998 | 143 | FY1998 | 130 |

*Annual totals shown in this table may differ slightly from those previously reported due to end-of-year adjustments.

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



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.

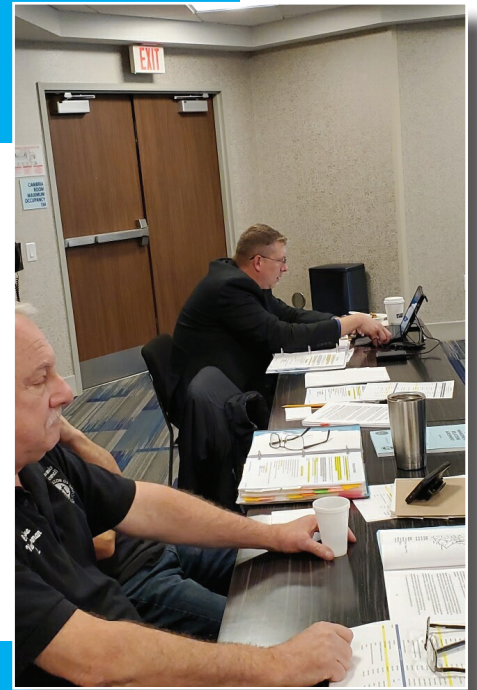
DC TRAINING

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.



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

PA TRAINING



Pennsylvania training was held in Johnstown 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.



Les Hackett
Legislative Director

This issue of the Technician includes the legislative issue papers that have been developed in support of ACTs 2020 legislative agenda. The issues we have chosen to focus on for 2020 are: 1. TRICARE Reserve Select (TRS) eligibility for Guard/Reserve members who also happen to be federal employees and annuitants eligible for the Federal Employees Health Benefits Program (FEHBP). 2. Increasing military leave from 15 days to 30 days for Federal employees. 3. The option for technicians who have lost their Guard/Reserve status for reasons beyond their control to be converted to Title 5 non-dual status employees until they qualify for early technician retirement under FERS. We are still developing an issue paper concerning Air Guard technician positions conversions to AGRs and will publish ASAP. Please take a look at the issue papers and if you have any questions e-mail Les Hackett at lhackett@actnat.com. Once you have had a chance to review the issue papers you should call the House and Senate members that represent you in D.C. and let them know you support our legislation.



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**

2 December 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



Terry W. Garnett
National President

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 failure to meet physical fitness or height weight standards, or disability entitling them to civilian employment disability retirement.¹

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

¹ 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.
12620 Lake Ridge Drive, Lake Ridge, VA 22192 / Office (703) 494-4845 / Fax: (703) 494-0961



Terry W. Garnett
National President

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.

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 not for unacceptable performance, misconduct, or failure to meet physical fitness or height weight standards, —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.



Terry W. Garnett
National President

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 misconduct, unsatisfactory performance or failure to meet physical fitness or height weight standards, 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.”



Terry W. Garnett
National President

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.



Terry W. Garnett
National President

Legislation to Increase Military Leave

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 certain categories of 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 were adequate to cover an employee’s absence for required military service.

Since the beginning of the Global War on Terror after 9/11, the increased operational tempo and training requirements for Guard members 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 per month into the “Super Drill,” which may start on Thursday and run through Sunday. The traditional two-week annual training in many cases has been extended to three weeks and sometimes a month. Unfortunately, Congress has not updated the military leave statute to reflect the new reality requiring increased absences from work for military service.

The requirements for increased military service, moreover, fall disproportionately on the federal employees who are employed by the National Guards of which they also are military members. Guard Commanders realize that extra days away from work for traditional Guard members, who work in the private sector, put additional stress on their relationships with their employers and may negatively affect their willingness to remain in the Guard. Although employer support for Guard service generally is quite strong, Commanders, to avoid the risk of impairing that support, avoid assigning extra duty to traditional Guard members when they instead can rely on Guard employees to perform that extra military duty.

Currently, once these employees expend their 15 days of military leave, they must either use their own personal annual leave or request leave without pay to satisfy their additional military obligations. Guard members should not have to use their personal leave or be in a non-pay status from their civilian jobs in order to support the increased demands of what traditionally was part time Guard service.

In order to remedy this situation, we are asking you to introduce or support legislation that will increase military leave authorized under 5 U.S.C. §6323(a) from the current rate of 15 days per fiscal year to 30 days per fiscal year.

Please see proposed amendments to 5 USC §6323(a)(1) below on page 2:

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Terry W. Garnett
National President

(Note: Strikethroughs denote deleted language. **Red** font denotes new language.)

5 USC §6323: Military leave; Reserves and National Guardsmen

§6323. Military leave; Reserves and National Guardsmen

(a)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty, inactive-duty training (as defined in section 101 of title 37), funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32), or engaging in field or coast defense training under sections 502–505 of title 32 as a Reserve of the armed forces or member of the National Guard. Leave under this subsection accrues for an employee or individual at the rate of ~~15~~ **30** days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year. ~~until it totals 15 days at the beginning of a fiscal year.~~



End TRICARE Discrimination Against Federal Employees

Overview

Currently, under 10 U.S.C. §1076d, federal employees and retirees who are eligible for health insurance coverage under the Federal Employees Health Benefits Program (FEHBP) are ineligible for TRICARE Reserve Select (TRS). To our knowledge FEHB eligible federal employees and retirees are the only members of the Selected Reserve that are not eligible for health benefits under TRS.

Problem

Plans and benefits under the FEHBP are substantially more costly for participants when compared with TRICARE Reserve Select (TRS). The table below compares some of the costs of TRICARE Reserve Select to one of the more popular national fee for service plans under the FEHB (Blue Cross/ Blue Shield Standard).

| Health Plans 2020 | Premiums | Deductibles | Co-Pays | Catastrophic Caps (annual) |
|---------------------------|-------------------|--------------------|---------------------|-----------------------------------|
| | Self/ Family | Self/ Family | Out Patient Surgery | Self/ Family |
| TRICARE Reserve Select | \$42.83/ \$228.27 | \$150.00/ \$300.00 | \$25.00 | \$1000.00 |
| FEHB Blue Cross/ Standard | \$253.30/ 621.27 | \$350.00/ \$700.00 | 15% of allowed fees | \$10,000.00 (PPO) |



Terry W. Garnett
National President

FEHB much more costly than TRICARE

As the table indicates there is a substantial cost difference between TRICARE and Blue Cross/ Blue Shield. The bottom line is that, by excluding FEHB eligible Guard and Reserve members from the option of enrolment in TRS, Congress is costing these members and their families thousands of dollars each year in extra medical costs. If the FEHB were even close to providing the same health care coverage at a similar cost as TRS, this would not be such a pressing issue. But as you can see by the table above this is not the case.

It seems particularly unfair that Guard and Reserve members who happen to qualify for the FEHBP are denied access to TRICARE Reserve Select while their counterparts working for state and local governments or the private sector are fully eligible for TRICARE benefits.

Legislative Solution

In January 2019 Mr. Kelly introduced H.R. 613 the “TRICARE Reserve Select Improvement Act.” (See attached.) The language of H.R. 613 would amend 10 U.S.C. §1076d to allow members of Selected Reserve who are eligible for the FEHB program to also be eligible for TRICARE Reserve Select.

In order to remedy the current situation concerning the lack of TRICARE eligibility for federal employees we are requesting that you work with your colleagues on the HASC to add the language of H.R. 613 to the 2021 NDAA when that bill is marked up this spring.



Terry W. Garnett
National President

116th CONGRESS
1st Session

H. R. 613

To amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

IN THE HOUSE OF REPRESENTATIVES
January 16, 2019

Mr. Kelly of Mississippi (for himself, Mr. Garamendi, Mr. Gianforte, and Ms. McCollum) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title.

This Act may be cited as the “TRICARE Reserve Select Improvement Act”.

SEC. 2. Modification of eligibility for TRICARE Reserve Select of certain members of the Selected Reserve.

(a) In general.—Section 1076d(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2), a member” and inserting “A member”; and

(2) by striking paragraph (2).

(b) Sense of Congress.—It is the sense of Congress that the costs of carrying out the amendments made by this section, if any, will be offset.

Terry W. Garnett
National President



End TRICARE Discrimination Against Federal Employees

Overview

Currently, under 10 U.S.C. §1076d, federal employees and retirees who are eligible for health insurance coverage under the Federal Employees Health Benefits Program (FEHBP) are ineligible for TRICARE Reserve Select (TRS). To our knowledge FEHBP eligible federal employees and retirees are the only members of the Selected Reserve that are not eligible for health benefits under TRS.

Problem

Plans and benefits under the FEHBP are substantially more costly for participants when compared with TRICARE Reserve Select (TRS). The table below compares some of the costs of TRICARE Reserve Select to one of the more popular national fee for service plans under the FEHBP (Blue Cross/ Blue Shield Standard).

| Health Plans 2020 | Premiums | Deductibles | Co-Pays | Catastrophic Caps (annual) |
|-----------------------------|-------------------|--------------------|---------------------|-----------------------------------|
| | Self/ Family | Self/ Family | Out Patient Surgery | Self/ Family |
| TRICARE Reserve Select | \$42.83/ \$228.27 | \$150.00/ \$300.00 | \$25.00 | \$1000.00 |
| FEHBP/ Blue Cross/ Standard | \$253.30/ 621.27 | \$350.00/ \$700.00 | 15% of allowed fees | \$10,000.00 (PPO) |



Terry W. Garnett
National President

FEHB much more costly than TRICARE

As the table indicates there is a substantial cost difference between TRICARE and Blue Cross/ Blue Shield. The bottom line is that, by excluding FEHB eligible Guard and Reserve members from the option of enrolment in TRS, Congress is costing these members and their families thousands of dollars each year in extra medical costs. If the FEHB were even close to providing the same health care coverage at a similar cost as TRS, this would not be such a pressing issue. But as you can see by the table above this is not the case.

It seems particularly unfair that Guard and Reserve members who happen to qualify for the FEHBP are denied access to TRICARE Reserve Select while their counterparts working for state and local governments or the private sector are fully eligible for TRICARE benefits.

Legislative Solution

In January 2019 Senator Daines introduced S. 164 the “TRICARE Reserve Improvement Act.” (See attached.) The language of S. 164 would amend 10 U.S.C. §1076d to allow members of Selected Reserve who are eligible for the FEHB program to also be eligible for TRICARE Reserve Select.

In order to remedy the current situation concerning the lack of TRICARE eligibility for federal employees we are requesting that you work with your colleagues on the SASC to add the language of S. 164 to the 2021 NDAA when that bill is marked up this spring.



Terry W. Garnett
National President

116th CONGRESS
1st Session

S. 164

To amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

IN THE SENATE OF THE UNITED STATES
January 16, 2019

Mr. Daines (for himself, Mr. Manchin, Mr. Crapo, Ms. Baldwin, Mrs. Capito, Mr. Tester, Mr. Boozman, Mrs. Shaheen, Mr. Moran, Mr. Jones, Mr. Hoeven, and Ms. Rosen) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title.

This Act may be cited as the “TRICARE Reserve Improvement Act”.

SEC. 2. Modification of eligibility for TRICARE Reserve Select of certain members of the Selected Reserve.

Section 1076d(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2), a member” and inserting “A member”; and

(2) by striking paragraph (2).



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