

THE TECHNICIAN

November - December 2020 | *Keep the Faith*

Issue #5 , Vol. 78

2020 ELECTION RESULTS, TRAININGS, STORIES AND MORE!

Merry Christmas from ACT

Duty • Dignity • Dedication



A handwritten signature in black ink, located in the bottom left corner of the page.

It's Not Good-Bye, But, See Ya Later...



Retiring ACT National President Terry W. Garnett

In trying to think of what I was going to write / say to everyone at ACT, I could not figure out how to put into words the last twenty-eight (28) years; which includes being an ACT Shop Steward (1992) to ACT National President (2020).

I can say the past twenty-eight years FLEW by. Once I stop and think about those years, it's hard to count, BUT not forget, ALL the tremendous people God has placed in my life while working

for ACT all these years and ALL the different situations I've been privileged to represent ACT Members (and non-members in some instances), some situations we won and some we lost, but in all situations we LEARNED.

John Wooden, the legendary UCLA basketball coach, had a rule that the team members had to abide by. No matter which team member scored a basket, that team member had to acknowledge those on his team that assisted in making the basket. One of his team members asked him one day "Coach won't that take up a lot of time?" Coach Wooden replied, "I'm not asking you to run over there and give him a big hug, just look in his direction and nod at'em in a thankful manner". Coach Wooden understood in order to achieve victory it was important to teach the team members while playing basketball, that they were a team and not just a bunch of independent people running around on the basketball court. Each team member contributed to the success of each other and the team as a whole.

One fact that is most apparent to me about ACT, we are all on this team together, this amazing team that works so hard every day, night, weekends and holidays to safeguard our Members rights in the workplace. ACT Members are very fortunate to have a team of Representatives of this magnitude. We are just like parts of the human body, each one of us is a separate part of the ACT body, but it takes the whole body to achieve eating, sleeping, walking etc...Member(s), Chapter Officer & Stewards, ACT National Field Rep's, ACT Lawyers, ACT National Office Staff, ACT National Board, contribute to the goal of representing Members. The winning of a grievance, ULP, arbitration, negotiation session, court decision etc...just as within ACT, it takes ALL OF US to achieve the goals set before us, no one person within ACT is more important than the other, we all are important to this fight of employee rights in the workplace.

I could not have achieved this life without God and the support of the most important person in my life, my wife Deanna, she completes my team, God, Deanna then me.

I won't be far, You can still reach me via email anytime, I'd be glad to talk with you.

In closing; May God bless the Association of Civilian Technicians and Your efforts to keep it strong and fighting the good fight of protecting Members (employees) basic work place rights for many years to come.

It's hard to say goodbye so I will say "see ya later & Keep The Faith (KTF)", Terry

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Due to the COVID-19 pandemic, not a lot happened in 2020.
Wear your mask and be sure to social distance.

Think positive, TEST negative!

03 Thanks to Travis Perry for allowing ACT to use his painting for this issue on the front cover.

ACT National President



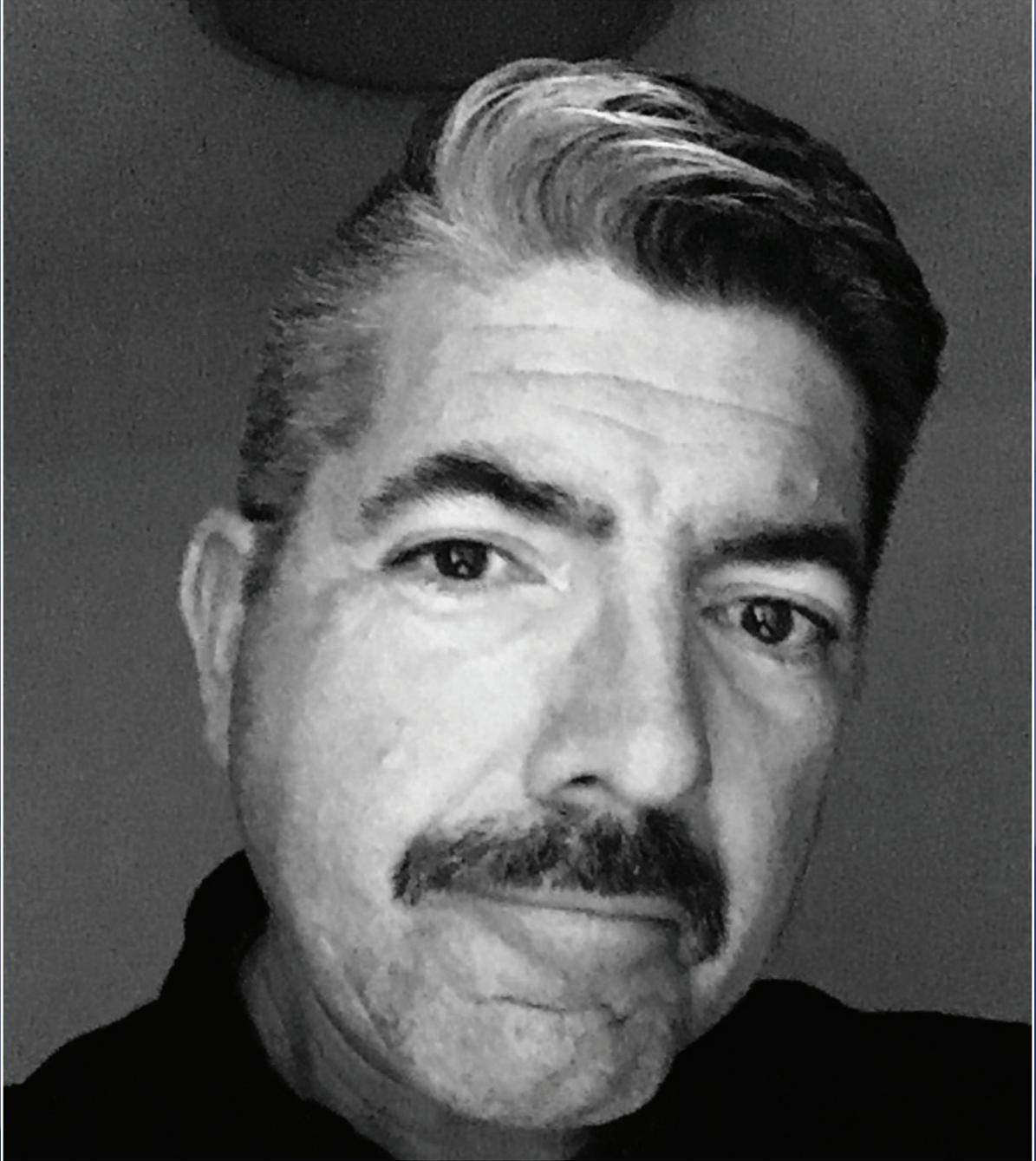
TOM MAHONEY

ACT National Treasurer



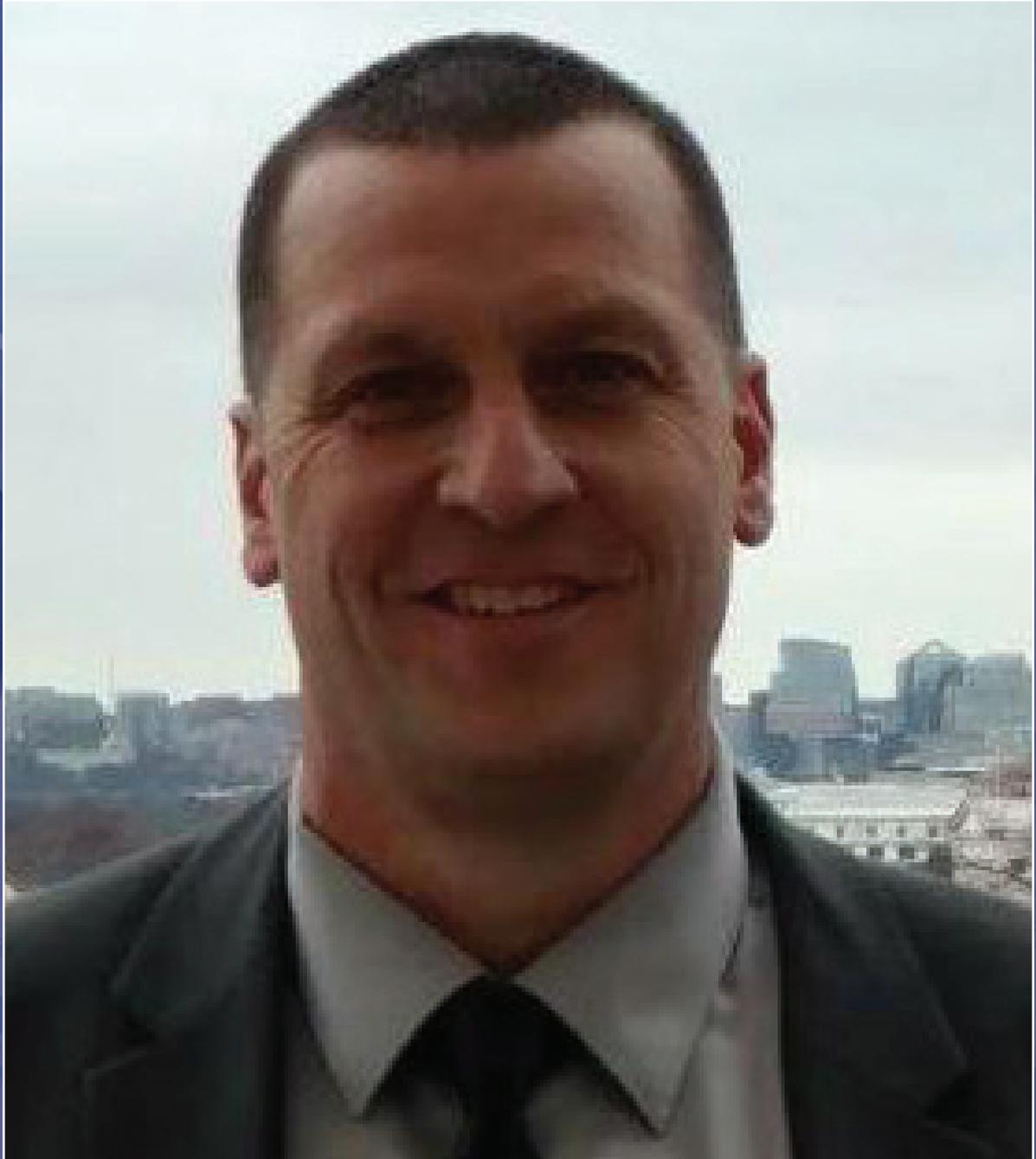
TIM KEESECKER

ACT National Vice President



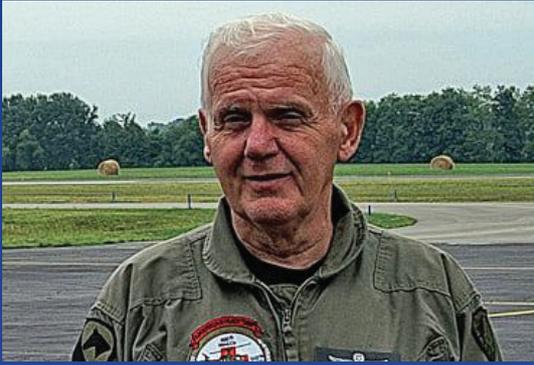
JOHN SAPPINGTON

ACT National Vice President



GENE FUEHRER

ACT SENDS ITS CONDOLENCES TO THE PHIL FLAGG FAMILY



BANGOR - - On November 23, 2020, Philip E. Flagg Jr. passed away peacefully at age 76 in his home while surrounded by family and friends, after a courageous battle with glioblastoma. Philip was born on June 23, 1944, in Portland, Maine, to Philip Sr. and Viola (Sanborn) Flagg. He grew up in Rockland, Maine with two sisters, Joyce and Rita. He met the love of his life, Katherine Blastow, at a school dance and they married after graduation. He worked at Van Baalens clothing factory as a sewing machine mechanic until he was drafted into the Army to serve in Vietnam, which began his 40-year military career.

During his time in Vietnam, he received the Soldier's Medal for risking his life to save his crew-mates after their helicopter crashed. He was able to pull all but one to safety. He flew more than 175 combat missions during this time. When he arrived home, he was greeted by his wife and 6-month-old daughter, Ann, who took right to him.

His love for the Huey brought him to the 112th Aviation Medical Company, Air Ambulance. He made many great friends who became like family. During the last 5 years of his Army career, he flew counter drug operations as part of a RAID crew. Many of them still get together monthly for breakfast and camaraderie. In August, when Philip could no longer walk, they brought the breakfast to him at home for a final salute.

When he wasn't flying missions with the 112th, he was volunteering with DEEMI Search and Rescue where he formed a special relationship with Richard Bowie and Dr. Robert Bowie. They shared many experiences and great laughs together. Philip also spent many years in Indiana volunteering with the American Huey 369 organization refurbishing the old birds. Johnnie and Kae Walker became close friends of Philip's during his many trips out there. Hueys were his passion and life.

When he wasn't flying, he could be found in the deep woods of Maine on his ATV. He was the Trail Master for Airline ATV Riders for many years. He enjoyed many friendships in the club. Philip was a member of Crosspoint Church for many years, and volunteered countless hours to help the congregation.

Phil was an Association of Civilian Technicians (ACT) Chapter Union President for Pine Tree Chapter Maine Army National Guard for many years. His unwavering representation of his fellow co-workers ensuring their workplace rights were protected was his utmost passion to make sure everyone was treated fairly at work. He was an ACT Lifetime Member.

Outside of work and volunteering, Philip could be found making memories with his daughters, Ann and Susan, and passing on life lessons to his grandchildren, Ben, Philip, Olivia and Colby Johns, who was like a granddaughter to him. Ben and Colby were a tremendous help in caring for their grandfather as he battled cancer. Their grandmother is forever grateful.

Philip is survived by his wife of 55 years, Kathy Flagg; two daughters, Ann Flagg and her partner, Jim Campbell, Susan Slick and her husband, Clint Slick; 3 grandchildren, Ben, Philip and Olivia Slick; two sisters, Rita Webster and her husband, Ron, Joyce Olsen; brother-in-law, Clifford Blastow and his wife, Cindy, and brother-in-law, Robert Blastow; his four special friends, Peter Grant, Bob Labrie, Ed Markey, and Lennie Dietz; two special cousins, Ramona Plourde and Ethell Milano; many nieces and nephews, and of course his devoted furry friends, two rescue dogs, Bruce and Rae, that never left his side.

His family would like to say a huge thank you to St. Joseph Home Health and Hospice for the wonderful care Philip received which made the transition much easier for his family. A graveside service honoring his military career will be held at Togus Veteran's Cemetery in the spring. Those wishing to remember Philip in a special way please make donations to the Bangor Humane Society, 693 Mt. Hope Ave. Bangor, ME 04401, and carry on his love for animals. Condolences to the family may be expressed at MemorialAlternatives.com



ARIZONA CHAPTER

ACT Chapter 61 shirts pictured above.

Left to Right: Haley Sjolander, Cliff Hunt, Speedy Pineda, Dan Mejia, Nicholas Gonzales, Hugo Rosas, Jonathan Jagers, Shonny Deramus, Colt McDowell, Todd Hill

Arizona Army Chapter New Member welcome package.



Union Members: *Know Your Rights*



U.S. Department of Labor
Washington, D.C. 20210

Office of Labor-Management Standards

The Labor-Management Reporting and Disclosure Act (LMRDA) guarantees certain rights to union members and imposes certain responsibilities on union officers to ensure union democracy, financial integrity and transparency. The Office of Labor-Management Standards (OLMS) is the Federal agency with primary authority to enforce many LMRDA provisions. If you suspect a violation of these rights or responsibilities please contact the Department of Labor at **1-866-4-USA-DOL**.

Union Member Rights

Bill of Rights - Union members have:

- equal rights to participate in union activities
- freedom of speech and assembly
- voice in setting rates of dues, fees, and assessments
- protection of the right to sue
- safeguards against improper discipline

Copies of Collective Bargaining Agreements -

Union members and nonunion employees have the right to receive or inspect copies of collective bargaining agreements.

Reports - Unions are required to file an initial information report (Form LM-1), copies of constitutions and bylaws, and an annual financial report (Form LM-2/3/4) with OLMS. Unions must make the reports available to members and permit members to examine supporting records for just cause. The reports are public information and copies are available from OLMS.

Officer Elections - Union members have the right to:

- nominate candidates for office
- run for office
- cast a secret ballot
- protest the conduct of an election

Officer Removal - Local union members have the right to an adequate procedure for the removal of an elected officer guilty of serious misconduct.

Trusteeships - Unions may only be placed in trusteeship by a parent body for the reasons specified in the LMRDA.

Protection for Exercising LMRDA Rights - A union or any of its officials may not fine, expel, or otherwise discipline a member for exercising any LMRDA right.

Prohibition Against Violence - No one may use or threaten to use force or violence to interfere with a union member in the exercise of LMRDA rights.

Union Officer Responsibilities

Financial Safeguards - Union officers have a duty to manage the funds and property of the union solely for the benefit of the union and its members in accordance with the union's constitution and bylaws. Union officers or employees who embezzle or steal union funds or other assets commit a Federal crime punishable by a fine and/or imprisonment.

Bonding - Union officers or employees who handle union funds or property must be bonded to provide protection against losses if their union has property and annual financial receipts which exceed \$5,000.

Labor Organization Reports - Union officers must:

- file an initial information report (Form LM-1) and annual financial reports (Forms LM-2/3/4) with OLMS.
- retain the records necessary to verify the reports for at least five years.

Officer Reports - Union officers and employees must file reports concerning any loans and benefits received from, or certain financial interests in, employers whose employees their unions represent and businesses that deal with their unions.

Officer Elections - Unions must:

- hold elections of officers of local unions by secret ballot at least every three years.
- conduct regular elections in accordance with their constitution and bylaws and preserve all records for one year.
- mail a notice of election to every member at least 15 days prior to the election.
- comply with a candidate's request to distribute campaign material.
- not use union funds or resources to promote any candidate (nor may employer funds or resources be used).
- permit candidates to have election observers.
- allow candidates to inspect the union's membership list once within 30 days prior to the election.

Restrictions on Holding Office - A person convicted of certain crimes may not serve as a union officer, employee, or other representative of a union for up to 13 years.

Loans - A union may not have outstanding loans to any one officer or employee that in total exceed \$2,000 at any time.

Fines - A union may not pay the fine of any officer or employee convicted of any willful violation of the LMRDA.

Miembros de Uniones: Conozcan sus Derechos



U.S. Department of Labor
Washington, D.C. 20210

Office of Labor-Management Standards

La Ley sobre Divulgación de Información Obrero-Patronal (Labor-Management Reporting and Disclosure Act, LMRDA) garantiza ciertos derechos a los miembros de la unión e impone ciertas responsabilidades a sus funcionarios. La Oficina de Normas Obrero-Patronales (Office of Labor-Management Standards, OLMS) es la agencia federal con autoridad primordial de hacer cumplir muchas de las estipulaciones de la LMRDA. Si usted sospecha alguna violación de estos derechos o responsabilidades favor de comunicarse con el Departamento del Trabajo al **1-866-4-USA-DOL**.

Derechos de los Miembros de la Unión

Declaración de Derechos - Los miembros de la unión tienen:

- igualdad de derecho para participar en actividades de la unión
- libertad de expresión y reunión
- libertad de opinión para determinar impuestos, cuotas y tasaciones
- garantía del derecho a demandar
- protección contra acciones disciplinarias injustas

Copias de Acuerdos de Negociaciones Colectivas - Los miembros de la unión y empleados no sindicados tienen el derecho de recibir o inspeccionar copias de los acuerdos de las negociaciones colectivas.

Informes - Las uniones están obligadas a someter a OLMS un reporte informativo inicial (Hoja LM-1), copias del reglamento y de la constitución, y un informe financiero anual (Hoja LM 2/3/4). Las uniones tienen que tener los reportes disponibles para los miembros y permitirle a los mismos examinar la documentación relacionada si tienen una razón válida. Los reportes son información pública y están disponibles en OLMS.

Elecciones de los Funcionarios - Los miembros de la unión tienen el derecho a:

- nominar candidatos para puestos
- hacerse candidato para puestos
- votar en secreto
- protestar la manera en que se condujo una elección

Destitución de un Funcionario - Los miembros locales de una unión tienen el derecho a un procedimiento apropiado para destituir a un funcionario elegido, culpable de conducta incorrecta grave.

Administración Fiduciaria - Las uniones solo podrán ponerse en administración fiduciaria a través de una organización fundadora, por las razones especificadas en la LMRDA.

Protección para Ejercer los Derechos de la LMRDA - Una unión, o sus funcionarios no podrán multar, expulsar o de ninguna otra manera disciplinar a un miembro por ejercer algún derecho conferido por la LMRDA.

Prohibición Contra Violencia - Nadie podrá usar o amenazar con usar fuerza o violencia para interferir con un miembro de la unión en el ejercicio de los derechos conferidos por la MRDA.

Responsabilidades de los Funcionarios de la Unión

Protección Financiera - Los funcionarios de la unión tienen la responsabilidad de administrar los fondos y la propiedad de la unión para el beneficio exclusivo de la unión y de sus miembros de acuerdo con la constitución y el reglamento de la misma. Los funcionarios o empleados de la unión que malversen o roben fondos u otros bienes de la unión, cometen un delito federal penalizado con multa y/o encarcelamiento.

Fianzas - Los funcionarios de la unión que manejen los fondos o las propiedades de la unión tienen que estar asegurados para proveer protección contra pérdidas si su unión posee propiedades e ingresos financieros que excedan \$5,000.00.

Reportes de la Organización Laboral - Los funcionarios de la unión tienen que:

- someter un reporte informativo inicial (Hoja LM-1) y un reporte financiero anual (Hojas LM-2/3/4) a OLMS.
- mantener los documentos necesarios para verificar los reportes por lo menos por cinco años.

Reporte de los Funcionarios - Los funcionarios y empleados de la unión tienen que someter reportes relacionados con préstamos y beneficios recibidos o ciertos intereses financieros, de patronos cuyos empleados son representados por su unión y negocios que tratan con sus uniones.

Elección de los Funcionarios - Las uniones tienen que:

- celebrar elecciones de funcionarios de uniones locales por voto secreto por lo menos cada tres años.
- llevar a cabo elecciones regulares de acuerdo con su constitución y reglamento y mantener todos los documentos por un año.
- enviar por correo un aviso de las elecciones a cada miembro por lo menos 15 días antes de las elecciones.
- cumplir con la petición del candidato de distribuir material de campaña.
- no utilizar fondos o recursos de la unión para promover ningún candidato (fondos o recursos del patrono tampoco pueden ser utilizados).
- permitir que los candidatos tengan observadores en las elecciones.
- permitir que los candidatos inspeccionen las listas de los miembros de la unión tan solo una vez, dentro de los 30 días previos a las elecciones.

Restricciones para Ocupar un Puesto - Una persona hallada culpable de ciertos crímenes no podrá servir como funcionario de la unión, empleado, o cualquier tipo de representante de una unión por un máximo de 13 años.

Préstamos - Una unión no podrá mantener en ningún momento préstamos pendientes a ningún funcionario o empleado que en su totalidad excedan \$2,000.

Multas - Una unión no podrá pagar la multa de ningún funcionario o empleado culpable de alguna violación intencional de la LMRDA.

President Trump seems to support (at least verbally) the American worker. However, his Executive Orders (EO) have declared war on federal employees and their labor unions.

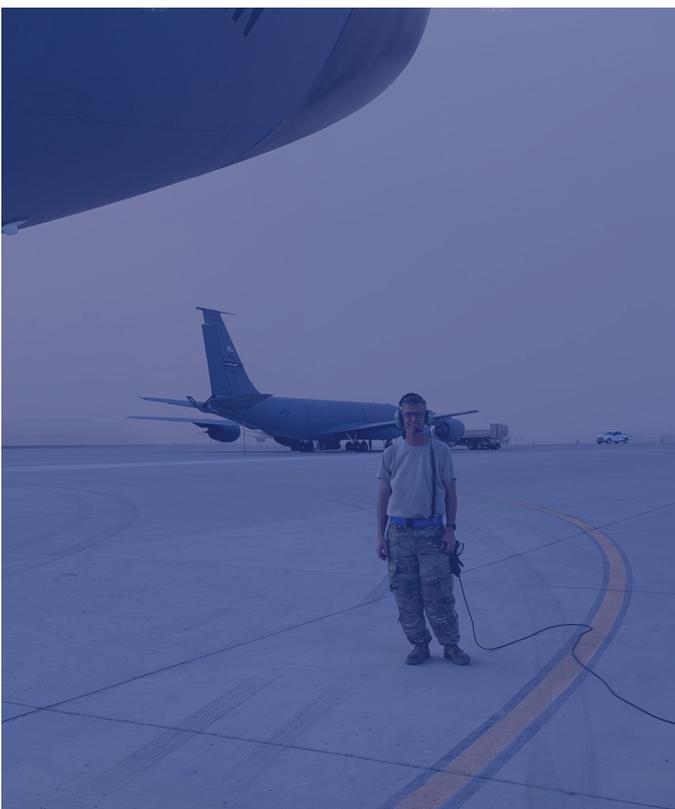
Trump's first EO does away with the current "progressive discipline" policies. The use of progressive discipline has proved to have the desired effect of putting an employee on notice. Many employees are reading this today because they were counseled or reprimanded not fired for that one mistake or error in judgment early in their career. This new policy mirrors that of a former reality TV show.

Another EO restricts the amount of official time used by unions. Trump's formula for allotting official time is based on number of bargaining unit employees. A Chapter representing 250 bargaining unit employees will receive 250 hours of official time annually for representational duties. This same EO does not allow official time for time spent in arbitration or grievance

proceedings. Union Officials will have to use Annual Leave or LWOP for these proceedings. The purpose of limiting official time is to preserve tax payer dollars by eliminating unnecessary, inefficient, or unreasonable expenditures. This does not apply to all federal unions. I have read the Border Patrol union praised the wall and their union represents 18,000 employees received, with Trump's encouragement, their contract was approved for not 18,000 but 153,290 hours of official time. I guess if a union speaks highly of the administration tax dollar savings is not an issue. I have not read of any other union cozying up to this administration to get the art of the deal.

A third EO calls for a speeding up disputes heard by the Federal Service Impasse Panel (FSIP). The rush to issue a ruling can now be expected in 45 days. You must remember the FSIP is not a neutral mediator. All members of the FSIP were appointed by Trump. Records show the FSIP favored with management in 80% of the cases they have ruled on. I wonder how much the rubber stamp "Accept Management Proposal" cost.

Union busting did not stop with EO's. A memo released on January 29, 2020, authorized the Secretary of Defense, Mark Esper, to eliminate DoD unions. Thankfully, the Secretary has not acted on this memo. Good for us, but when Trump runs out of patience Secretary Esper will probably hear that familiar phrase used by this administration "You're fired".





This document is scheduled to be published in the Federal Register on 02/21/2020 and available online at [federalregister.gov/d/2020-03578](https://www.federalregister.gov/d/2020-03578), and on [govinfo.gov](https://www.govinfo.gov)

January 29, 2020

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Delegation of Certain Authority under the Federal Service Labor-Management Relations Statute

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Policy. The national security interests of the United States require expedient and efficient decisionmaking. When new missions emerge or existing ones evolve, the Department of Defense requires maximum flexibility to respond to threats to carry out its mission of protecting the American people. This flexibility requires that military and civilian leadership manage their organizations to cultivate a lethal, agile force adaptive to new technologies and posture changes. Where collective bargaining is incompatible with these organizations' missions, the Department of Defense should not be forced to sacrifice its national security mission and, instead, seek relief through third parties and administrative fora.

Sec. 2. Delegation of Authority to the Secretary of Defense. (a) The Secretary of Defense (Secretary) is delegated authority under 5 U.S.C. 7103(b) (1) and 7103(b) (2) to issue orders excluding Department of Defense agencies or subdivisions thereof from Federal Service Labor-Management Relations Statute coverage. The Secretary is authorized to further delegate this authority to any official of the Department of Defense appointed by the President with the advice and consent of the Senate.

(b) When making the determination required by 5 U.S.C. 7103(b) (1) or 7103(b) (2), the Secretary or other official delegated this authority pursuant to subsection (a) of this section shall publish this determination in the *Federal Register*.

(c) Any official to whom the Secretary of Defense delegates the authority pursuant to subsection (a) of this section may not further delegate this authority.

(d) For purposes of this memorandum, the term "Department of Defense agencies or subdivisions" includes without limitation the military departments.

Sec. 3. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

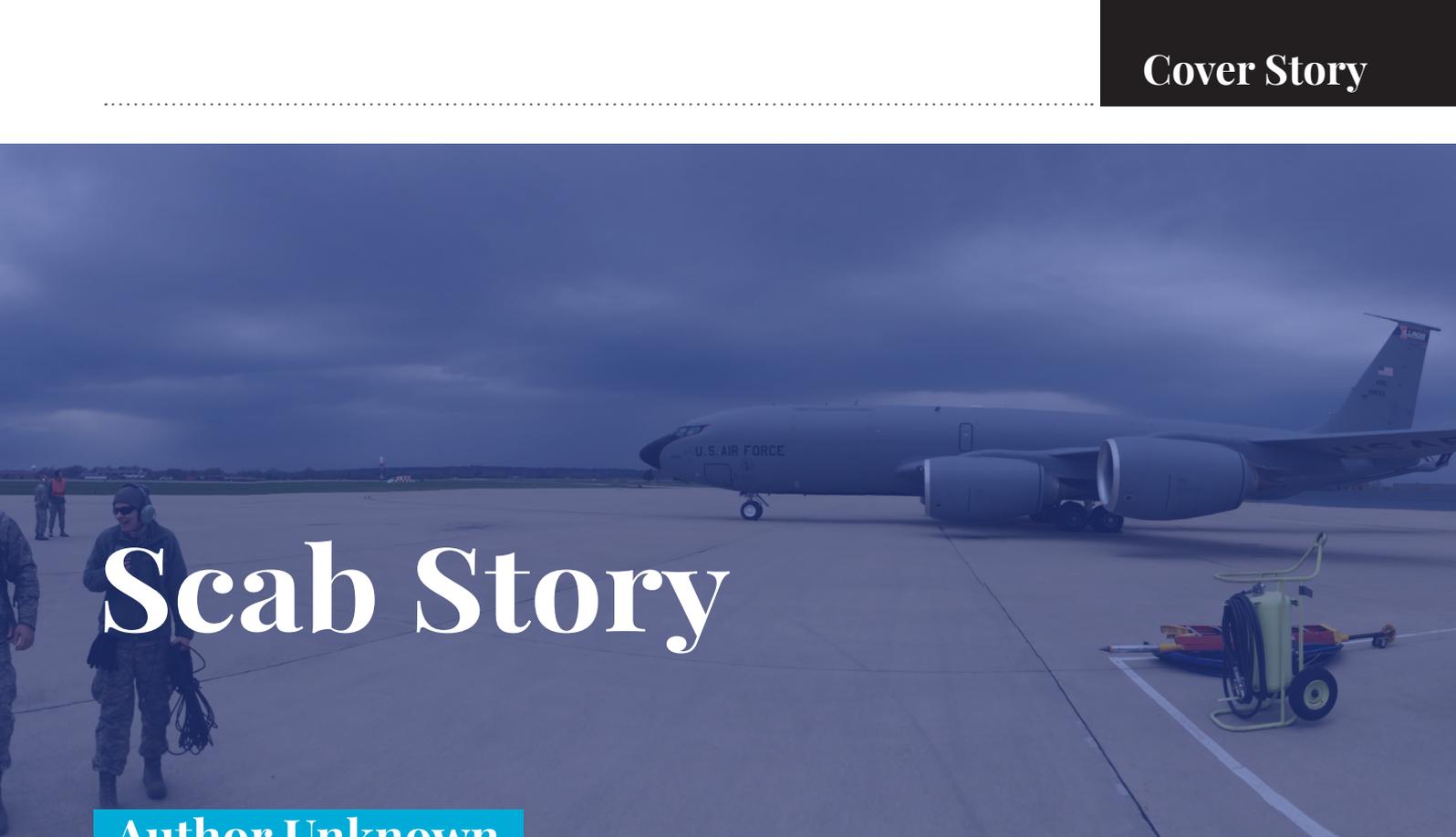
(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

You are authorized and directed to publish this memorandum in the *Federal Register*.

[FR Doc. 2020-03578 Filed: 2/20/2020 8:45 am; Publication Date: 2/21/2020]





Scab Story

Author Unknown

There once was a worker who would never join a Union.

All his life he accepted the benefits the Union won for him, but he refused to join and pay dues.

He grew old, living comfortably on what the Union had been able to achieve at his workplace.

Finally, death approached, and he made a request of his wife. "Please arrange for the Union Members to be my pallbearers." His startled wife responded, "You never belonged to the Union. Why do you want Union Members to be your pallbearers?"

15 He responded, "I figure they've carried me this far; they might as well carry me the rest of the way."

2020 ARIZONA ARMY STEWARD TRAINING



Left to Right: Robert Jacques, Samantha Nyland, Haley Sjolander, Richard Wrenn, National Field Rep Julio Romero, Dustin Nelson, Nicholas Gonzales, Dwayne Ray, Eric Slaughter.





2020 MISSOURI STEWARD TRAINING EVENT

Missouri Air and Army Training LtoR:

Front: Kirsten Inwood, Thomas Hays, Charles Beebe, Patrick Wimsatt, Rob Bailey, Marc Johannes

Back: Shawn Stillions, Aaron Maue, Eric Fite, Kennrik Nelson, Tim McCarty, Brayon de Lisser, National Field Rep Tom Mahoney, Jeff Osborn, Troy Hoskins



TENNESSEE VOLUNTEER CHAPTER #103

Front Row: Donald Novotny, John Sullender, Jessie Gower, Lance Edwards, Jimmy Myers, Jacob Haynes

Back Row: Todd Thomas, Kyle Konig, Ty Kilgore, Justin McLachlan, Timothy Tate, Gary Buford, National Field Rep Tom Mahoney

