ASSOCIATION OF act CIVILIAN TECHNICIANS

THE TECHNICIAN

August - September - October 2022 | *Keep the Faith*

Issue #4 , Vol. 80

2022 ELECTION RESULTS

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Duty • Dignity • Dedication

ASSOCIATION OF CIVILIAN TECHNICIANS

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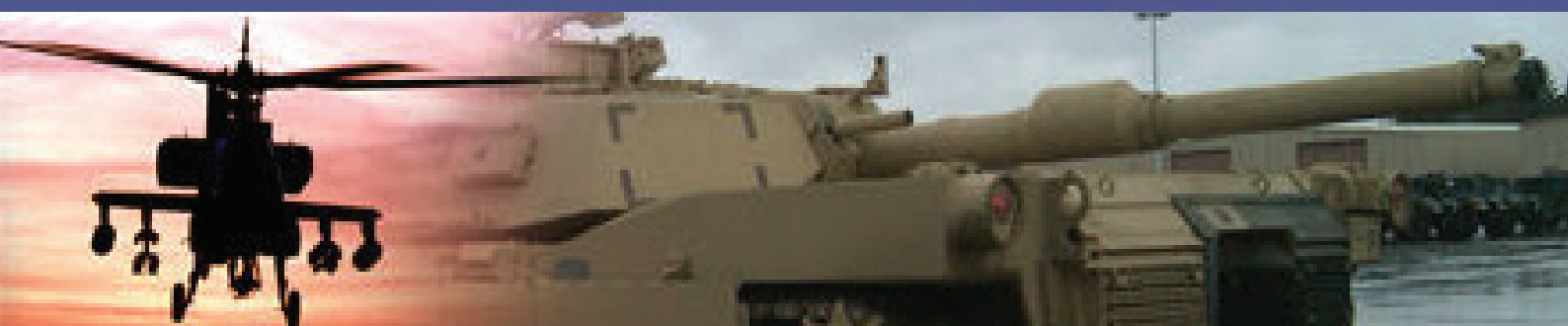

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ACT National and Members would like to extend our condolences to the Chris Quinn family in the passing of Chris' Dad. Our prayers & thoughts are with Chris and his family during this difficult time. Chris is ACT's publisher of the ACT Technician Magazine.

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THANKS FOR YOUR SERVICE

NOW IN THIRTY DAYS HIT THE BRICKS AND GOOD LUCK

Chris Searcy, Southeast Field Representative

Most of you know that National Guard Bureau made a profound change in policy concerning those awaiting disability retirement last year by ending the long-standing practice of allowing technicians to continue in their employment until the Office of Personnel Management (OPM) completed the processing of their disability claims. Now, most technicians are given a thirty-day notice as soon as the agency has completed the military separation of the technician in question. On day thirty-one, the technician in question is out the door with no more income, insurance, or any other benefit of federal employment. The agency will tell you that your pay is retroactive to that thirty-first day and that you can re-apply for your benefits through OPM, but most of us know that OPM may take six months or longer to complete the adjudication of your retirement.

Most of you are also aware that ACT has been at the forefront of this fight, and in my personal experience, we got involved as soon as the first of my chapter's membership was sent home with a 30-day notice. Our fight hasn't just included a grievance and arbitration-we've taken the fight to the press: The Louisville Courier Journal published our story on the front page about the technician who stood for the grievance, and the Adjutant General who put him "on the street" with not so much as a peep from the union busting governor who appointed said Adjutant General. And we've taken the fight to the White House, writing letters to the President so the Commander-in-Chief has an eye on the activities of National Guard leadership. Our efforts were rewarded by a letter from one of NGB's cubicle dwellers, provided for your edification. Also included is my response, which was also mailed to the White House, the leadership of Congress, and the leadership of the House and Senate Armed Service Committees.

I would be remiss if I didn't mention the efforts of the Arizona Army chapter: Rick Wrenn and his team were successful at negotiating a solution that recognized Office of Personnel Management policy still remained in place, despite what NGB policy changes may have occurred (OPM is responsible for policy concerning ALL executive branch employees) and OPM did not change any of their policies concerning dual status technician disability retirement. In making this point to the Arizona TAG, the chapter was able to secure an agreement with management that essentially maintained the status quo. Additionally, Rick's team had an advantage that many of us do not share: adult leadership in many of the management chairs at the time when negotiations began. Unfortunately, as I understand things, changes have occurred with Arizona's management team and the agency is attempting to undo the great work of the Arizona Army chapter and the previous administration.

At base, I cannot understand how anyone who thinks of himself as a leader would be OK with a change of policy that unnecessarily leaves people, who are at the end of their careers, without income, insurance, or any other benefit of employment. That is precisely what the current NGB policy does and there is no reason for the agency to treat technicians this way, thus we continue the fight...stay tuned, and KEEP THE FAITH!!!!

Conversion of Air National Guard (ANG) Technicians to Active Guard Reserve (AGR) Members Degrades Readiness; the 2019 Conversion Process Undermines ANG's Credibility and Rationale for Future Conversions

Dan Schember
ACT General Counsel

Summary

In recent years, ANG persistently has pressed for conversion of 32 U.S.C. § 709 technicians to AGRs. Regrettably, Congress, until Fiscal Year (FY) 2022, accommodated this ill-advised ANG desire. From FY 2018 to FY 2021 the number of ANG AGR members authorized by law rose from 16,260 to 25,333, while the required minimum number of ANG technicians fell from 19,135 to 10,994. For FY 2022, the House of Representatives would have continued the trend, but the Senate chose to maintain the FY 2021 numbers. The Senate prevailed.

A RAND report shows that technician-majority aircraft maintenance units are strikingly more efficient than full-time military maintenance units, because technician teams have greater experience and stability. Full-time military members are more likely to move from one unit to another and can retire at any age after twenty years of service. Technicians normally remain in the same unit throughout their careers and must serve longer before they can retire. Decreasing efficiency of maintenance units, by replacing technician-majority teams with full-time military members, degrades readiness.

According to ANG's own pronouncements and decisions, moreover, the conversion lacks credibility. In August 2018, ANG said that it had selected positions for conversion based on careful analysis and that changing the selections would "undermine[] not only [ANG's] credibility but our rationale for future military technician to AGR initiatives." Within only a few months, however, ANG abandoned adherence to the original selections and, instead, authorized State Guards to convert any positions they desired. The Senate, concerned, noted this discrepancy. Most converted positions are not the original ANG selections. According to its own statements, ANG's credibility and its rationale for conversions were undermined, in the first year of implementation.

ANG's readiness-degrading conversion policy—its credibility undermined and its rationale in shambles—should be stopped, and reversed.

Conversion of Technicians to AGRs Degrades Readiness

Conversion of ANG technicians to AGRs reduces maintenance productivity by decreasing team experience and stability.

AGRs—because of their right to retire at any age after 20 years of service, such as age 38; and their greater frequency of reassignment—are more like active-duty personnel than technicians. Technicians reach normal retirement only in their late fifties or at age 60 and usually spend their entire careers at the same location.

A 2008 RAND Report noted the "striking difference in productivity" between technician-majority ANG maintenance units and active-duty counterparts:

ANG F-16 units . . . meet the required standards for aircraft maintenance with a workforce that [is] about one-third the size of [an] active-duty counterpart. In fact, the number of flying hours generated per maintainer is more than twice as high in an ANG unit.

RAND Project Air Force, Annual Report (2008) (RAND Report) at 42, 44. The Report explained:

Greater Experience and Stability in the ANG Workforce Make Its Aircraft Maintenance Units More Productive Than Their Active-Duty Counterparts
. . .

Besides having an average of only seven years of experience, . . . active-component maintainers generally move to a new assignment every three

years. Even if they work on the same airframe or perform the same type of repair, there is a certain amount of turbulence each time new teams are formed. On the other hand, ANG teams are relatively stable. The average full-time technician has over 15 years' experience and has been at one location most of his or her career.

Id. at 44-45. (Emphasis added.) Converting ANG technicians to AGRs makes ANG maintenance units more like active-duty units. Due to identical retirement rights, the average experience level in an AGR-majority unit sinks toward the seven years typical of active-duty units.[1] And, because AGRs may apply for vacant positions nationwide,[2] maintenance teams become less stable, with more frequent turbulence.[3]

Technician-majority ANG maintenance units are three times as productive as their active- duty counterparts—a "striking difference in productivity." RAND Report at 42. Converting technician-majority units into AGR-majority units makes them more like active-duty units, reducing their productivity.

The Conversion Process in Fiscal Year 2019 Undermines ANG's Credibility and its Rationale for Future Conversions

In August 2018 ANG Director Lieutenant General L. Scott Rice and Brigadier General Steven S. Nordhaus wrote messages to the State National Guards announcing conversion of 3,183 technicians to AGR. LTG Rice asserted that the ANG had selected positions for conversion "using 4 guiding principles: [r]eadiness, . . .critical AFSCs, location factors, and special military mission needs," and that conversion of the selected positions "maximizes recruiting, retention, readiness and the overall lethality of our force." BG Nordhaus added, "Our FAMs [Functional Area Managers] methodically placed the resources where they anticipated having the greatest impact on military readiness."

BG Nordhaus said the States had flexibility to change the positions on the ANG conversion list but warned them:

The need to maintain program integrity on the UMD [Unit Manning Document] (i.e., keeping the resources [the positions] in the Program Element [technician or AGR] in which it was programmed) stems from the fact that this military technician to AGR initiative was staffed through AF [Air Force], OSD [Office of the Secretary of Defense], and ultimately Congress, and allowing resources to flow across Program Elements on the UMD [that is, changing to technician a position programmed by ANG to be AGR, or vice versa] undermines not only NGB's [National Guard Bureau's] credibility but our rationale for future military technician to AGR initiatives. Please keep a strategic mindset when considering realignment of these resources as ANG, AF, and OSD leadership expect measurable improvements primarily in terms of your units' C-ratings but also with recruiting and retention of both fulltime and DSG [Drill Status Guard] members. [Emphasis added.][4]

The conversion process in Fiscal Year 2019 did not implement the concepts stated in LTG Rice's and BG Nordhaus's August messages. The States changed 82% of the positions that ANG initially had designated for conversion to AGR.[5] On March 14, 2019, a memorandum by LTG Rice dropped all pretense of rational ANG determination of the positions to be converted:

My staff provided a list of recommended realignment positions to start the realignment process and provide flexibility. This realignment process allows the "54" to substitute positions throughout their organization and we have flexibility to move the realignment to other units. [Emphasis added.][6]

In its June 11, 2019, Report on the National Defense Authorization Act for Fiscal Year 2020, the Senate Armed Services Committee wrote:

The committee is concerned that the Air National Guard did not properly validate its requirements under its realignment initiative, relying instead on a wish list from the States rather than a rigorous and analytical process to determine what positions should be realigned, could be realigned, and what should remain technician.[7]

The Committee's concern is well-founded. The irrational implementation of the realignment in Fiscal Year 2019 "undermines not only NGB's credibility but [ANG's] rationale for future military technician to AGR initiatives"—just as BG Nordhaus's August message said.

ANG's willingness to allow the realignment to proceed in total disregard of its "guiding principles"—which, purportedly, "methodically placed" technician positions on the ANG conversion list according to "critical AFSCs, location factors, and special military mission needs" to "maximize [] recruiting, retention, readiness and the overall lethality of our force"—suggests that ANG is concerned more with the number of conversions than which positions are converted.[8]

The Defense Department's report on the feasibility of converting technicians to AGRs suggests this as well. The report says ANG wants its force mix to be 25,045 AGRs and 8,862 technicians.[9] This is a 10,281 increase of the September 2017 AGRs and a 13,241 decrease of the September 2017 technicians.[10] Yet the report identifies only one career field, pilots, in which retention is a problem and names only four others—Space; Cyber; Intelligence, Surveillance, and Reconnaissance; and Remotely Piloted Aircraft—as among those "ideally suited for conversion."[11] The report offers no reason why these four atypical career fields should be converted; but, even if they should, this does not justify the enormous conversion—including conversion of typical maintenance positions—that the ANG desires. The report states no reason why maintenance positions should be converted. It never addresses the subject.[12]

[1] AGR retirement rights also make AGR-majority units far more costly than technician-majority units. *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.

[2] *See*, e.g., Lieutenant Colonel Beegles, Director Human Resources Office, California National Guard, AGR Realignment PowerPoint document (2018) at slide 4 (announcing nationwide recruitment to fill AGR positions).

[3] *See*, Institute for Defense Analysis, *Analysis of Alternative Mixes of Full-Time Support in the Reserve Components* (August 2017) (IDA Report) at v (data support "[a]dvantages of the MT [military technician] program [over AGRs] in position stability and career longevity"; further research needed). *See also* n. 12, *infra*.

[4] The C-rating system evaluates "unit manning, equipment, and training" readiness. Senate Committee on Armed Services, 94th Cong., 1st Sess., Hearing on S. 920, Part 3 Manpower (Feb. 24-28 and Mar. 4, 1975) at 1681. "The C- rating legend is as follows: C-1 = fully ready; C-2 = substantially ready; C-3 = marginally ready; C-4 = not ready." *Id*.

[5] Adriene R. Dallas, Chief, Labor/Employee Relations Branch, Technician Personnel Division, National Guard Bureau, NCR Teleconference 25 August 2019.

[6] Lieutenant General L. Scott Rice, Director, Air National Guard, Memorandum for the Adjutants General, Subject: Military Technician/Active Guard Reserve (AGR) Realignment (March 14, 2019).

[7] S.Rep. 48, 116th Cong., 1st Sess. National Defense Authorization Act for Fiscal Year 2020 (S. 1790) (Committee on Armed Services June 11, 2019) at 152.

[8] It also suggests that the real reason why ANG wants technicians converted to AGRs is something else. Technicians have collective bargaining rights. AGRs, who are military members, do not.

[9] Office of the Under Secretary of Defense for Personnel and Readiness, Report to Congress on the Feasibility and Advisability of Converting Military Technician Positions to Personnel Performing Active Guard and Reserve Duty (Transmitted to Congress September 25, 2017) (Feasibility Report) at 21, Table 3.

[10] The decrease in technicians is greater than the increase in AGRs because some of the technicians are converted to Title 5 employees, who are not required to be military members.

[11] Feasibility Report at 6 and 20. Regarding pilots, the report, at 6, states, "MilTech pilots are most affected by the shortfall—only 64 percent of MilTech pilot positions are filled. Many MilTech pilots are believed to have vacated their positions for pilot jobs outside the federal government that offered more pay. By comparison, AGR pilot positions are filled at 87 percent." This statement is misleading. Whether an unfilled pilot position is designated technician or AGR is arbitrary. All of the unfilled positions could be designated AGR positions, resulting in 100% of the technician positions being filled, with the entire shortfall being in the AGR positions. Further, higher private sector pay makes retention of pilots difficult irrespective of whether they are technicians or AGRs. Converting technician pilots to AGRs will not solve the problem, because private sector pay is higher than AGR pay, not just technician pay.

[12] The IDA Report, at v, states that there is no "clearly apparent" "relative readiness benefit" achieved by converting technicians to AGRs and, as noted, also states that data support "[a]dvantages of the MT [military technician] program [over AGRs] in position stability and career longevity." Id. The Feasibility Report, at 13, acknowledges this as well: "the turbulence generated by a large scale conversion of dual status MilTechs to AGR over a short period of time would lead to a decline in force experience, capability, and continuity. This decline would be attributable not only to the loss of expertise and continuity inherent in the MilTech force, but also to the likelihood of a significant AGR shortfall."

THE HATCH ACT

Social Media Use Refresher

June 2021

Social media is everywhere in today's world and accessible to most employees, even while at work. So it is important for federal employees to understand how their use of social media can run afoul of the Hatch Act.

In general, all federal employees may use social media and comply with the Hatch Act if they remember the following three prohibitions:

1. On Duty or in the Workplace Prohibition: Employees may not engage in political activity while on duty or at work. Political activity refers to activity directed toward the success or failure of a political party or partisan political group (collectively referred to as "partisan groups"), or candidate for partisan political office (candidate).
2. 24/7 Prohibition: Employees may not knowingly solicit, accept, or receive a political contribution for a partisan group or candidate.
3. 24/7 Prohibition: Employees may not use their official authority or influence to affect the outcome of an election.

Further restricted employees are subject to an additional restriction and may not engage in political activity that is on behalf of or in concert with a partisan group or candidate.

Examples of prohibited activity on a personal social media account

While on duty or at work, all employees may not:

- post or share a message about a candidate or a partisan group;
- tweet or retweet content supporting or opposing a candidate or partisan group; or
- invite others to a campaign rally or other partisan political event.

Even when off duty and away from work, all employees may not:

- tweet, like, or otherwise share a message that asks others to donate to a partisan group or candidate;
- share an invitation to a campaign or political party fundraiser; or
- use their official title or position to endorse a candidate.

In addition, further restricted employees may never:

- share or link to the account of a partisan group or campaign; or
- retweet a message from a partisan political group or candidate

Examples of prohibited activity on an official social media account or one that is being used for official purposes

Employees using such accounts may not:

- tweet or retweet a post about a partisan group or candidate; or
- follow or link to a candidate's campaign website or the account of any candidate or partisan group.

Reminders

- These restrictions apply regardless of whether an employee is using government equipment or a personal device or whether the employee's social media account is private, public, or uses an alias.
- Employees are "on duty" when in a pay status, other than paid leave or another excused or authorized absence. For advice about teleworking employees, please see this advisory opinion.
- Agencies may have other rules or policies that govern an employee's use of personal or official social media accounts.
- More comprehensive social media guidance can be found on OSC's website.

Contact OSC's
Hatch Act Unit
(202) 804-7002
hatchact@osc.gov

HELP?!?!? I DON'T NEED NO STINKING HELP...

Chris Searcy
Southeast Region

Original ideas being at a premium these days, I thought I'd borrow a line from the Mel Brooks classic *Blazing Saddles* to introduce this article, even though I'm certain that many in my audience aren't familiar with the film because the film, like the author of this article, is old.

I've been an ACT member for a while now and with my membership came an appointment as a shop steward. The union, although ever-present in the Kentucky Army National Guard, had waned in numbers and shop presence. I was told that the last dues paying member at the facility where I worked had retired just after I had deployed. A policy had been instituted by facility management that everyone but the facility commander and a couple of cheese eating lackeys thought was not only unnecessary, but overly intrusive on the off time of certain working folks. A rather seasoned and incredibly intelligent member of the supervisory community came to me and one of my fellows and offered that there was a collective bargaining agreement in place and that we should seek the assistance of the labor organization. Although I had immense respect for the supervisor who had sought me out and delivered such sage advice, I believed that I could simply approach the facility commander, another person for whom I possessed immense respect, and in many ways owe for many of the opportunities in both my military and civilian career, and plead the case for the "working stiffs" of the facility. Space and time considerations compel me to shorten this part of the narrative to, "I was wrong. Man, oh, man, was I ever wrong."

It seems (life lesson learned here) that the quote that begins, "Hell hath no fury…" actually concludes, "…like a LT COL whose policy, that was written by one of his pet CW5's, is scorned by a Staff Sergeant and his gang of unruly knuckle draggers." I gathered the remains of the target of multiple ass seeking rounds (what was left of me, my ego, my dignity, my already damaged hearing, etc., etc.) and returned to my tool box and called the chapter president at the number provided me by the aforementioned supervisor. Turns out, I actually needed help.

At the time of this incident, I knew nothing about 5 USC, Chapter 71, The Federal Service Labor/Management Relations Statute. I knew less about the National Guard Technician Act and other important things that were in control of my working life. A guy named Mike Woosley, President emeritus of the Kentucky Long Rifle Chapter, set me on a path of learning and leading in the union (that's who you blame, if you were looking for the guy). It's been a long and mostly fantastic journey. And now, I get to do this for a living and I can honestly say that this is the best paying gig I've ever had, and I was a state standardization instructor when I retired.

I've said all that to say this: I get it…You're the (insert here: chapter President, Vice President, Chief Steward, etc., etc., etc.,) and it's your (insert here again: Chapter, State, shop, etc., etc., etc.,). And you're absolutely right, the state, chapter, shop is yours and I want you to be the most successful state, chapter, shop that there is in the entire country. But you need help. You need help with ground rules negotiations. You need help with contract negotiations. You need help with adverse actions. Let me knock that little voice in your head down for you: You and your bargaining unit need help. Call or email your field rep to get the help that you need, deserve, and most importantly, are paying for.

To continue the idea that I started with about original ideas being at a premium: Don't try this at home, I'm a trained professional. Call me.

Who Gets Overtime Pay?

ACT General Counsel Dan Schember

Technicians, by statute unique to them, 32 U.S.C. § 709(h), are disentitled to overtime pay; but what about Title 5 employees? The Fair Labor Standards Act (FLSA) entitles employees to overtime pay; but executive, administrative, and professional employees are exempt from the Act. Even FLSA Exempt employees, however, are entitled to overtime pay if their pay is below the GS-11 rate. 5 C.F.R. §550.113. So, the question becomes, which GS-11 and above employees are executive, administrative, or professional employees?

Executives are primarily managers who have authority to hire or fire or whose hiring or firing recommendations "are given particular weight." 5 C.F.R. § 551.205. Fairly simple.

Identifying an administrative or professional employee is more difficult. An employee can be FLSA Exempt, moreover, based on a combination of administrative and professional duties. 5 C.F.R. § 551.202(f). A further complication is that an employee who is a professional employee for bargaining unit purposes, is not necessarily an FLSA Exempt professional—and vice versa (though there is significant overlap). Also, the OPM regulations applicable to federal employees are not identical to the DOL regulations that apply to private sector employees.

The OPM regulations identifying FLSA Exempt employees are lengthy; they take up about nine pages of single-spaced fine print in the CFR, not including the preceding 5 pages of definitions, most of which also apply. Some general, overarching principles, though, should be kept in mind when considering the details. An employee is presumed to be FLSA Non-Exempt. The agency bears the burden of proof and must correctly determine that an employee "clearly meets" the criteria for exemption, which "must be narrowly construed to apply only to those employees who are clearly within the terms and spirit of the exemption." 5 C.F.R. § 551.202. So, clearly within the terms, but not clearly within the spirit? Not exempt.

An administrative employee, to be Exempt, must primarily do office or non-manual work that is directly related to management, not production—it must be staff work, not line work. The employee must exercise "discretion and independent judgment" on "matters of significance." 5 C.F.R. § 206. The meaning of "discretion and independent judgment" on "matters of significance" takes up about two and a half pages of the CFR. The employee must have "authority to make an independent choice free from immediate direction or supervision"; but the employee still can be Exempt if the choice is only a recommendation subject to review by higher authority. The "use of skill in applying well-established techniques, procedures, or specific standards described in manuals" is not enough for exemption—unless the manual contains "highly technical, scientific, legal, financial, or other similarly complex matters that can be understood and interpreted only by those with advanced or specialized knowledge"; and the manual provides "guidance in addressing difficult or novel circumstances."

An administrative assistant is an Exempt employee only if the assistance is provided to a "high level" official, and the assistant has been "delegated authority regarding matters of significance" "without specific instructions or prescribed procedures." Human resources employees are Exempt if they "formulate, interpret or implement human resources management policies." Management analysts are Exempt if they "study operations" and "propose changes in the organization" or "program" changes. "Acquisition employees with authority to bind the organization to significant purchases" are Exempt "even if they must consult with higher management officials when making a commitment." The specific criteria concerning these four types of employees, however, must be applied considering the general criteria for exemption, which require "discretion and independent judgment," explained above, on "matters of significance." Both the terms and the spirit of the exemption must clearly apply, with the agency bearing the burden of proof.

The CFR identifies three categories of professionals—learned, creative, and computer. We'll leave discussion of musicians, artists, and other creative professionals to another day.

Learned professionals must primarily apply advanced knowledge in either "a field of science or learning which includes the traditional professions of law, medicine, . . . accounting, . . . engineering" or "other similar occupations that have a recognized professional status." 5 C.F.R. § 551.208. "The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction." "[S]pecialized academic training" must be the "standard prerequisite for entrance into the profession," even if entry otherwise is possible. Medical workers with less training than doctors are more likely to be professionals than workers with legal knowledge or training less than that of lawyers. Medical technologists, registered nurses, dental hygienists, and physician assistants who have completed pre-professional study at an accredited college or university as well as professional study at an accredited school are learned professionals (though licensed practical nurses and other similar health care employees are not). Paralegals and others whose knowledge and application of law are limited to specific subjects, even if fairly complex—like police officers and contract specialists—should not be deemed to be learned professionals. (But police officers and contract specialists might be Exempt administrative employees, depending on their authority; and high-ranking police officers, of course, could be Exempt Executives.)

Computer employees are Exempt professionals only if they are "systems analysts, computer programmers, software engineers, or other similarly skilled workers in the computer field." 5 C.F.R. § 551.210. Analysis, to be Exempt work, must include "consultation with users to determine hardware, software or system functional specifications." Programming or engineering work must involve the "design, development, documentation, analysis, creation, testing, or modification of computer systems or programs."

You can find on-line summary charts, decision trees, FAQ answers, and "check the box" decision menus based on short phrases. If your HRO is making Exempt or Non-Exempt decisions based on no greater knowledge than familiarity with these summaries, there is a substantial likelihood that erroneous decisions are being made. The short-phrase menus don't mention the "spirit" test! There is no substitute for study of the CFR, itself, and searches for OPM interpretations.

Exemption is determined by what the employee does, not what the position description says. Contract specialists working under the same PD, for example, could be Exempt or Non-Exempt, depending on how much discretion and independence they have. The experienced Step 9 might be Exempt, because of the discretion and independence that the employee exercises. The new Step 1, however, might be accorded less independence—and not be Exempt.

An Opportunity Seized

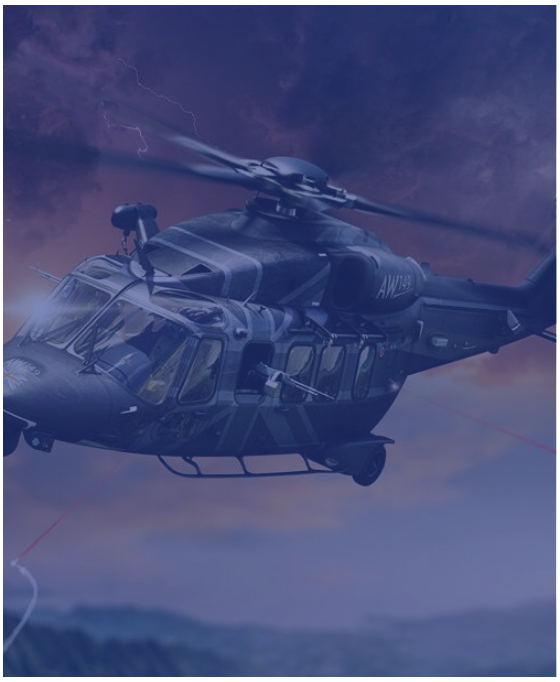
John Sappington
Northwest VP

One of the initiatives that your Executive Board has undertaken, is to get out to visit chapters and members in the regional VPs respective areas; I recently took the opportunity to do just that. I had the chance to watch Steve Olguin and Julio Romero, hard at work with some of their chapters.

On May 17th, I attended this year's officer/steward training for the Nebraska chapter, ACT Cornhusker . It was a two day training, but, due to the timing of the Cornhusker training and the Rainier Chapter training, I was only able to get one day with Chapter 88. First, I'd like to express my appreciation to the officers and stewards of Chapter 88, Gene and the gang extended a warm welcome, and we had a great time of learning and discussion. Second, I'd like to say thank you to Steve O', I very much appreciated him letting me sit in on his training; as I've come to expect, Steve is a wealth of knowledge and he offers some insight that only years of experience could provide. The officers at Chapter 88 had requested that Steve narrow his focus for this training, rather than covering the broad spectrum of statutes and CBAs. They had asked that Steve cover, in depth, the grievance and unfair labor practice topics to include identifying each and the processes for filing each. I was lucky enough to get to be there for the day that covered grievances. I learned a number of things during that training session, and certainly the officers and stewards of ACT Cornhusker 88 did too. I'm sure for many of you, I'm stating the obvious, but, did you know that the main reason for grievances not being viable is because timelines are not met? Something else I learned was to always prepare a grievance as though you're taking it to arbitration; you'll start at the lowest level, but, don't be intimidated into abandoning it at that level. Know your CBA/LMA timelines and grievance procedures, it will guide you through the steps to resolution, whether that happens at the lowest level, or arbitration.

Something that I knew, but, that I hadn't given a lot of thought to, is that while we, as chapter officers and stewards are responsible for representing all bargaining unit members, our regional field reps are for dues paying members only, the privilege of being an ACT member. Steve reminded us that the field reps work together on our behalf; there are five of them, and they provide a wealth of knowledge covering all manner of issues, challenges, and circumstances surrounding the representation of our ACT brothers and sisters.

Gene, Adam and the gang at ACT Cornhusker 88 provided a great opportunity to meet the up and coming officers of the chapter, and to have a question and answer session during lunch. As a member of the executive board, I believe it's important



to get feedback and input from members at the chapter level, some of whom may not be able to attend the National Rally. Thank you, again, to Gene, Tim, Adam, Chris, Matt, John, Kelly, and Roger; I appreciated the invitation, and the chance to learn alongside you. Steve, thank you for your continued service to ACT and its members, and for a job well done.

I drove home the evening of the 17th and finished packing for my trip to Washington for the Rainier Chapter training. I flew into Seattle on the 18th and made it to the training venue, in Everett Wa., in time to meet some of the attendees and get to have a question and answer session over some dinner. Matt Carpenter and his folks were quick to welcome me, and I had a wonderful time getting introduced to the officers and stewards in attendance. One of my primary goals of these visits was to engage in discussion that might spark ideas that could improve ACT processes, or enhance the experience for our members. I have to say, the folks in the Rainier chapter have some great ideas and their input was very much welcome and appreciated. One of the suggestions (thank you Rory) was that ACT explore a platform for file and document sharing to improve visibility of policy changes, reports, financials, and so on. This is something that the executive board has talked about, and we intend to further research the options that are available for the applications we need. As always, the ACT website is where we post these things, but, admittedly, the website leaves much to be desired and isn't exactly user friendly.

The morning of the 19th, I made my way down to the conference room that Rainier was using for the training and had the good fortune to get to sit in on my first ever instruction from Julio Romero. Julio's style of teaching is an easy flow of scenario-based lessons, and I loved it. I got in on day two, and while I only got to experience a couple of the scenarios, I instantly saw the value of his approach. I don't know if it was coordination or coincidence, but, the Rainier folks had requested emphasis on grievance and ULP procedures as well, and Julio did a great job of laying the foundation for these officers and stewards to build on when dealing with either. One of the takeaways from my time listening to Julio and the Rainier folks was that when we see an instance of reprisal on the military side of the house, we should explore the IG complaint process citing the use of "undue command influence".

I want to say thank you to Matt, Tom, Kelley, Bea, Rachelle, Rory, Bryce, and Bobbie for making me feel welcome and for letting me crash the party. Julio, thank you for allowing me to attend the training and for sharing your experience and knowledge. It was truly a privilege to get to meet everyone and to hear your thoughts and concerns and to be able to discuss ACT's future and the way ahead.

In both cases, the training with Steve O' and the training with Julio, I found a renewed respect for the organizational skills of our Regional Field Representatives. Your Field Reps are tracking grievances, ULPs, arbitration hearings, EEO cases, MSPB cases, LM and 990 filings, as well as taking note of the chapters that may be in distress, watching for red flags that indicate trouble ahead. If you ask me, that's pretty impressive! To Steve, Julio, Lee, Chris, and Travis, thank you gentlemen; what you do for ACT is nothing short of monumental and while I won't presume to speak for the board, I will say from the bottom of my heart, thank you. Thank you for your dedication and service to the members of ACT.

2022 ELECTION WINNERS

PETE RENDON
EXECUTIVE VICE PRESIDENT

RICK WRENN
SOUTHWEST VICE PRESIDENT

JEFFREY OSBORN
SOUTHEAST VICE PRESIDENT

JAMES JONES
SECRETARY

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