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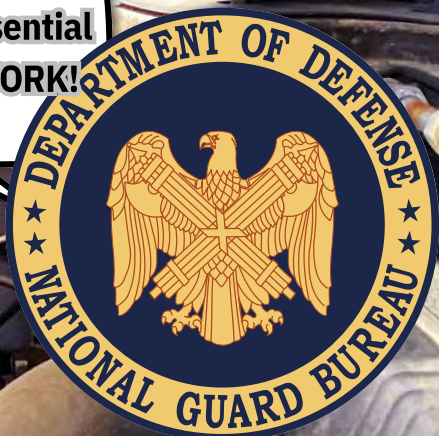
DUTY ● DIGNITY ● DEDICATION



You're Furloughed
Go Home!

LOU
THE ADJUTANT GENERAL

You're Essential
GO TO WORK!





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Please see below for Rally 2024 Hotel Room reservations:

**The ACT Delegates' room block is open for reservations.
Attendees may either:**

- **Call our reservations center at (800) 362-2779 and reference your group code, ACD; or**
- **Book online via your group's personalized webpage:
<https://book.passkey.com/event/50574691/owner/1731/home>**

ANNUAL AWARDS NOMINATIONS

"He stood on his own two feet. Spoke with his own tongue,
said what he meant, meant what he said."

- Vincent J. Paterno

The executive board is now taking nominations for our annual awards given at the annual rally. If you know an outstanding technician or possibly even a member of management who has been putting the effort and time in for the betterment and benefit of our civilian technicians please coordinate with a Field Representative and submit a nomination to National President Felicia Neale via email at Felicia.Neale@actnat.com

- Vincent J. Paterno ACT Founder Memorial Award**
- John Hunter Award**
- Charles J. Collins Memorial Award**
- Frank Cimino Memorial Award**

TRICARE UPDATE FOR PENDING LEGISLATION!

Healthcare for Our Troops Act Senator Tammy Baldwin

This bill addresses the Chief of the National Guard Bureau's most pressing concern: healthcare for our troops, no matter the duty status. Sixteen percent of Reserve and National Guard members – roughly 130,000 men and women who have volunteered to serve our country – do not have private health insurance. This number is expected to grow alongside the civilian unemployment rate. The last two years have been some of the busiest years for the National Guard and Reserve since World War II. This legislation is needed to ensure that all servicemembers are medically insured and militarily ready when they step up to serve.

The Healthcare for Our Troops Act would: Ensure every service member has healthcare

- Provide premium-free/zero cost-sharing medical coverage for Selected Reserve members eligible for TRICARE Reserve Select (TRS)
 - Address financial barriers to seeking mental health care
 - Improve readiness
 - Prepare service members for no-notice deployments
- Provide comprehensive treatment for illnesses and injuries that affect medical readiness, regardless of duty status.
- Require a study on eliminating annual physicals during drill and replacing them with forms to be completed by civilian providers to assess medical readiness--giving commanders back valuable training days and saving over \$162 million annually in contracted medical assessments
- Provide incentives for service and hiring service members
- Provide an employer incentive to hiring Guard and Reserve members by lessening demand for employer-sponsored healthcare plans
- Eliminate the statutory language that excludes Federal Employees Health Benefits Program eligibles from TRICARE Reserve Select eligibility

A Word From Mr. Schember

All: The Baldwin bill eliminates not only the pre-2030 exclusion of federal employees (like technicians) from TRICARE coverage but also premiums for individual coverage. Premiums are required only for family coverage. Dan

Guaranteeing healthcare for our troops requires less than a 3% increase in funding for Reserve Component personnel accounts but it would pay dividends in deployability, suicide prevention, recruiting, and retention.

This bill is a companion to bipartisan legislation on the House side. The bill is bipartisan, led by Rep. Kim (D-NJ) and Rep. Trent Kelly (R-MS) with a group of 27 bipartisan cosponsors.

Orgs Endorsing the House bill: National Guard Association of the U.S. (NGAUS), Military Officers Association of America (MOAA), Enlisted Association of the National Guard of the U.S. (EANGUS), Association of the United States Army (AUSA), Chief Warrant Officers Association of the U.S. Coast Guard, Fleet Reserve Association, Naval Enlisted Reserve Association, Reserve Organization of America (formerly Reserve Officers Association), Air Force Sergeants Association, the Wounded Warrior Project, VoteVets, and the Elizabeth Dole Foundation, Veterans of Foreign Wars (VFW), AMVETS, Iraq and Afghanistan Veterans of America (IAVA), Marine Corps League (MCL), National Military Family Association (NMFA), AMSUS - The Society of Federal Health Professionals, Commissioned Officers Association of the U.S. Public Health Service (COA), U.S. Coast Guard Chief Petty Officers Association and Enlisted Association (CPOA and CGEA), FleetReserve Association (FRA), Gold Star Wives of America (GSW), Jewish War Veterans of the United States of America (JWV), Marine Corps Reserve Association (MCRA), Military Chaplains Association (MCA), ServiceWomen's Action Network (SWAN), Tragedy Assistance Program for Survivors (TAPS), The Enlisted Association (TREA), United States Army Warrant Officers Association (USAWOA), VetsFirst

https://www.baldwin.senate.gov/imo/media/doc/healthcare_for_our_troops_act_one-pager.pdf

OPM ANNOUNCES EXPANSION OF 'CONTINUOUS VETTING' SECURITY CLEARANCE PROCESS FOR CURRENT FEDS

After a successful pilot, the federal government's HR agency and the Defense Counterintelligence and Security Agency set a goal of enrolling all employees in non-sensitive public trust positions in the new process for reviewing existing security clearances by the end of fiscal 2024.

Read about the changes @ *Government Executive* Below!

<https://www.govexec.com/management/2023/10/opm-announces-expansion-continuous-vetting-security-clearance-process-current-feds/390933/>

EXECUTIVE VICE PRESIDENT VISIT PENNSYLVANIA AND DELAWARE

Travis Perry

Over the course of a whirlwind four days, 25 – 28 September, Executive Vice President Pete Rendon and Northeast Regional Representative Travis Perry visited membership and bargaining unit employees in Delaware and Pennsylvania at the request of Delaware Chapter 24 President Thomas McGill, Vice President Jared Stone and Pennsylvania State Council Chairman Patrick Straka. During their visit, Pete and Travis visited twelve locations (3 in Delaware and 9 in Pennsylvania) totaling outreach to approximately 600 bargaining unit employees (approximately 200 in Delaware and 400 in Pennsylvania).



Pete Rendon and Delaware Human Resources Director Phillip Croall during our meet and greet with Delaware National Guard



Pete Rendon discusses current issues including the potential lapse in appropriations with Delaware Chapter 24 Vice President Jared Stone



(Left) Delaware NG HR Labor Relations Specialist Michael Rogers and (right) Delaware Chapter 24 President Thomas McGill during discussions of current issues and ACT desired legislation.

EXECUTIVE VICE PRESIDENT VISIT PENNSYLVANIA AND DELAWARE CONT.

Travis Perry

During their visits, they listened to concerns and answered questions that covered everything from local to national concerns and desired legislation. Of particular interest was the future possibilities of additional T5 conversions, which the majority of employees support, as well as ACT's desired legislation for "conversion at 20" which would provide T32 Dual Status employees the option to retire from the National Guard and convert to T5 until their minimum retirement age is reached. Other questions included, "what is ACT doing to get Tricare for employees sooner than 2030?"; the answer to which was our outreach to Congress for doing just that. Pete and Travis did emphasize the importance of constituents (the membership, bargaining unit, and their friends and relatives) reaching out to their Congressional representatives to express their support of ACT's legislation.



From left to right: chapter 24 president Thomas McGill, DE LRS Michael Rogers, ACT Executive VP Pete Rendon, ACT Northeast Regional Rep Travis Perry, Chapter 24 VP Jared Stone



Pete Rendon reminisces of his time as a C-130 crew chief as he gives one a chin scratch.

EXECUTIVE VICE PRESIDENT VISIT PENNSYLVANIA AND DELAWARE CONT.

Travis Perry

Additionally, Pete and Travis explained who ACT is to non-members and why they should join. They laid out ACT's past accomplishments, current initiatives and asked members what additional subjects were important to them for ACT to focus on going forward. Both Pete and Travis explained how ACT was unique from other unions including every member's ability to reach out to their regional representative and members of the Board anytime for issues they were dealing with and get compassionate responses from people who truly believe in the organization and its members and are willing to go the extra mile to help. They reminded members that ACT is their organization and they are what makes ACT. The membership chooses the direction and success of ACT.



Pete Rendon visits with employees at Ammo Supply Point (ASP) at Ft. Indiantown Gap.



Pete Rendon given a tour and meets with Air Traffic Control employees at the Jonestown, PA Tower Pictured here is Nate Ray (left) and Pete Rendon (right)

EXECUTIVE VICE PRESIDENT VISIT PENNSYLVANIA AND DELAWARE CONT.

Travis Perry



171st Air Refueling Wing, Coraopolis, PA (outside of Pittsburg). Meeting with Wing Commander and Wing Command Chief to discuss lapse in appropriations, management relations with ACT, and other current issues.

Left to right: (Pittsburg Air Vice President Zebediah Lynn, Pittsburgh Air President Sereno Beniccio, ACT Exec. VP Pete Rendon, Wing Commander Col Raymond Hyland, Wing Command Chief CMSgt Charles Wiley, ACT PA State Council Chairman Patrick Straka



FMS 10, Philadelphia, PA; Pete speaks with employees and answers questions including why joining ACT can help support both local and national issues.



FMS 27, Philadelphia, PA – Pete Rendon speaks of his time in ACT and answers many questions on why joining ACT is important, the future of T5 Conversions, and current ACT desired legislation

CONTRACT NEGOTIATIONS



VIRGIN ISLANDS COLLECTIVE BARGAINING AGREEMENT MR. JULIO ROMERO REGIONAL REP



Left to Right: Kevin Henley, Julio Romero, Felicia Neale, Marcia Mills, Diane Wescott, Kenny Walcott

Virgin Islands Association of Civilian Technicians Army Chapter #85 completed their contract negotiations on May 25, 2023, which entailed a complete rewrite of the previous CBA and was negotiated in four days. The VI Union team updated the articles to comply with current statutes and government-wide regulations, as well as added language that strengthened their ability to represent the Virgin Islands bargaining unit employees. Negotiations were conducted successfully in a short period due to the Union's and Management team's efforts to establish a fair and meaningful contract. Union chief negotiator Julio Romero and Management chief negotiator Guy Reinecke who once was an ACT Field Representative although on separate sides of the table now both provided the parties a clear understanding of how a collective bargaining agreement is to be negotiated, by providing proposals in advance, avoiding meaningless disagreements, and providing a clear understanding of each CBA articles language. Although it was a unique occurrence it also contributed to the success of the VI CBA negotiations.

UNITED STATES VIRGIN ISLANDS



VI CBA Negotiations



Union and Management Teams

I don't make a difference...or do I?

One thing that is like fingernails on a chalkboard for me is hearing something like, "Nothing's going to change, so why should I bother?", or "I don't really want to make any waves at work.". All too often I hear about something far too late, either when an issue has gone beyond the grievance deadline or has escalated to a disciplinary action. We need to use our voice.

Often and loudly.

First, in order to remotely know whether or not anything can be changed, you need to know your contract. As members, it's not expected that you will be an expert; that's why we have chapter officers, stewards, regional representatives, and legal counsel. You should at least be familiar with it. Your contract was negotiated on your behalf by people who worked really hard to get what's in there. The expectation was and is that you will help those chapter officers, stewards and national reps identify when a violation of the contract occurs. It's your contract. You are the eyes and ears. We can't know if we can effect a change if we don't at least try to ACT.

Next, if you "don't want to make any waves" and you have any aspirations of becoming any sort of leader, what sort of leader are you going to become by not making any waves? Do you want to become the type of manager you complain about or do you want to become a leader that inspires? One of my favorite public speakers is Simon Sinek. In one of his best speeches, he said, "Leadership is not about being in charge. Leadership is about taking care of those in your charge." To do this, you have to start exercising those leadership muscles. Take a chance and question boldly. Not disrespectfully, but well-informed. Know the contract. Stand for something. Management calls everyone into a room and says "We're making the following changes...", don't hesitate to ask, "Did you notify the union of these changes before speaking with us?". Your boss has singled you out and has been shouting at you and calling you names in front of your peers; talk to your steward or chapter officer. We may be able to help make a change. But we can't do this without you.

I've always thought of our union as being different from others. Part of why I feel that way is because ACT starts with you. Our membership is our eyes and ears...and our voice. We need all three from you.

Listen - listen for changes in conditions of your employment, contract violations, harassment, or something your gut just feels is wrong.

See - See changes that violate the contract by using your eyes to read the contract and be familiar with it.

Speak up - whether it's about something changing in your shop or whether it's something like desired legislation that could make a positive change for you and your fellow employees. Your voice matters. Don't let anyone tell you otherwise.

You don't have to be a constant disruptor to make a difference. Just point out what you think is wrong to a steward or chapter officer. Be willing to follow through with it. If we don't do this and we think someone else is always going to do it, pretty soon there won't be any more "someone's" left. We can and need to do this together.

Duty...Dignity...Dedication.

Travis



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BERT JAMES "JIM" STUTSMAN, JR.



LEE HEDRICK TEXAS LONE STAR CHAPTER ACT #100

I don't know how many of you out there remember Jim, but if you do you will definitely have an opinion about him, mine was he was a great man who did a lot of good in his life. He wasn't one of those people who blended into the background or who would go unnoticed. He was vocal about his opinions and made sure he was heard by all within a certain distance proximity of his person at all times. Some people who misunderstood Jim would call him a loudmouth because he definitely wanted everyone to know how he felt and wasn't ever afraid to share those feelings. He did not care if you felt that he was abrasive, crass, or overly opinionated because when he felt in his heart that what he was fighting for was worthy, he put all of his being into fighting for that cause and against anyone who would oppose success. His tenacity and dedication made him perfect for the roles he chose to live and fill throughout his life.

Jim vigilantly stayed involved until he felt the chapter was fully handed over and in good hands. I came to find out it was because he was a part of it from the earliest days. I suppose he felt that this work we do in our free time was just too important to let fizzle and die, and that was why he continued to serve our chapter as a retiree. Without getting deep into the history of Texas, Jim became much more involved after an issue with a previous Chapter President and us having left ACT to go to a different union. He felt strongly that ACT was the right place for our chapter that is where we have been since. He found pride in being with ACT and its duty to the Technician world.

One thing that always stood out to me about Jim was how much he loved to get in a room with management and just lambast the first management official who seemed bothered or annoyed that the union was exercising its rights. He would become quite comical once he had perceived a slight directed at him or the union and knew no bounds in how far he was willing to take his returned disrespect towards the person who had earned his attention. He would call for a caucus and we would walk outside; he would be smiling from ear to ear and tell me to sit back and watch the show. He seemed to have a magical way of phrasing his outrage in a way that the other members of the management team would be begging us to find some middle ground so they could get out of the room with Jim, and all told he wasn't really ever upset. He just wanted to make sure everyone respected ACT and its members and wouldn't allow any unkind words in his presence about the chapter, or this organization.

BERT JAMES “JIM” STUTSMAN, JR.

He was a Union Man and proud of it. Did he always agree with the decisions made by the board? Well, if you sat in the business meeting any of the times, he was in DC you would know he often disagreed and enjoyed a lively debate. Did he love the organization so much that it was a highlight of his life to mention he was chapter president of Texas Lone Star to anyone who would listen, I must quote him in the response: “You bet your butt I loved every minute of it, I get to sit in a room with all of my bosses and tell them exactly how they are screwing me over, and I get paid to do it, and they can’t fire me for it” I am also reminded of something else he use to say about being in a union “It’s in our American DNA to be contrarians. We don’t lie down and let ourselves be ruled by anyone, we have fought wars to make it this way, so why would we lay down in our jobs and let someone dictate everything we do?” He may have had his own style of doing things, and they may have or may not have always been effective, but he did what many wouldn’t, he stood up for himself and other employees when they needed it, against managers in a time where there was little to no protection, and came out the other end proud of his contributions.



Obituary: <https://www.tributearchive.com/obituaries/28231159/bert-james-stutsmann-jr>

Memorial Wall: <https://www.tributearchive.com/obituaries/28231159/bert-j-stutsmann-jr/wall>

THE MORE YOU KNOW

Press Release
FOR IMMEDIATE RELEASE
Friday, September 29, 2023

**RELEASE: Enrollees Should Take Advantage of Open Season to Reassess Their Health Coverage and Needs
Federal Employees and Annuitants Should Mark Calendars for Open Season, Ensure They Don't Leave Behind Valuable Savings**

WASHINGTON, D.C. – The 2023 Federal Benefits Open Season begins on November 13 and runs through December 11, 2023. Employees and annuitants can use Open Season to reassess their health, dental, and vision coverage and ensure their plans are cost-efficient and address the care enrollees and their families need.

“Federal employees and annuitants should take advantage of Open Season to conduct a wellness and financial check-up for their health care coverage to ensure they are getting the most from their benefits,” said Kiran Ahuja, Director of the U.S. Office of Personnel Management (OPM). “From our data, less than 5 percent of federal enrollees change their health plans during Federal Benefits Open Season, which means our workforce could be leaving behind valuable savings.”

OPM recently announced 2024 plans and premiums for the Federal Employees Health Benefits (FEHB) Program and the Federal Employees Dental and Vision Insurance Program (FEDVIP).

For 2024, the FEHB Program has 68 carriers participating, offering a total of 158 plan choices. OPM asked FEHB carriers to focus on obesity, mental health and substance use disorder services, maternal health, gender-affirming care and services, and assisted reproductive technology.

For 2024, FEDVIP has twelve dental carriers providing 23 dental plan options across the program. Seven dental carriers offer 14 nationwide dental plan options available to all potential enrollees. Five vision carriers provide 10 nationwide vision plan options available to all potential enrollees.

Federal employees may use Open Season to elect to make pre-tax contributions to health care and/or dependent care flexible spending accounts under the Federal Flexible Spending Account Program (FSAFEDS). For this Open Season, OPM announced a major expansion of the Dependent Care Flexible Spending Accounts (DCFSA) to active-duty service members.

<https://www.opm.gov/news/releases/2023/09/release-enrollees-should-take-advantage-of-open-season-to-reassess-their-health-coverage-and-needs/>

News Release
FOR IMMEDIATE RELEASE
Thursday, September 28, 2023

RELEASE: OPM Issues Interim Final Rule Expanding Access to Federal Jobs for Military Spouses

Washington, D.C. – The U.S. Office of Personnel Management (OPM) issued an interim final rule today to extend the eligibility date for noncompetitive appointment of military spouses married to a member of the armed forces on active duty through December 31, 2028, as called for by enactment of the Fiscal Year (FY) 2023 National Defense Authorization Act (NDAA) (P.L. 117-263).

“Expanding access to federal jobs for military spouses allows spouses to grow and succeed in their own careers while also supporting their partners in uniform,” said OPM Director Kiran Ahuja. “This policy will assure the federal government’s access to a diverse and talented group of applicants across the globe, and we are honored to benefit from their expertise.”

OPM’s interim final rule extends the eligibility date of the Military Spouse Non-Competitive Appointment Authority by allowing spouses married to members of the armed forces on active duty to remain eligible for noncompetitive appointment under this hiring authority until December 31, 2028. Following enactment of the FY 2019 NDAA provisions, these spouses were eligible until August 12, 2023.

Agencies can choose to use this authority when filling competitive service positions on a temporary (not to exceed one year), term (more than one year but not more than four years), or permanent basis. The authority does not entitle spouses to an appointment over any other applicant– it is used at the discretion of an agency.

The interim final rule supports Executive Order 13832, Enhancing Noncompetitive Civil Service Appointments of Military Spouses, which recognizes the tremendous sacrifices and service of the members of the armed forces and their families and aims to decrease the burden of regulations that can inhibit the entry of military spouses in the workforce. The interim final rule advances the Biden-Harris Administration’s Joining Forces Initiative, which is working to eliminate barriers to employment and increase economic opportunities for military families, as well as the Administration’s priorities under Executive Order 14100, Advancing Economic Security for Military and Veteran Spouses, Military Caregivers, and Survivors, issued in June 2023.

<https://www.opm.gov/news/releases/2023/09/release-opm-issues-interim-final-rule-expanding-access-to-federal-jobs-for-military-spouses/>

FURLOUGH!

1. WILL EMPLOYEES PERFORMING EXCEPTED WORK BE PAID FOR PERFORMING SUCH WORK DURING A SHUTDOWN FURLOUGH? IF SO, WHEN WILL EXCEPTED EMPLOYEES RECEIVE SUCH PAYMENTS?

A. YES. AFTER THE LAPSE IN APPROPRIATIONS HAS ENDED, EMPLOYEES WHO WERE REQUIRED TO PERFORM EXCEPTED WORK DURING THE LAPSE WILL RECEIVE RETROACTIVE PAY FOR THOSE WORK PERIODS. (SEE 31 U.S.C. 1341(C)(2).) RETROACTIVE PAY IS PROVIDED AT THE EMPLOYEE'S "STANDARD RATE OF PAY." IF THE RETROACTIVE PAY CANNOT BE PROVIDED ON THE NORMAL PAY DATE FOR THE GIVEN PAY PERIOD, IT MUST BE PROVIDED AT THE EARLIEST DATE POSSIBLE AFTER THE LAPSE ENDS.

1A. HOW IS THE "STANDARD RATE OF PAY" COMPUTED FOR EMPLOYEES WHOSE WORK IS EXCEPTED?

A. EMPLOYEES WHO PERFORM EXCEPTED WORK DURING A LAPSE IN APPROPRIATIONS MUST RECEIVE RETROACTIVE PAY FOR THAT WORK AT THE EMPLOYEE'S "STANDARD RATE OF PAY" (31 U.S.C. 1341(C)(2)). THE "STANDARD RATE OF PAY" FOR EXCEPTED HOURS OF WORK IS THE PAY TO WHICH THE EMPLOYEE NORMALLY IS ENTITLED FOR ACTUAL HOURS OF WORK UNDER THE APPLICABLE PAY RULES.

FOR EXAMPLE, IF AN EXCEPTED EMPLOYEE PERFORMS AUTHORIZED OVERTIME WORK BEYOND THE NORMAL REQUIREMENTS FOR HIS OR HER JOB, HE/SHE WILL BE PAID FOR THAT ACTUAL AUTHORIZED OVERTIME WORK. ALL EXCEPTED HOURS OF WORK ARE TREATED AS TIME IN A PAY STATUS FOR PAY, LEAVE, AND BENEFIT PURPOSES. EXCEPTED EMPLOYEES WHO ELECT TO USE PAID LEAVE UNDER 31 U.S.C. 1341(C)(3) TO COVER AN AUTHORIZED ABSENCE FROM WORK DURING A LAPSE IN APPROPRIATIONS WILL RECEIVE PAY FOR THAT LEAVE UNDER THE NORMAL LEAVE RULES WHEN THE LAPSE ENDS. (SEE QUESTION F.2.) CONSISTENT WITH THE NORMAL LEAVE RULES, AN EXCEPTED EMPLOYEE MAY NOT USE PAID LEAVE DURING PERIODS WHEN THE EMPLOYEE IS FOUND TO BE ABSENT WITHOUT LEAVE (AWOL). THE STANDARD RATE OF PAY DURING AWOL PERIODS IS ZERO.

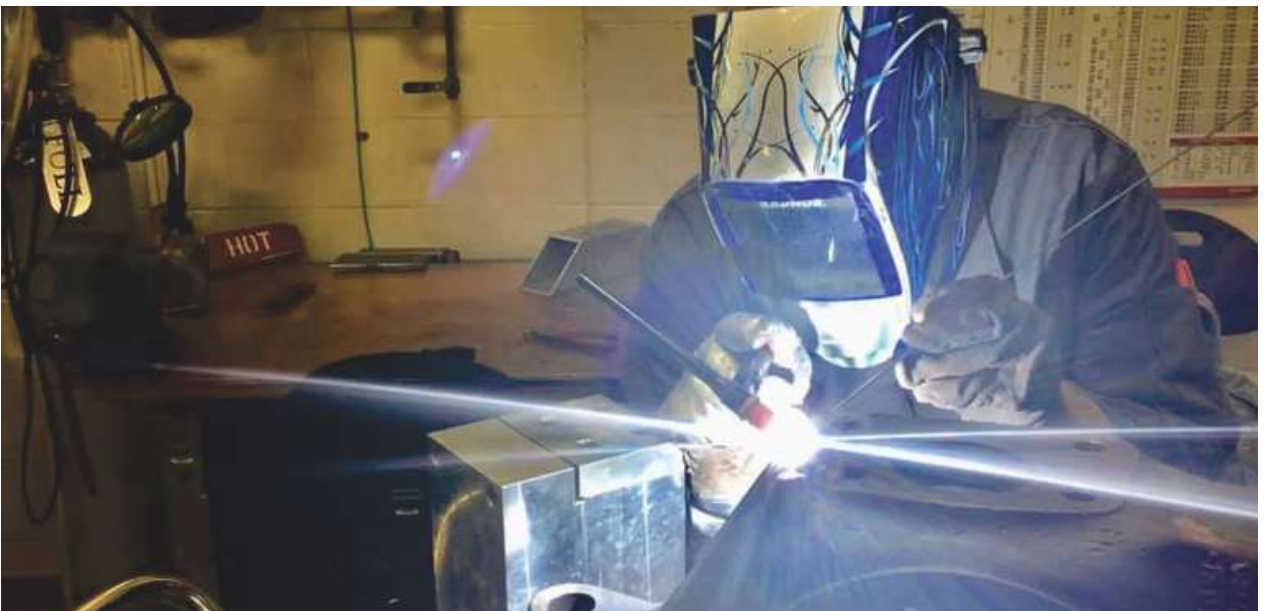
IF AN OTHERWISE EXCEPTED EMPLOYEE HAS AN AUTHORIZED ABSENCE FROM WORK DURING THE LAPSE AND ELECTS NOT TO USE PAID LEAVE UNDER 31 U.S.C. 1341(C)(3), THE EMPLOYEE WILL BE PLACED IN FURLOUGH STATUS DURING THE AUTHORIZED ABSENCE. THE EMPLOYEE WILL BE PAID FOR THE FURLOUGH TIME WHEN THE LAPSE ENDS AS DESCRIBED IN QUESTIONS D.3. AND D.4. THE EMPLOYEE WILL NOT BE CHARGED PAID LEAVE OR OTHER PAID TIME OFF FOR AUTHORIZED PERIODS OF ABSENCE FROM DUTY DURING THE LAPSE, EXCEPT AS PROVIDED UNDER 31 U.S.C. 1341(C)(3).

2. May an employee who performs excepted work be permitted to earn premium pay (e.g., overtime pay, Sunday premium pay, night pay, availability pay) during the furlough period?

A. Yes. An employee who performs excepted work and who meets the conditions for overtime pay, Sunday premium pay, night pay, availability pay, and other premium payments will be entitled to receive payment in accordance with applicable rules, subject to any relevant payment limitations, once the lapse ends. Premium pay may be earned during the lapse but cannot be paid until Congress passes and the President signs a new appropriation or continuing resolution.

3. Will employees who are furloughed get paid?

A. Yes. After the lapse in appropriations has ended, employees who were furloughed as the result of the lapse will receive retroactive pay for those furlough periods. (See 31 U.S.C. 1341(c)(2).) Retroactive pay will be provided on the earliest date possible after the lapse ends, regardless of scheduled pay dates. (See 31 U.S.C. 1341(c)(2).) If retroactive pay cannot be provided by the normal pay date for the given pay period, it will be provided as soon as possible thereafter. Retroactive pay is provided at the employee's "standard rate of pay." (See Question D.4. Note that retroactive pay may be zero if an employee was scheduled (before the lapse took effect) to be in a nonpay status during the period when the lapse was in effect.)



4. HOW IS THE “STANDARD RATE OF PAY” COMPUTED FOR FURLOUGHED EMPLOYEES?

A. FOR PERIODS OF TIME DURING WHICH AN EMPLOYEE WAS FURLOUGHED DURING THE LAPSE IN APPROPRIATIONS, THE “STANDARD RATE OF PAY” IS THE PAY THE EMPLOYEE WOULD HAVE RECEIVED FOR THE FURLOUGH HOURS HAD THE LAPSE IN APPROPRIATIONS NOT OCCURRED AND HAD THE EMPLOYEE PERFORMED WORK. THEREFORE—

- **AN EMPLOYEE IS ENTITLED TO RECEIVE HIS OR HER RATE OF BASIC PAY FOR THE FURLOUGH TIME TO THE EXTENT THAT HE OR SHE WOULD HAVE BEEN IN A BASIC PAY STATUS BUT FOR THE LAPSE IN APPROPRIATIONS. (SEE 31 U.S.C. 1341(C)(2).)**

- **AN EMPLOYEE RECEIVES RETROACTIVE PAY FOR FURLOUGH TIME WITHOUT BEING CHARGED PAID LEAVE OR OTHER PAID TIME OFF, SINCE A LAPSE IN APPROPRIATIONS GENERALLY PREVENTS THE USE OF PAID LEAVE OR OTHER PAID TIME OFF. (HOWEVER, AN EXCEPTED EMPLOYEE MAY SEEK APPROVAL OF PAID LEAVE UNDER 31 U.S.C. 1341(C)(3). SEE QUESTIONS D.1A AND F.2.)**

- **ALL FURLOUGH HOURS FOR WHICH RETROACTIVE PAY IS RECEIVED ARE TREATED AS TIME IN A PAY STATUS FOR PAY, LEAVE, AND BENEFIT PURPOSES. FOR EXAMPLE, FOR THE PURPOSE OF APPLYING GENERAL SCHEDULE WAITING PERIODS ASSOCIATED WITH WITHIN-GRADE INCREASES, THE FURLOUGH TIME DURING THE LAPSE IN APPROPRIATIONS IS TREATED AS TIME IN PAY STATUS.**

- **A FURLOUGHED EMPLOYEE WHO, DURING THE LAPSE IN APPROPRIATIONS, HAD BEEN REGULARLY SCHEDULED TO PERFORM OVERTIME WORK OR TO PERFORM WORK AT NIGHT OR DURING A PERIOD FOR WHICH ANY OTHER FORM OF PREMIUM PAY WOULD OTHERWISE BE PAYABLE IS ENTITLED TO RECEIVE OVERTIME PAY, NIGHT PAY, OR OTHER PREMIUM PAY AS IF THE WORK HAD BEEN PERFORMED.**

- **ALLOWANCES, DIFFERENTIALS, AND OTHER PAYMENTS OTHERWISE PAYABLE ON A REGULAR BASIS (E.G., ADMINISTRATIVELY UNCONTROLLABLE OVERTIME PAY AND LAW ENFORCEMENT AVAILABILITY PAY) MUST BE PAID AS IF THE FURLOUGHED EMPLOYEE ACTUALLY CONTINUED TO WORK.**

- **ALL PERIODS OF TIME DURING WHICH A FURLOUGHED EMPLOYEE WOULD, BUT FOR THE LAPSE IN APPROPRIATIONS, HAVE BEEN IN A PAY STATUS (INCLUDING REGULARLY SCHEDULED OVERTIME HOURS AND STANDBY DUTY) MUST BE CONSIDERED “HOURS OF WORK” FOR PAY ADMINISTRATION PURPOSES UNDER THE FAIR LABOR STANDARDS ACT.**

**** PAY ATTENTION TO THE ABOVE, IF PREMIUM PAY WOULD HAVE BEEN EARNED YOU ARE STILL ENTITLED TO IT IN BACKPAY****

• A FURLOUGHED EMPLOYEE IS NOT ENTITLED TO RETROACTIVE PAY FOR FURLOUGH PERIODS IF THE EMPLOYEE HAD BEEN PREVIOUSLY SCHEDULED (I.E., SCHEDULED BEFORE THE LAPSE) TO BE IN NONPAY STATUS DURING THOSE PERIODS. FOR EXAMPLE, AN EMPLOYEE MAY HAVE SCHEDULED LEAVE WITHOUT PAY (LWOP) FOR AN EXTENDED PERIOD OR BE IN A SUSPENSION STATUS (I.E., PAY SUSPENDED BASED ON AN ADVERSE ACTION). IN EFFECT, THOSE ALREADY-IN-PLACE PERIODS OF NONPAY STATUS OVERRIDE THE FURLOUGH STATUS. THE “STANDARD RATE OF PAY” FOR SUCH PREVIOUSLY SCHEDULED PERIODS OF NONPAY STATUS IS ZERO. IN ADDITION, AN EMPLOYEE WHO WAS DIRECTED TO PERFORM EXCEPTED WORK DURING A LAPSE IN APPROPRIATIONS BUT FAILED TO REPORT TO DUTY COULD HAVE BEEN PLACED IN ABSENT-WITHOUT-LEAVE (AWOL) STATUS FOR MISSED WORK HOURS, IN ACCORDANCE WITH AGENCY POLICY AND PROCEDURES. FOR SUCH AN EMPLOYEE, THE “STANDARD RATE OF PAY” FOR AWOL HOURS IS ALSO ZERO.

6. WHEN AN EMPLOYEE’S PAY IS INSUFFICIENT TO PERMIT ALL DEDUCTIONS TO BE MADE BECAUSE A SHUTDOWN FURLOUGH OCCURS IN THE MIDDLE OF A PAY PERIOD AND THE EMPLOYEE RECEIVES A PARTIAL PAYCHECK, WHAT IS THE ORDER OF WITHHOLDING PRECEDENCE?

A. AGENCIES WILL FOLLOW THE GUIDANCE ON THE ORDER OF PRECEDENCE FOR APPLYING DEDUCTIONS FROM THE PAY OF ITS CIVILIAN EMPLOYEES WHEN GROSS PAY IS INSUFFICIENT TO COVER ALL AUTHORIZED DEDUCTIONS.

<https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf>



To our members

To say the National Guard Bureau was communicating poorly with the Labor Organizations as well as the state Adjutant Generals leading up to the potential government shutdown would be an incredible understatement. Information was contradictory, incomplete, contrary to law, or just plain nonexistent just about every state started out a little different as to how they would handle the latest lack of appropriation but as the interstate communication started working between the different HRO's it was apparent that most didn't have all their ducks in a row or were going to operate withing the guidelines of OPM and Federal Law. Our regional reps as well as Dan and Susan were scrambling trying to get answers from different states as well as remind them of legal requirements. Of course, some states were working well ACT others begrudgingly dragged their feet and a few would have just ignored us.

Currently, we have a stop-gap but there is no guarantee we will be right back in that fight soon. Let me say you deserve more answers, and I certainly would like to have them here, but I don't, not yet.

Please read what I have included above and follow the link for OPM guidance for shutdown. I encourage you to print these and leave them around work, there is a high likelihood that you know more about what the agency is supposed to do than they do!

Some Alarming things were mentioned by management in furlough discussions and my immediate response.

“They'll all get back pay so there is no harm to the employee if they show up to work without a paycheck.”

Answer: Backpay doesn't cover credit card interest to pay bills, tight budgets force the decision of what to pay for. Medicine, food, childcare, gas to get to work or rent? When you're living on savings every dollar counts for some! Let me tell you that comment made me a little hot.

“Everyone is essential and Excepted for health and safety.”

Answer: Do you think your employees are stupid? What does the CONTINGENCY PLAN GUIDANCE say about determining the minimum number of employees and that the work they do should be directly related to the excepted activity? If every single employee is essential to the mission, how do you ever send anyone on leave? How do you have people TDY? How are you detailing people out to non-mission positions? We have four people on limited duty that prevents them from the industrial environment.

National Secretary James Jones



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