

THE TECHNICIAN

September - October 2018 | *Keep the Faith*

Issue #8, Vol. 76

To AGR or not to AGR

Money versus job satisfaction.
Get the whole scoop here!

PAGE
08

2018 Election Results

Meet your elected ACT Executive Board

PAGE
06

PAGE
05

Investigations

Administrative versus Criminal.

Rally 2019
Dates and Registration

PAGE
07

Duty • Dignity • Dedication



TABLE OF CONTENTS

- 4 **Letter**
NGAUS and EANGUS
- 5 **Investigations**
Administrative v Criminal
- 6 **Central Region Activity**
Article
- 7 **Rally 2019**
Dates & Registration
- 8 **To AGR or not to AGR**
By Bill Wilcox
- 14 **2018 Election**
Results
- 20 **2018 Election**
Committee



To AGR or not to AGR

Money versus job satisfaction.



2018 Election Results

Fourth Largest Labor
Organization within DoD

NATIONAL OFFICERS

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

Julie M. Curtis
Executive Vice President
jcurtis@actnat.com / 586-484-9426

VACANT
Secretary

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

Jose Tereso
Northeast VP
jtereso@actnat.com / 413-219-7576

VACANT
Southeast VP

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

Vacant
Southwest VP

ACT NATIONAL FIELD REPRESENTATIVES

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

Travis Perry - NE
tperry@actnat.com / 703-843-2153

VACANT - SE

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

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

Julio Romero - West
jromero@actnat.com / 703-843-2157

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



May 16, 2018

The Honorable Mac Thornberry
 Chairman
 House Armed Services Committee
 2216 Rayburn House Office Building
 Washington, D.C. 20515

The Honorable Adam Smith
 Ranking Member
 House Armed Services Committee
 2216 Rayburn House Office Building
 Washington, D.C. 20515

Dear Chairman Thornberry and Ranking Member Smith,

On behalf of the members of the National Guard Association of the United States (NGAUS) and the Enlisted Association of the National Guard of the United States (EANGUS), we write to express our opposition to two provisions in the current version of H.R. 5515, the Fiscal Year 2019 National Defense Authorization Act.

Specifically, Section 506: Retention of Military Technicians Who Lose Dual Status Under Certain Circumstances would significantly alter Title 10 United States Code § 10216, which protects dual status technicians from losing their civilian jobs due to combat-related disabilities. Sec. 506 would broaden this protection well beyond combat injury, up to and including election to leave military service. Removing the requirement for military service effectively eliminates the dual status technician program in its current form. Furthermore, we are concerned that Sec. 506 would create a scenario where an individual who separates from the National Guard could retain that position for an extended period of time, thus depriving younger servicemembers the opportunity to advance their career at an acceptable rate. The result of a stagnant career track will cause the National Guard to lose talented servicemembers mid-career, as these individuals separate earlier than anticipated.

Additionally, Section 511: Placement of National Guard Military Technicians (dual status) in the Competitive Service would complicate the employment appointment and delay hiring processes. Transitioning these positions from exempt to competitive would burden state authorities regarding the hiring and management of its personnel. As highlighted in the National Guard Bureau Input for Statement of Administration Policy for H.R. 5515, converted dual status employees are unique from competitive service federal employees as they are permanently assigned to non-federal military units. Sec. 511 would unnecessarily increase bureaucracy and create undue expenses in a budget conscience environment.

NGAUS and EANGUS appreciate the opportunity to bring these concerns to your attention. In closing, we would also suggest the 115th Congress consider exploring the feasibility of transitioning the dual status technician program to Active Guard and Reserve (AGR) positions. Should you or your staff have any questions, please contact Mike Hadley, NGAUS Legislative Director, and Scott Bousum, EANGUS Legislative Director. Thank you and your staff for your continued support of soldiers and airmen of the National Guard.

Sincerely,


 J. Roy Robinson
 Brigadier General (Ret)
 President, NGAUS


 Frank Yoakum
 Sergeant Major (Ret)
 Executive Director, EANGUS

ADMINISTRATIVE V. CRIMINAL INVESTIGATIONS

By: Neil Bonney

The question is when is an investigation purely administrative and when is it a criminal investigation. Most federal employees are aware that they must participate in agency investigations whether they want to or not. Most federal employees also know they have a constitutional right not to self-incriminate. The problem is knowing when is an administrative investigation only administrative and when does it become a criminal investigation.

An interview may start out as an administrative interview then change into a criminal interview. Another possibility is that during an administrative interview, facts may be disclosed which will later be used to conduct a criminal investigation. The possibilities and situations are virtually unlimited. Therefore the first and most important thing to do is ask for a Union Representative. Let's look at a scenario as it unfolds to show the dangers of a simple administrative investigation. Someone other than a bargaining unit employee, say a contractor, was seen allegedly stealing something and the agency wants to find out if the bargaining unit employee (BUE) saw anything. The BUE is questioned and says no, he didn't see anything because he was working with Joe Blow over in Building C that day. Come to find out, Joe Blow says he was not with him that day. Now the employee has possibly submitted a false statement, and may also be charged with being off of the job site without permission.

of the job site without permission. The investigator/officer may also jump to the conclusion that since the employee lied about his whereabouts, maybe he was involved in the theft with the contractor. The employee is then brought in for further questioning and it turns out the employee wasn't at work at all that day but falsified his time card. He now has the above charge of submitting a false statement and falsifying his time card. So a case which started out as having nothing to do with the employee now leads to a proposed removal. By the way, fraud against the United States (submitting false attendance cards and receiving funds) can then be criminally prosecuted. Wow! That went from nothing, to a removal and criminal prosecution in a flash. So what to do? First, call a Union Representative. The Union Representative can help you recognize potential problems and/or issues. Second, ask the reason for the interview. Third, ask if it is a criminal interview. If they say no, don't take their word for it. If they give you a statement that says it is only administrative, ask them for an agreement of immunity from the U. S. Attorney's Office. After all, only the U. S. Attorney can provide you immunity. Finally, don't talk too much and think about your answer. It is perfectly acceptable to say you do not remember rather than risk giving incorrect information.



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Since the last edition of The Technician I had the great pleasure of meeting some ACT folks in Minnesota and adopted states (till the SE Field Rep is hired) Georgia and Florida. We (Central Region) are busy reviewing all the new policies shot gunned at us the past month. I believe we have a handle on them (policies)

and we understand our Negotiated Agreement supersedes any subject in a policy that differs from that agreement. The Stewards are doing a great job assisting the officers with this review. We realize the involvement of our stewards in discussions/reviews or timely informing the stewards of discussions/reviews is important. Stewards share our activities directly with members in their area. Sharing with the members serves to answer the question "what is the union doing for us". This sharing has proven to work in Missouri their Chapters are growing.

I am still receiving questions on 22-day military leave (coded LE). 22-day Mil leave is there to assist the employee(s) who while in a LWOP status due to the many deployments (State and Active Duty). LE does not allow an employee to "double dip". Employees whose daily rate of tech pay is greater than their military rate of pay can use LE to recover

the amount (difference) of pay lost while on LWOP. Please make sure your members know of this option and direct them to someone who understand the process. In the next few months many chapters will be entering mid-term and term negotiation. With the variety of Executive Order's (EO's)

being shoved at us we are strapping in because we know the discussions are going to get elevated. Of course, we know prior preparation (strong counter proposals) and keeping our emotions in check at the table will help us succeed in MAKING THE UNION CONTRACT GREAT AGAIN. We all have a busy month or two ahead with the additional challenges of the Air Tech to AGR move on the front burner. The Central Region (like all Regions) is moving forward in unison as each proposed step is revealed. In closing I want to thank Carl Morabito for his tenure

as President of the Wisconsin Army Chapter and congratulate him on his promotion to a Supervisory position. I have confidence Carl will be an asset to the employees. In that same thought thanks to ACT Legislative Director, Les Hackett who is helping his old chapter fill the void until the Chapter Chain restructures. Hope you had a great summer.

Central Region Activity

By: Tom Mahoney, Field Rep

22-DAY MIL LEAVE IS THERE TO ASSIST THE EMPLOYEE(S) WHO WHILE IN A LWOP STATUS DUE TO THE MANY DEPLOYMENTS (STATE AND ACTIVE DUTY).

2019 Rally Dates & Registration

You can easily book your room right from this very page of The Technician. Click the link at the end of the article now, and receive the discounted group rate.

Hotel link is below for 2019 Rally reservations. Click onto the below link to make your Chapter's Delegate reservations to attend ACT's 2019 Rally.

Notice the Training Day & Hill Visits Days for your scheduling purposes.

Book by January 8th to reserve your room!

- February 5 - Delegates Arrive / Registration
- February 6 - Training - (All Attend)
- February 7 - Hill Visits - (All Attend)
- February 8 - Hill Visits - (All Attend)
- February 9 - Annual Business Meeting - (All Attend)
- February 10 - Delegates Depart For Home



Booking a reservation from our site is simple. To begin the process, click on "Book a Room" to receive your group's preferred rate.

https://embassysuites.hilton.com/en/es/groups/personalized/W/WASOTES-ATG-20190205/index.jhtml?WT.mc_id=POG



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To AGR or not to AGR

By Bill Wilcox

Today's your lucky day, you've been offered to convert from a Title 32 Technician to an Active Guard Reservist (AGR)! You've won the lottery! Or, so you think. Before you make this irreversible decision, there are quite a few things you should know. Please, read the following very carefully before making your decision.

As the National Guard continues its morph toward a more active duty centric mode, many technicians are finding themselves pondering the decision to accept an AGR position or not. First, let's

clarify that our AGR brothers and sisters are valuable and appreciated. We work with them hand in hand every day. Sometimes, it's easy to compare the two and wonder which is the best route for your career.

Of course, the first thing that jumps out at every Technician is the pay disparity. At first glance, it seems that AGR's are the last person standing in the World Series of Poker. As one person put it, "Always Gettin' Rich" (there's another acronym that's assigned but you can figure that one out for yourself). So, let's break these "disparities" and differences down one-by-one.

First, and perhaps the most important – pay. Yes, on

average, AGR's make more money. However, this money is in the short term. We'll talk later about the pay according to rank. On average, an E5 makes around \$700 per month more than his or her WG-10 counterpart (this does not include drill pay). Of course, the Technician is paying out for insurance, taxes, TSP, and the list goes on. And, given the additional rank, the pay can increase for an AGR. Now, before you say, "Wow! Sign me up!" there are a few things to think about. One, over the long-term, an AGR is only paid for 20 years. On the other hand, a Technician can stay gainfully employed for upwards of 30 years. You do math! Also, the disparity between a WG-12/13 narrows the gap

considerably. Additionally, any pay grade in the GS or WS pay scale narrows the margin even more. Another thing most folks forget – drill pay and the "double dip." The TDY's that you once counted as a "double dip trip" now becomes one with the minimum per diem rates. The drill check that pays your car payment is gone. You will perform drill weekends for free. Once retired, most AGR's must begin another career in order to make end's meet. On the other hand, most

existing retirement plan. In January of 2018, members were required to become part of the new "blended" retirement system. Under the new system, personnel will receive only 2% per year of service with the government throwing in a bit of matching to the TSP that you must elect as your savings plan. Essentially, the AGR retirement plan is just another form of the civil service retirement system. However, you only have 20 years to save as much as you can. You

would only draw 40% of your base pay (high 3). Hopefully, you're an E-9 for all 20 of those years! Alternatively, if you begin and stay under the Technician program, you are afforded the matching of 1-5% of your own savings, in addition to 1% per year of your service. Without going into a long, drawn-out explanation, in the long-term,

Technicians will not work past the age of 57 if they've saved the minimums of his or her pay. Let's look at retirement on a deeper comparison.

Now that we've established the pay issue, let's talk retirement. For an AGR, retirement will come at the 20 year mark. If you're lucky, you're in a critical career field and you may be able to go to 21-22 years. Know this – your retirement pay at 20 years is going to be half (50%) of your base pay only. After this, you must pay for health care insurance, life insurance, taxes, any other deductibles you may have. Having personally seen a retired E-6's bring home pay, just know you will bring home less than \$2000 per month. Can you live off of less than \$2K a month for life? This is assuming that you are on the

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The next issue to tackle is rank. Currently, under the “still to be organized” system, rank is an issue of monstrous proportion. As it stands, there is no clear, laid out path for AGR’s to make rank. Of course, our active duty counterparts

or MOS. This is compounded with the fact that there are no set, written standards for a path of upward mobility for the AGR program. Most AGR’s start as E-5 and stay as an E-5 for many years. And, to add insult to injury, you



are not eligible to “pull your AGR position” into a civilian position. In fact, if you decide to bid on and go back to the Technician side of the house, you’ll be a Category 2 consideration. In essence, rank is very hard to come by. Essentially, you should be prepared to retire as an E-5 or E-6.

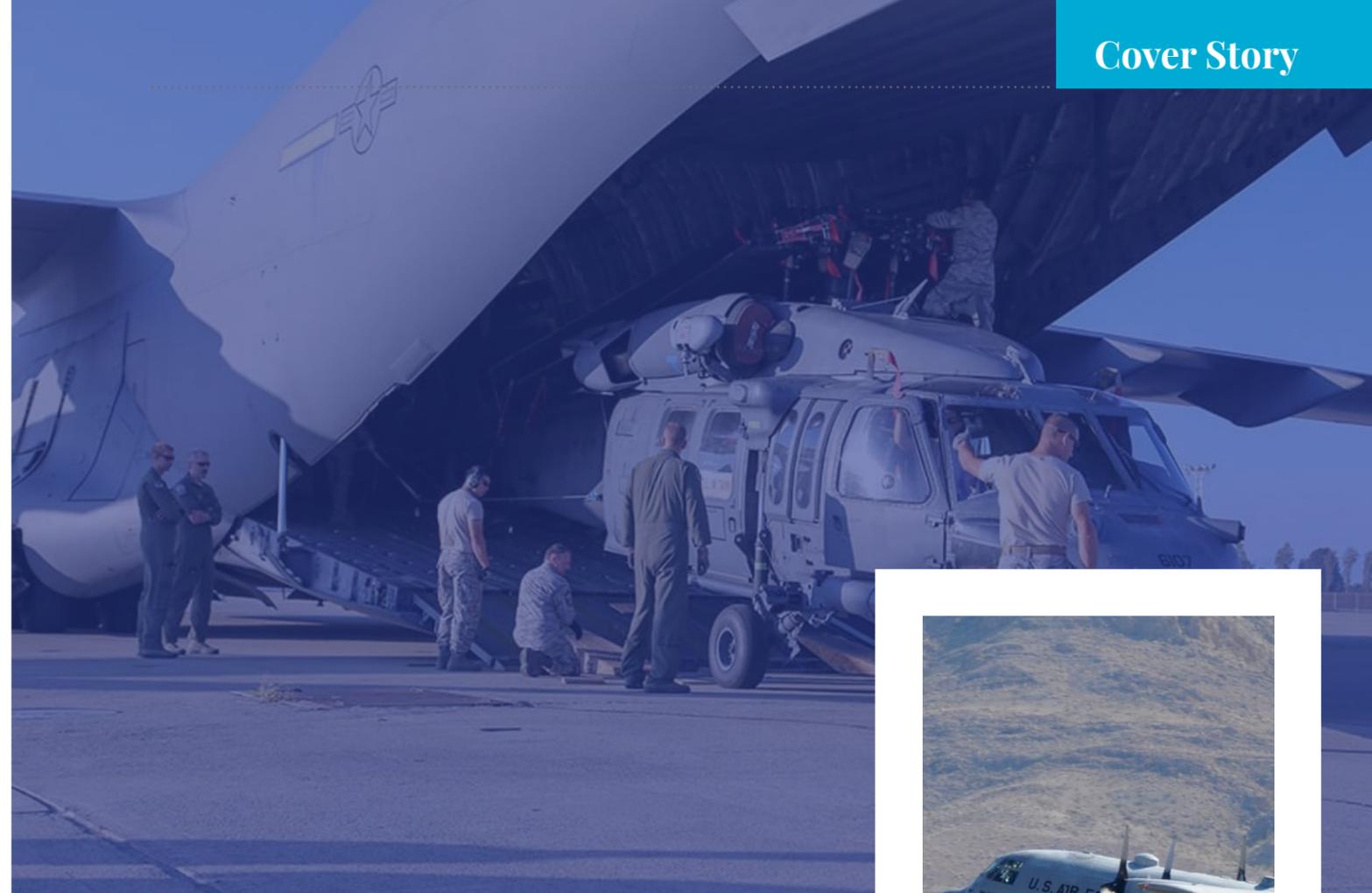


Another conversion issue to look at more carefully is USERRA rights. By law, if you give up your civil service position to go on AGR orders, you have 5 years to return to your job. Let’s pretend that you take an AGR and you realize that the money is not so great, you’ve been on an extended TDY and only earned a few dollars a day per diem because you were required to eat on base, and you generally don’t enjoy being called out each weekend to work and you want to return to your civilian position. No problem, right? Well, here’s the problem. Under

the “conversion” there is an unconfirmed rumor that you will now sign a waiver to your USERRA rights. In other words, your position is permanently converted. Currently, ACT is looking into this rumor, but it seems very likely. Also, many members report that they are now

required to waive his or her “sanctuary” rights at the 18 year mark upon acceptance of an AGR position. If you’re unfamiliar with the sanctuary clause, it simply means that once you reach 18 years of active service, you cannot be separated (with exceptions such as failure of drug urinalysis or other extremely rare conditions that would result in a less than honorable discharge). Unknowingly, members, especially the younger airmen or soldiers, sign away this right in order to accept the AGR position. Also, another misconception is the fact that once you retire, you can “buy back” your time and continue your civil service career. No, you can’t. If you

retire from the military and receive payment for it, the actual civil service time that you have is all that you will be accredited. In other words, if you have 6 years of actual civil service time and then you retire as an AGR, you will return (if you bid on another civil service job) to civil service with 6 years. You would have another 14 years to retire from civil service.





Another negative to becoming an AGR is one that few people actually know about. As a Technician, once you accepted that position, you were probably informed of the knowledge, skills, and abilities that are required to perform your job. These KSA's, as they are commonly referred to, are used by management to ensure that a person can and continues to know his or her profession. However, as a Technician, you cannot be placed into another job or lower grade position with exception to being detailed for less than 120 days in the event of a medical or legal problem. But,

as an AGR, you can be "detailed" indefinitely into another position. For instance, AGR's are currently being used to man areas that Technicians cannot, by law, be employed in. Most of the "details" were not what you were hired for. Sometimes, management can even use this detail as a form of punishment or reprimand, citing the opinion that the person is no longer fit to do his or her job. Recently, the author was informed of a highly trained technical expert that had been detailed for over 5 years as a "cook" for the simple reason that "there was no other way management could staff the position."

This brings us to the next point. Know this – there is no recourse for adverse action as an AGR. If you are found negligent, unfit, or simply in dispute with management, you have no rights! You do not have a union to fight for you. You cannot cite Title 5 or any other employment favorable citation. For instance, one common complaint is the fact that management can call an AGR to duty 24/7. One anonymous sources even cites the fact that they are "threatened" on a weekly basis that they can be called in to work at any time. And, guess what? They can! And, for the most part, you must comply. You can bet that once management gains a majority

of AGR's at any location, work hours and days will change dramatically and sporadically. There will be no such thing as a "voluntary trip." You will go on any TDY, whenever you are directed to do so. You will work whatever hours and days you are directed. And, if, in the event you find yourself in an adverse action, you can count on this – our final point.

The final point is simple – you can be demoted, demoralized, and fired without any recourse. First of all, you will complete a 3 year probation period. More than one person has found themselves let go at this point. However, what no one will tell you is this - you can be fired for any reason. Sure, there will be a reason. But, it does not have to be a validated reason. No one will come to management and ask why or attempt to have you reinstated. This is a fact! "Failure unbecoming" becomes a whole new term. As a Technician, you should know, the ball is in your court. You have the advantage over management. And, as a union member, your advantage grows immensely.

Finally, there are many questions one should ask before jumping off the proverbial bridge into the AGR river. A recent news story asked people what was the number one reason they vacated a job. Money was not the first answer! The first answer was job satisfaction, followed by happiness. Money was the number three answer. What do you think? We would love to hear your opinion on this subject! Until next time...keep the faith!



2018 ACT ELECTION RESULTS

14

15



Executive
Vice President
Steve Landis





**Secretary
Steve Fisher**



**Vice President
Joe Tereso**



Vice President
Robbie Webb

18

19



CONGRATULATIONS!



ELECTION COMMITTEE 2018

The ACT 2018 Election Committee assembled at ACT HQ the week of September 10th – 14th to certify the election results and to notify those members that ran for elected office if they were elected or not. Once the election results were certified the Election Committee then worked on the Election Calendar dates for 2020.

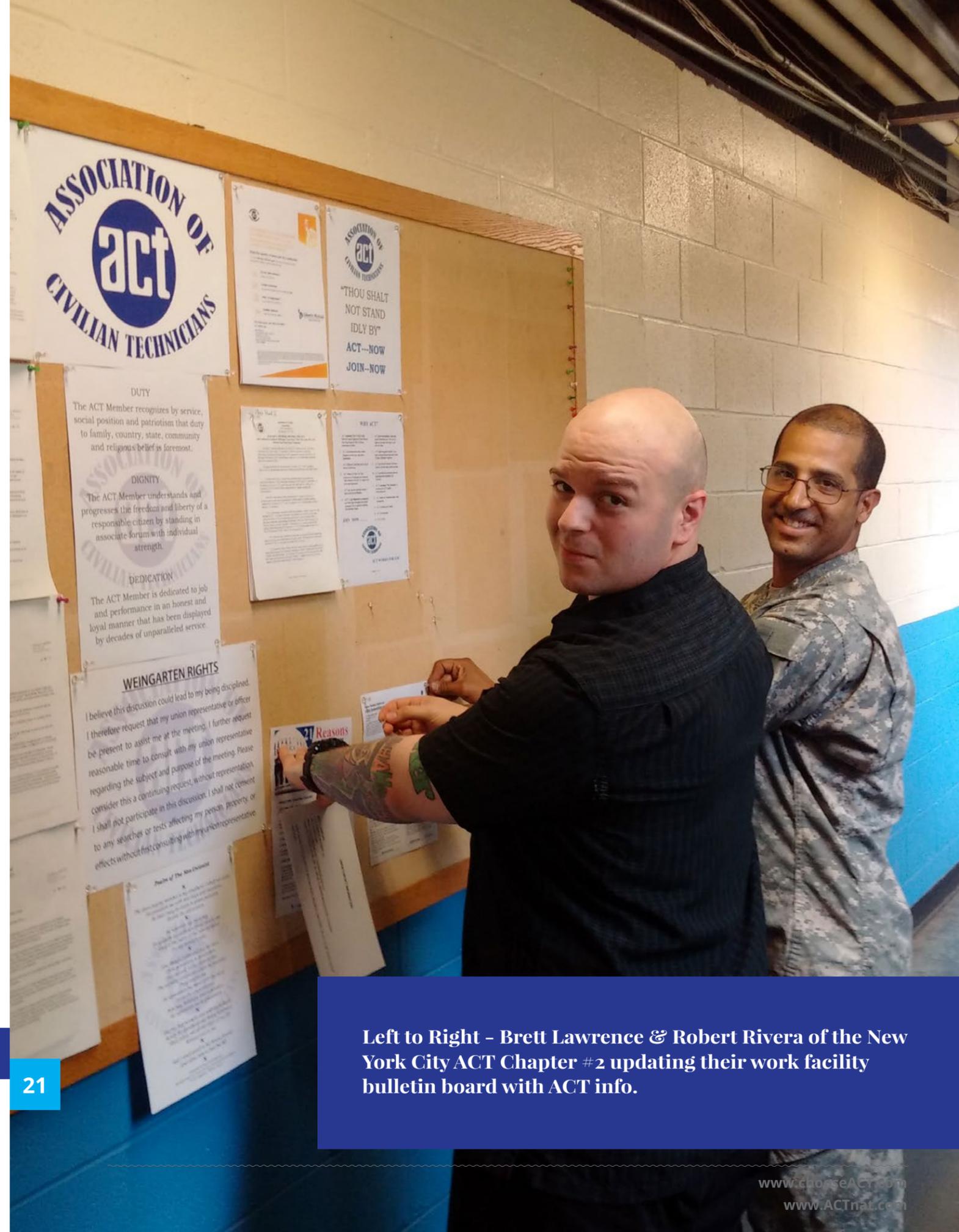


The 2018 Election Committee Members are Left to Right: Shannon Fairburn, Felicia Neale, Election Committee Chairman Randy Crews, John Sappington, Pete Demakis



20

21



Left to Right - Brett Lawrence & Robert Rivera of the New York City ACT Chapter #2 updating their work facility bulletin board with ACT info.

Dates for the 2019 National Rally is located on the ACT website.

www.ACTnat.com

**HOPE to see you at the
2019 National Rally!**



KENTUCKY TRAINING



Back Row: Larry Mittendorf, Chris Searcy, William Stone, Tom Mahoney, Neil Gardner, Peter Rendon
Front Row: Dean Jacondino, Daryl Casey, Paul Petty, Michael Cook, Iris Smith, Johnathan Stanley NP





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