

# ASSOCIATION OF CIVILIAN TECHNICIANS

**Felicia Neale**

***National President***



**Association of Civilian Technicians, Inc.**

**Propose Amendment to 32 U.S.C. §709**

**to**

## **Make National Guard Technician Military Membership Voluntary After 20 Years**

Dual status National Guard technicians employed under the Technicians Act, 32 U.S.C. §709, are required to maintain National Guard military membership as a condition of their technician civilian employment. Like other Department of Defense (DoD) employees, technicians maintain equipment and perform other support functions to ensure military unit readiness. Unlike other DoD employees, however, technicians automatically lose their civilian employment if for any reason they are separated from the military—even if the separation was not due to any fault of their own.

When Congress enacted the Technicians Act in 1968, Senate Report 1446, which explained the Act, expressly stated at page 12 that Guard technicians who properly do their jobs should be retained in the military and employed until they reach age 60, normal retirement age. In recent years, however, the National Guard increasingly has used military Retention Boards to terminate technicians' military membership long before they reach eligibility for retirement under the Federal Employee Retirement System (FERS). These terminations are not for cause or unsatisfactory performance, but merely to make way for younger, less experienced military members. The terminated technicians—most of whom are in their 40s and veterans of overseas deployments—find themselves in mid-career with a family to support, no income, no affordable health insurance, and an uncertain future.

This situation has made recruiting and retaining high quality technicians difficult for the National Guard. Individuals who decide to become technicians initially have a strong incentive, after receiving their taxpayer-paid technician training, to look soon for private sector employment or other federal jobs that do not require Guard membership, so that they can secure desirable positions enabling them to reach normal retirement well before they become vulnerable to sudden Retention Board military separation. The best technicians, those able to secure desirable positions elsewhere, are leaving technician employment early—sooner than the Guards, themselves, would prefer.

Our proposal would make Guard membership voluntary for technicians after 20 years of Guard military service, the point at which they qualify for military retirement benefits at age 60. At that point, individuals could choose to convert to National Guard employment under 10 U.S.C §10508(b). These converted technicians then could finish their civilian careers without the specter of loss of military membership jeopardizing their employment.

Our proposal—which would transform technician employment back to career service, as Congress originally intended—is desirable for several reasons.

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

**[felicia.neale@actnat.com](mailto:felicia.neale@actnat.com) / [www.ACTnat.com](http://www.ACTnat.com) / [www.chooseACT.com](http://www.chooseACT.com)**

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First, it would facilitate recruitment and retention of high-quality personnel. Retention of experienced, highly skilled civilian employees in non-dual status positions would enhance military readiness. In the modern era—unlike, for example, during World War II—units activated for overseas military deployments do not take all their equipment and personnel with them. Deployed personnel normally use and maintain equipment that already is at the deployment site; and overseas military units often include technicians from different states. As a result, there always is a continuing need at home bases for employees who perform the same jobs as those who have been activated for overseas military duty. Having available for home base work experienced former dual status technicians would ensure that this work is in capable hands and would make these experienced employees available to train younger technicians and Traditional Guard members. This would be a win-win for employees and the Guard.

Second, these experienced employees would be available to deploy overseas as civilian employees if the Guard so desired. Although they could not be compelled by law to perform overseas duty, they could be assigned to work overseas; and most of them likely would accept the assignments rather than resign from their employment. Since 9/11, thousands of civilian DoD employees have separated from the military but continued to serve in war zones. Availability of former dual status technicians to work overseas as equipment maintainers would be a force multiplier.

Third, our proposal would enable the Guard to maintain a younger military force without negatively affecting technician federal employment. By allowing technicians to convert voluntarily to non-technician Title 5 employees after 20 years of military service, the Guard would free up senior Guard military positions, thus improving promotion potential for Traditional Guard members and facilitating their retention.

Fourth, Adjutants General would maintain the authority to employ and administer the employees converted to Title 5—including authority to appoint, detail, assign, and discipline them and conduct force reduction actions—as these employees would be employed under 10 U.S.C. § 10508(b), which confers that authority.

Fifth, because our proposal would allow converted technicians to continue their Guard employment only until they reached minimum retirement age and entitlement to an unreduced FERS annuity, our proposal would ensure ample availability of positions for newly-converting technicians; and, even if converted employees were to become too numerous—an unlikely event—force reduction authority would be available, as noted above.

The proposed amendment, stated below, would allow dual-status technicians voluntarily to convert to non-dual status Title 5 National Guard employment under 10 U.S.C. § 10508(b) once they qualify for retired pay for non-regular service under 10 U.S.C. Chapter 1223. The converted technicians could be separated (but not prevented from seeking other federal employment) when they qualify for an unreduced FERS annuity under 5 U.S.C. §8412.

We are requesting that you introduce or support this proposed legislation.

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**[felicia.neale@actnat.com](mailto:felicia.neale@actnat.com) / [ww.ACTnat.com](http://ww.ACTnat.com) / [www.chooseACT.com](http://www.chooseACT.com)**

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### **SEC. \_\_. VOLUNTARY CONVERSION OF NATIONAL GUARD MILITARY TECHNICIANS TO TITLE 5 AFTER 20 YEARS.**

Section 709(b)(2) of title 32, United States Code, is amended to state—

“(2) Be a member of the National Guard—except that, upon attaining eligibility for retired pay for non-regular service under 10 U.S.C. Chapter 1223, a person employed under subsection (a) shall be entitled to conversion of the person’s position to a non-dual status position and to employment in that position under section 10508(b) of title 10, United States Code, until the person is eligible for an unreduced annuity under section 8412 of title 5, United States Code, absent earlier separation on grounds applicable to other section 10508(b) employees.”

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**[felicia.neale@actnat.com](mailto:felicia.neale@actnat.com) / [www.ACTnat.com](http://www.ACTnat.com) / [www.chooseACT.com](http://www.chooseACT.com)**

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