

ACT CARES

TECHNICIANS KNOW

ACT GROWS

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TECHNICIAN

Association of Civilian Technicians

"Duty... Dedication... Dignity"

Association of Civilian Technicians
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Lake Ridge, VA 22192

SCHENECTADY CHAPTER WINS RIGHT TO NEGOTIATE PRESERVATION OF TECHNICIAN POSITIONS IN UNIT WITH COMBINED TECHNICIAN AND AGR WORKFORCE

In a decision issued September 30, 1999 (55 FLRA No. 153), the Federal Labor Relations Authority upheld the negotiability of proposals by ACT's Schenectady Chapter (New York) that would require preservation (or increase) of the number of technician positions assigned to the 109th Airlift Wing unless "(1) no AGR positions are assigned to the Wing and (2) the agency reduces the Wing's work load such that fewer employees are needed to accomplish the Wing's missions."

Under this proposal, if the Wing's workload is reduced, the agency has to eliminate AGR positions before it can cut technician positions. This requirement applies unless the total number of technicians nationwide is reduced by Congress. In that case, however, the reduction in technician positions must be, proportionately, no more than the reduction in technician positions nationwide. The Authority unanimously rejected the agency's arguments that the effect of these proposals on AGRs made the proposals non-negotiable "military matters."

"This victory builds upon, and significantly advances, the Granite State Chapter's recent success, which secured the negotiability of proposals that prohibit an unfair amount of involuntary overtime being assigned to technicians, compared to the amount

assigned to the AGRs," said attorney Dan Schember, who represented the Schenectady and Granite State (New Hampshire) Chapters in the two cases.

The FLRA decision, however, held non-negotiable a proposal that would preserve the authority of technician Small Shop Chiefs where AGRs with higher military ranks are assigned to work in their shops. The Authority also disapproved a proposal that would require, in a chief's absence, that the shop member with the greatest shop seniority be designated the acting chief. The FLRA said that both proposals concerned military matters rather than negotiable conditions of employment.

In a split decision, with Member Donald S. Wasserman dissenting, the FLRA held non-negotiable a Schenectady Chapter proposal that would require the agency to inform technicians of an opportunity to take leave from their technician jobs under 5 U.S.C. § 6323(d) (the 44-day leave law) only by general announcement, after which the agency could communicate individually with technicians who, in response to the announcement, indicate interest in the opportunity.

The proposal is intended to protect technicians from pressure to take leave, since this leave is voluntary. The

Continued on page 6

2000 DOD AUTHORIZATION BILL ENACTED

On October 5, 1999, President Clinton signed into law the FY 2000 Defense Department Authorization bill (P.L. 106-65). The House of Representatives approved the measure on September 15 in a 375-45 vote and the Senate passed the final version on September 22, clearing the bill's path to the White House for the President's signature.

The approved \$288.8 billion Defense Authorization bill contains the following:

- A January 1, 2000 basic pay increase of 4.8 percent.
- Targeted pay raises of up to 5.5 percent that would be effective on July 1, 2000.
- Improvements in retired pay.
- Boosts in special pays and bonuses.
- A provision allowing the Guard and Reserve to use military leave for inactive duty training.
- Language that permits members of the uniformed services to participate in the Thrift Savings Plan (TSP).

The measure also extends DoD's authority to offer buyouts of up to \$25,000 to civilian employees until September 30, 2003. DoD's current buyout authority is scheduled to expire September 30, 2001. The buyouts are used to eliminate selected positions without a reduction in force.

Printed below are the Reserve end strengths for FY 2000. These figures represent the strengths approved in conference, the budgeted strengths (second column) and the difference between the two.

RESERVE STRENGTHS FISCAL YEAR 2000 (from S. 1059—Sec. 411-413)

	Conference	Budget	Conference versus Budget
Selected Reserve:			
Army Reserve	205,000	205,000	0
Naval Reserve	90,288	90,288	0
Marine Corps Reserve	39,624	39,624	0
Air Force Reserve	73,764	73,708	-56
Army National Guard	350,623	350,000	-623
Air National Guard	106,744	106,678	-66
Total	866,043	865,298	-745
AGR/TARS:			
Army Reserve	12,804	12,804	0
Naval Reserve	15,010	15,010	0
Marine Corps Reserve	2,272	2,272	0
Air Force Reserve	1,134	1,134	0
Army National Guard	22,430	22,430	0
Air National Guard	11,157	11,157	0
Total	64,807	64,807	0
Technicians:			
Army Reserve	5,179	6,474	+1,295
Air Force Reserve	9,785	9,785	0
Army National Guard	22,396	23,125	+729
Air National Guard	22,247	22,247	0
Total	59,607	61,631	+2,024

ANTHRAX UPDATE

Contact your elected congressional officials to seek support of two anthrax vaccine bills. See page 3 story entitled "Let's Fight to Keep Anti-Anthrax Vaccine Bills Alive" for bill numbers, bill descriptions and lists of the current cosponsors.

DOD APPROPRIATIONS BILL PROVISION ORDERS STUDIES TO RESEARCH UNANSWERED ANTHRAX VACCINE QUESTIONS

Lawmakers included a provision in the 2000 Defense Appropriations bill, H.R. 2561, currently awaiting enactment by President Clinton, ordering two studies be conducted to investigate unanswered questions about the Anthrax Vaccine Immunization Program.

One study, to be conducted by the General Accounting Office, will look at the program and report on the following: effects on military morale, retention and recruiting; the civilian costs and burdens associated with adverse reactions for members of the reserve components; the adequacy of long- and short-term health monitoring; and assessment of the anthrax threat.

A second study, to be performed by the National Research Council, will look at the effectiveness and safety of the vaccine. Some of the issues to be included in the report include: the types and severity of adverse reactions, including gender differences; inhalational efficacy of the vaccine against all known anthrax strains; and validation of the manufacturing process focusing on, but not limited to discrepancies identified by the Food and Drug Administration in February 1998.

The provision calls for preliminary reports addressing these issues to be submitted to the Committee on Appropriations and the Committee on Armed Services of both the House and the Senate by April 1, 2000.

During an October 12 hearing, Defense Department officials came under fire from members of the House Government Reform Committee when they could provide no scientific evidence to support DoD's claim that service members are protected from the deadly anthrax disease after receiving just three of the required six vaccinations.

Marine Maj. Gen. Randall L. West, special assistant for anthrax and biological warfare to the undersecretary of defense for personnel and readiness, admitted, "It may very well be we have made a statement we should not have," "We will take that statement off," he continued.

Lawmakers immediately cited West's remarks as another example of why DoD is having a hard time convincing some service members that the six-shot series of inoculations is safe and effective. Last year DoD ordered that all 2.4 million active-duty and reserve military members are to receive the anthrax vaccination by 2005.

In his testimony, Kwai-Cheung

Chan, GAO's director of special studies and evaluations in the agency's National Security and International Affairs Division, said no scientific studies have been performed to determine the "optimum number of doses" of the vaccine. He said "Although annual boosters are given, the need for a six-shot regimen and annual booster shots [as ordered by DoD] have not been evaluated."

The Defense officials' claim that service members who received the first three doses of the vaccine—taken over four weeks—would be protected is based on animal studies conducted in the 1950's. Chan said a different vaccine was used in those tests and that the ideal dosage was increased to six shots after three individuals who received the vaccine became infected after being exposed to anthrax. Chan said researchers found that the vaccine offered protection against cutaneous anthrax, a form of the bacteria that penetrates the skin. However, according to Chan, "The study did not provide enough information to determine whether the vaccine was effective against inhalation anthrax."

Chan testified that preliminary results of an Army study conducted in 1998-99 at Tripler Army Medical Center in Hawaii indicate reasons for concern about the dosage. The Tripler study, which focused on the prevalence, duration and severity of short-term health problems due to vaccinations, shows that women experience a higher rate of adverse reactions than do men, Chan said.

According to Chan's testimony, there are no studies on the long-term safety of the vaccine.

Also testifying at the hearing was Retired Navy Adm. William J. Crowe, Jr., former chairman of the Joint Chiefs of Staff who is now director of the company producing the anthrax vaccine. Referring to accusations that DoD's decision to implement a mandatory vaccination program was a means of repaying him for his many years of military service, Crowe emphatically denied the charges. "If this charge were not so ridiculous, it would be offensive. It outrageously exaggerates my influence. I didn't have that much influence when I was Chairman and I certainly don't have it now," Crowe told members of the House Government Reform Committee.

"Let me be completely clear. I never, repeat never, solicited any official of this administration to install or promote a mandatory inoculation program."

Crowe said that Defense Secretary William Cohen announced the mandatory vaccine requirement on May 18, 1998, months after Steering Group deliberations ended. At the time of the official announcement, BioPort was owned by the State of Michigan, which was entertaining bids to sell the company. Crowe's investment group was among several active

bidders. The State of Michigan announced in June 1998 that Crowe's group was the winner, which was after DoD's decision to inoculate.

"The Department of Defense maintained a neutral position throughout this process," Crowe testified. "The attempt to link me with the Secretary's decision is pure fantasy."

LET'S FIGHT TO KEEP ANTI-ANTHRAX BILLS ALIVE

In light of the House Armed Services Personnel Subcommittee's recent decision not to act on legislation that would have limited the Defense Department's ability to make anthrax vaccination shots mandatory, ACT is strongly encouraging civilian technicians to contact their congressmen in an effort to keep two anti-anthrax bills alive.

The subcommittee decided not to act on H.R. 2543, introduced by Rep. Walter Jones Jr. (R-NC), which would have made participation in the anthrax vaccination program voluntary until the Food and Drug Administration conducted further studies to determine the vaccine's safety.

Rep. Steve Buyer (R-Ind.), chairman of the personnel subcommittee said the threat is too great that rogue nations or terrorist groups could use the anthrax bacteria as a biological warfare agent against U.S. service members.

"I have to personally tell you that I don't see a reason at this moment to [act on] Mr. Jones' bill," Buyer remarked near the conclusion of a September 30 hearing.

Although Buyer said he doesn't plan to act on the bill, he declared that his subcommittee would continue oversight of the program.

Some anthrax opponents question the vaccine's safety because there are no long-term health studies on its use. "What the department has failed to do in the nearly two years following the program's announcement and implementation is educate military personnel and their families on the efficacy of the shot or possible long-term health effects of the vaccine," Rep. Jones said.

By declining to act on Jones' legislation, the subcommittee may have hindered another bill that would totally halt the vaccination.

The bill (H.R. 2548), introduced by Rep. Benjamin A. Gilman (R-NY), would suspend the program until the National Institutes of Health conducts an independent study on the safety and effectiveness of the vaccine.

ACT is asking that you help keep these two bills alive. Write or call your congressman and ask him to cosponsor both of these bills. If your congressman isn't on the lists of cosponsors (see page 6), please contact him today and ask for his support of these measures.



Rep. Walter Jones
(R-NC)



Rep. Benjamin A. Gilman
(R-NY)

Continued on page 6

NGB ISSUES MEMO ON ARMY NATIONAL GUARD TECHNICIAN UNIT ASSIGNMENT POLICY

ACT just obtained a copy (printed below) of a National Guard Bureau memo regarding the Army National Guard (ARNG) Technician Unit Assignment Policy.

DEPARTMENT OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3331

2 9 JUL 99

NGB-ARM (500)

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AND THE DISTRICT OF COLUMBIA

SUBJECT: All States (Log Number: 199-0094) Army National Guard (ARNG) Military Technician (MT) Unit Assignment Policy

1. This memorandum describes the assignment criteria for ARNG Organizational Maintenance Shops (OMS), Army Aviation Support Facilities (AASF), Army Aviation Operating Facility (AAOF), Aviation Classification Repair Activity Depot (AVCRD), STARC TDA, and Army National Guard Training Sites.
2. Military Technicians employed at OMS/CSMS/MATES must be assigned to a compatible position in a supported unit or command. A supported command is defined as any unit which falls under the same "M" UIC as the unit in which the facility directly supports. Assignment to a unit outside the supported command requires approval from NGB-ARM.
3. Military Technicians employed at the AVCRD must be militarily assigned to the Table of Distribution and Allowances (TDA) for that organization. Assignments outside the TDA require NGB-ARM approval. Personnel employed at the HQ STARCUSPFO, ARNG Training Site, AASF and AAOF may be militarily assigned to a compatible position in any unit within state.
4. All guidelines affecting military technicians (grade increases, compatibility, etc) must be adhered to. It is incumbent upon the state to develop a sound career plan for their technician force that will allow soldiers to grow both militarily and as civil servants.
5. Point of contact is Ms. BJ Grassa, DSN 327-9734 or commercial 703-607-9734.

FOR THE CHIEF, NATIONAL GUARD BUREAU:

[Signature]
Colonel J.S. [Name]
Chief, Human Resources
Army National Guard

CC:
NGB-IG
Each State IG
NGB-ARZ-PC

C FUND ENDURES THIRD LOSING MONTH IN A ROW

The Thrift Savings Plan's common stock (C) fund experienced a 2.78 percent loss in September, following losses of 0.5 percent in August and more than 3 percent in July. Despite the previous three months' declines, the C fund is reporting a 12-month return of 27.74 percent. The C Fund has realized losses in four out of the last five months, with September's loss bringing the fund's 12-month return down from almost 40 percent to less than 30 percent.

The bond (F) fund increased 1.15 percent, giving it a 12-month return of -43 percent. The government securities (G) fund posted an increase of 0.51 percent, bringing its 12-month total to 5.66 percent.

Following are the 12-month percentage returns for the three TSP funds:

	C Fund (stocks)	F Fund (bonds)	G Fund (securities)
1998			
October	8.19	-0.52	0.41
November	6.04	0.56	0.42
December	5.76	0.30	0.43
1999			
January	4.19	0.71	0.42
February	-3.09	-1.74	0.38
March	3.99	0.54	0.47
April	3.86	0.29	0.46
May	-2.36	-0.89	0.47
June	5.54	-0.33	0.49
July	-3.14	-0.43	0.52
August	0.50	-0.05	0.53
September	-2.78	1.15	0.51
Last 12 months	27.74%	-0.43%	5.66%

CHAPTER WINS

Continued from page 1

FLRA majority, however, held that this proposal concerns a military aspect of technician employment, since leave under § 6323(d) can be taken only to volunteer for overseas military duty without military pay. Member Wasserman disagreed with the majority, saying the solicitation of volunteers to take leave "occurs while the technicians are employed in their civilian capacities."

"Mr. Wasserman is correct," said Dan Schember. Nothing in the proposal restricts military communications ordering military members to military duty or even requesting that they volunteer for military duty without pay. The proposal concerns only communication to technicians about taking leave from technician employment. This communication concerns a civilian employment matter, not a term or condition of military service. We will be pursuing this matter further."

ANTHRAX BILLS

Continued from page 3

H.R. 2543, introduced by Representative Walter B. Jones (R-NC)

Cosponsors (26):

Rep. Ralph Regula (R-16-OH) - 07/26/99
Rep. Bob Filner (D-50-CA) - 07/29/99
Rep. Jim Saxton (R-3-NJ) - 07/29/99
Rep. Charles H. Taylor (R-11-NC) - 07/29/99
Rep. Ed Whitfield (R-1-KY) - 07/29/99
Rep. Joe Barton (R-6-TX) - 07/29/99
Rep. Robin Hayes (R-8-NC) - 07/29/99
Rep. Cliff Stearns (R-6-FL) - 08/03/99
Rep. Benjamin A. Gilman (R-20-NY) - 08/03/99
Rep. Wally Herger (R-2-CA) - 08/05/99
Rep. Jim Gibbons (R-2-NV) - 08/05/99
Rep. Ron Paul (R-14-TX) - 08/05/99
Rep. Philip M. Crane (R-8-IL) - 08/05/99
Rep. Harold Ford, Jr. (D-9-TN) - 09/09/99
Rep. Richard H. Baker (R-6-LA) - 09/09/99
Rep. Rick Hill (R-AL-MT) - 09/09/99
Rep. Virgil H. Goode, Jr. (D-5-VA) - 09/09/99
Rep. E. Clay Shaw, Jr. (R-22-FL) - 09/24/99
Rep. John J. Duncan, Jr. (R-2-TN) - 09/24/99
Rep. John E. Peterson (R-5-PA) - 09/24/99
Rep. Cass Ballenger (R-10-NC) - 09/24/99
Rep. Richard Burr (R-5-NC) - 10/12/99
Rep. David E. Bonior (D-10-MI) - 10/12/99
Rep. Steve Largent (R-1-OK) - 10/12/99

Rep. Jennifer Dunn (R-8-WA) - 10/19/99
Rep. Howard Coble (R-6-NC) - 10/19/99

H.R. 2548, introduced by Representative Benjamin A. Gilman, (R-NY)

Cosponsors (25):

Rep. Sue W. Kelly (R-19-NY) - 07/19/99
Rep. Bob Filner (D-50-CA) - 07/19/99
Rep. John L. Mica (R-7-FL) - 07/22/99
Rep. Doug Ose (R-3-CA) - 07/22/99
Rep. Robert A. Bonksi, Jr. (D-3-PA) - 07/22/99
Rep. Tammy Baldwin (D-2-WI) - 07/22/99
Rep. Dana Rohrabacher (R-45-CA) - 07/26/99
Rep. Jack Metcalf (R-2-WA) - 07/26/99
Rep. Nick J. Rahall, II (D-3-WV) - 07/29/99
Rep. Dan Burton (R-6-IN) - 08/03/99
Rep. Walter B. Jones, Jr. (R-3-NC) - 08/03/99
Rep. James A. Traficant, Jr. (D-17-OH) - 08/03/99
Rep. Carolyn C. Kilpatrick (D-15-MI) - 08/03/99
Rep. Nancy L. Johnson (R-6-CT) - 08/04/99
Rep. John Elias Baldacci (D-2-ME) - 08/04/99
Rep. Maurice D. Hinchey (D-26-NY) - 08/04/99
Rep. Carolyn McCarthy (D-4-NY) - 08/04/99
Rep. Thomas H. Allen (D-1-ME) - 09/09/99
Rep. John J. Duncan, Jr. (R-2-TN) - 09/09/99
Rep. Anna G. Eshoo (D-14-CA) - 09/09/99
Rep. Charles Pickering (R-3-Mass) - 09/09/99
Rep. Rick Hill (R-AL-MT) - 09/09/99
Rep. Matthew G. Martinez (D-31-CA) - 09/30/99
Rep. David E. Price (D-4-NC) - 09/30/99
Rep. Mark E. Souder (R-4-IN) - 09/30/99