

November 8, 2017

Via Email

MG Richard Hayes, Jr.  
Illinois National Guard  
Office of the Adjutant General  
1301 N. MacArthur Blvd.  
Springfield, IL 62702-2317

Re: Response to Grievance – Failure to Implement Section 1084 (Sec. 1084) of FY17 NDAA

Dear Sir:

1. In regard to your October 31, 2017, response, we'll attempt to frame your response as best we can, but for the following reasons, the Union rejects your argument:

a. **Lack of Standing.** On February 3, 2015, I sent a letter (Attachment 1) to NGB as well as your state's Labor Representative on record, notifying your Agency that, effective January 1, 2015, LIUNA HQ had merged all National Guard Local Unions into one single entity, Local 1776. We also notified you that the exclusive recognition previously accorded to LIUNA Local 1655 would now be exercised by Local 1776. A Union has the authority to manage the administrative and representational functions accorded to their Locals as they see fit.

Furthermore, Section 6.1(a) of the Party's CBA requires that the Agency recognize Union Officers and Representatives, as follows (emphasis ours):

*a. The Employer recognizes the Union, as the exclusive representative of all employees in the bargaining unit, is entitled to act for and negotiate Collective Bargaining Agreements covering all employees. **The Employer will recognize the officials designated by the Union**, including stewards and alternates. The Union designates the Local President/Business Manager or his /her designee as the point of contact with the Employer. The Employer will respect the rights of the Union.*

In addition to the above, your Agency has recognized the undersigned as a representative of bargaining unit employees in Illinois since as early as January of 2011. If the Agency wishes, the Union is prepared to turn over every...single...email that has been exchanged between the Agency and the undersigned since January of 2011 to confirm an ongoing and voluntary recognition of my authority to act on behalf of your employees. Not to mention, that the Agency is currently engaged in several representational matters with the undersigned, to include the reorganization at CSMS, and the move of employees from Midway to Kankakee. We feel confident that the record would clearly demonstrate the Agency recognizes LIUNA Local 1776, and the previous National Guard District

Council, as a designated LIUNA representative of the Illinois bargaining unit. For you to allege otherwise would fly in the face of nearly seven (7) years of history between the parties.

2. Section 16.1 of the CBA provides that the Union must notify the Agency of its intent to invoke arbitration within twenty (20) days of the Agency's final decision. We're considering your October 31, 2017, reply as your final decision. We calculate the twentieth (20<sup>th</sup>) day as being November 20, 2017. As such, were offering your Agency the opportunity to resolve this matter one last time. The Union is prepared to sit down with your representatives to discuss the offer made in Paragraph 5 of our original grievance:

*5. If circumstances beyond your control prevent immediate implementation of the law, we're asking that your Agency agree to delay or cancel any and all adverse administrative actions against employees stemming from said failure to properly implement Federal law. Specifically, that your Agency not take any adverse employment action based on expired military conditions of employment against incumbents whose employment authority should have otherwise been converted from Title 32 to Title 5 effective October 1, 2017. This includes any and all separations covered by NGB Technician Personnel Regulation (TPR) 715, Chapter 3, Paragraphs 3-1, 3-2, and 3-3. These military requirements no longer apply to those identified for conversion in any of the tranches submitted to NGB, whether that be the 4.8%, 10%, 12.6%, or 20%.*

3. In order to have a meaningful discussion as proposed above, the Agency would need to release the list of employees already identified for conversion, as provided to NGB earlier this year. That list contains a list of employees identified in support of the four tranches proposed by NGB.

4. Failure to respond by November 17, 2017, will result in the Union invoking arbitration. Point of contact for this matter is the undersigned via email at [benbanchs@liuna-ngdc.org](mailto:benbanchs@liuna-ngdc.org), or telephone at (985) 249-3707.

Respectfully,



Ben Banchs  
Business Manager  
LIUNA NGC Local 1776

cc:

Steve Pratt, Illinois State Representative, LIUNA Local 1776  
Josh Klinger, Attorney, Minahan, Muther, and Klinger, PC



DEPARTMENTS OF THE ARMY AND AIR FORCE  
Illinois Army and Air National Guard  
1301 North MacArthur Boulevard  
Springfield, Illinois 62702-2317

October 31, 2017

Mr. Ben Banchs  
Business Manager  
LIUNA National Guard Council Local 1776  
P.O. Box 1794  
Abita Springs, LA 70420

Dear Mr. Banchs:

This letter is the formal reply of the Illinois National Guard, (hereafter "Agency"), to your October 3, 2017 formal notice of grievance.

While the Agency understands your position in this matter, this grievance is invalid, because the collective bargaining agreement (CBA) the Agency entered into is with LIUNA Local 1655, not Local 1776. The most recent CBA between the Agency and LIUNA Local 1655 is dated 4 November 2009. While LIUNA may have internally formed one Local to represent all LIUNA dual-status military technician members, Illinois has not received a designation by LIUNA that Local 1776 has assumed the day-to-day operations from Local 1655. Without this designation, Local 1776 does not have standing to file this grievance.

For the foregoing reason the Agency rejects your formal notice of filing a grievance, because it fails to comply with the CBA between the Agency and LIUNA Local 1655.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Hayes, Jr.", written in a cursive style.

Richard J. Hayes, Jr.  
Major General, ILARNG  
The Adjutant General