



Laborers International Union of North America

# National Guard District Council

May 24, 2012

**CNA's Center for Naval Analyses**  
4825 Mark Center Drive  
Alexandria, VA 22311

RE: Suggestions Concerning FY12 NDAA Section Study on Technician Program

On March 5, 2012, the Laborers International Union of North America (LIUNA) met with representatives of the Department of Defense (DoD) and your firm concerning the FY12 NDAA Section 519 study (the Study) and its requirement to involve technicians in the conduct of said study. This letter contains certain views and recommendations submitted on behalf of the 5,000 dual and non-dual-status technicians of the National Guard represented by LIUNA.

Before submitting comments regarding the actual conduct of the study we would like to reiterate the request for information that was made at the March 5<sup>th</sup>, 2012, meeting, and subsequently via email. We disagree with DoD's contention that the Unions are not entitled to all of the information requested. Therefore, we resubmit our request for the following:

1. ~~Program proposal CNA submitted to DoD~~ **RECEIVED**
2. Draft working papers from CNA
3. List of materials/information provided to CNA by NGB/DoD
4. How CNA plans to conduct technician interviews (e.g., individual or group, web based)
5. List of questions CNA is proposing to ask during individual/group interviews
6. ~~What literature CNA has reviewed so far in preparation for the study~~ **RECEIVED**
7. List of States identified by NGB and which one(s) has CNA identified as a study target

There is no doubt that the study findings may have a significant impact on the future of the National Guard technician program. As such, we wanted to provide certain views and recommendations regarding the conduct of the study, what subjects the study should strive to answer, and where that data should be obtained from.

## I. Conduct of Study

We concede that we are not experts on conducting in-depth analyses and research of the type required by this study. However, we do possess an intimate knowledge of the technician program itself. It is our view that in order to fully understand the program, CNA needs to seek as much input as possible from the technicians themselves. This is the only way to formulate an accurate picture of how the technician program actually operates, and the challenges that are present. As such, rather than limit interviews to a handful of employees in two or three states (as alluded to during our meeting), CNA should interview as many technicians as possible, in as many different states as possible. These interviews can obviously be accomplished either one-on-one or using focus groups. However, in order to save money, increase the reach of the study, and maximize the pool of information, we highly recommend developing a web-based survey to compliment any other traditional method of research.

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Web-based surveys are now commonplace within the DoD community. They are used on a regular basis to conduct climate surveys and other studies that require capturing feedback from a large group of individuals in a limited amount of time. Web-based studies allow the entity conducting the research to cast a “broad net.” These types of surveys are not affected by staff limitations, work-hour constraints, or geographic challenges. They can be accomplished, essentially, at any time during a pre-determined window, and the results are instantly available to those capturing the data.

### II. Study Focus

The Study language is very straightforward. The report should help Congress determine whether military technicians should be “terminated” in favor of another personnel category. This report is similar to previous report requirements, such as Section 524 of the FY98 NDAA, which required a report on the “feasibility and desirability of conversion of AGR personnel to military technicians (dual status).” In any event, based on the Section 519 language, and based on our experience with the National Guard technician program, we recommend that the analyses focus on two specific areas:

1. Is there still a need to link the Federal technician position to a specific military assignment?
2. Is there a better alternative to the current system?

### *Our Preliminary Input*

We do not believe that, at least within the National Guard, there still exists an operational requirement to link a dual-status technician position with a compatible military assignment. The current system dates back to the 1960’s, and is therefore antiquated. The National Guard of the 21<sup>st</sup> Century bears little if any resemblance to what was in place at the time the 1968 Technicians Act was enacted. Also, the complicated structure of 32 USC Section 709 poses certain legal challenges not experienced anywhere else within the Federal Government. In the most extreme cases, the lack of authority over the Adjutants General has led to misuse of Federal funds and assets, and rampant corruption, as was documented in Secretary of the Air Force Inspector General (SAF/IG) Report of Investigation (ROI) #S6811P (attached). With that, since there is a possibility the study may determine the status-quo to be the best option we would caution that data and justification need to be more than anecdotal. In fact, the results should be convincing.

The FY12 authorized National Guard technician workforce is:

Army Dual Status Techs:	27,210
Army Non-Dual Status Techs:	2,650
Air Dual Status Techs:	22,470
Air Non-Dual Status Techs:	350
<b>Total:</b>	<b>52,680</b>

With a total combined FY12 technician strength of 52,680, it would be safe to say that such a workforce cannot just be abolished or disposed of. The National Defense requirements being fulfilled by these personnel would need to be accomplished one way or another. The work requirements will still be there regardless of how it is staffed or paid for. The National Guard relies heavily on technicians for operations and maintenance, logistic, and personnel support services. It also relies heavily on these same technicians to meet their end strength numbers. For example, in FY12 the Army National Guard’s authorized total end strength is 358,200 of which 27,210 (approximately 8%) are National Guard technicians serving in a dual status; the Air National Guard’s ratio is approximately the same. In lay terms, the reserve forces rely

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on these personnel to fill two positions on their manning documents: the traditional guardsman (a.k.a. weekend warrior), and the “full time technician.”

First and foremost, in order to replace or transition 50,000-plus personnel to any other management system (or combination thereof) there would need to be a program in place to continue the current services provided by these personnel uninterrupted during and after the transition in accordance with (IAW) FY12 NDAA Section 519(b)(2)). Without careful and diligent efforts in transitioning these employees, the readiness of units which make up a substantial part of our fighting force could be degraded during a transition. The study mentions several different options, or combination of options that may be employed to transition current technicians into; for example active duty, reserve component, State civilians, and/or Federal civilians (which we will interpret to mean a traditional Title 5 employee). The study also mentions that the impact on unit readiness and effects to pay and benefits are of high concern. We readily admit that we do not have access to the data required to evaluate the cost benefits or deficiencies between the different courses of actions suggested by the study. As a result, the commentary that follows is based strictly on drawing from the personal experiences of current dual status technicians, the obvious similarities or differences between the proposed alternatives to the current system, and from the available historical record. In the following sections we will go into more detail regarding the pros and cons of each option.

### *State Employees*

We will begin with what we feel is the most unlikely course of action: conversion to State civilians. If change does take place, we don't believe that a migration to a State civilian workforce would be the solution. Workforce management and legal considerations notwithstanding, our opinion is based primarily on the financial status of our Nation, and the presumption that States would not be able to fund the program costs (neither pay nor benefits) on their own, even on a small scale. While we do not have the actual budget numbers to justify this claim, strictly based on the status of the economy, especially the economic challenges being faced by every State in the Union, it would be unreasonable to expect that the States and Territories would be willing or able to absorb these employees without Federal assistance. This would mean that they would (more than likely) need to rely heavily on Federal funding to employ these personnel. As a result, we would end up right where we began in 1916. This option would also create a reliance on states to ensure the readiness of equipment that is federally owned, which causes other concerns and conflicts.

From an administrative perspective, transitioning 50,000-plus Federal workers to state employment would be extremely challenging. The DoD would have to coordinate and develop criteria to convert these workers from a single administrative and benefits system (Federal) into 54 individual and different human resources and benefit programs. This process alone would discourage transition due to complexity and cost. Thus, there would be no real cost savings to the Federal government. Placing employment responsibilities squarely on the states would further erode the small amount of oversight currently enjoyed by the Federal government.

### *Active Duty/Active Guard and Reserve (AGR)*

We also do not believe that converting technicians to active duty, either under Title 10 or Title 32 status, would be beneficial from a cost or administrative perspective. While the administrative challenges to conversion would not be as cumbersome as the conversion to state employment, DoD would still need to develop criteria to transition 50,000-plus employees from Federal civil service into active duty service. We also do not feel that this is a viable option from a cost perspective. The active duty forces are currently trying to reduce their size, not to mention the cost of their mandatory spending such as health entitlements. Current active duty personnel costs account for almost 1/3 of DoD's base budget (based on

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2012 figures), and these costs have become a primary focus of cuts. Congress has put every option on the table, including programs like TRICARE and 20-year retirements that were previously thought to be sacred cows. In fact, even Republicans like Lindsey Graham are cautioning active duty members that these entitlements were never guaranteed. Shifting National Guard technicians into any type of active duty category, whether it be Title 10 or Title 32, would more than likely increase the cost of employing these personnel, not reduce it, and thus considered undesirable. Adding 50,000 members and their families to the TRICARE program alone, would likely prove to be cost prohibitive. The differences in program administration may also prove a bridge too far, from management and composition of the workforce all the way down to the differences in pay structures and benefits between the two personnel categories.

### *Title 5*

If change is to take place, our initial inclination would be towards abolishing or seriously revising Title 32 USC § 709 and converting current personnel to Title 5 employment. This course of action would be the most plausible and least disruptive from both an operational and administrative point of view. There are some issues with this direct conversion to Title 5 that would be front and center, but we believe these would mainly manifest themselves at the senior leadership levels of DoD and within each National Guard State and Territory. With the Adjutants General of each respective State and Territory serving as an individual Agency Head, there is no current counterpart to this arrangement in Title 5. Any shift away from the status quo may not be well received by the States as they may feel that they are losing the control they have enjoyed over their respective technician workforce for the last 100 years. They may claim that this will be a serious disruption to readiness; however, any such claim is unfounded. The truth of the matter is that the National Guard does not have a monopoly on the management of a military technician force structure. Any fears of readiness disruption due to a shift in personnel category can be easily overcome by using one of the other Reserve branches as a benchmark. Each service branch operates a technician program of some kind, and each derives their authority to employ dual-status technicians from 10 USC 10216. In reality, the Adjutants General could still retain employment and management authority over their respective workforce even if 32 USC 709 were to be abolished by shifting employment authority to 5 USC 3101.

Should this occur, the shift in authority may raise a legal challenge from the States on the basis of State's Rights. The National Guard Bureau (NGB) will likely side with the States because the current arrangement has shielded NGB for many years from any responsibility to oversee and or manage the State Adjutants General. Also, if the technician force were to transition to Title 5, many of the functions handled by NGB would more than likely transfer in whole or in part to other entities such as OPM, with minimal involvement by NGB. This would reduce the responsibility and perhaps the overall size of NGB (which would yield a cost savings). Ultimately, opponents will have to recognize that the authority granted to the Adjutants General was done so by legislation and that said authority can also be modified by the same legislative power vested in Congress.

Another benefit of transitioning all or most of current National Guard technicians to a traditional Title 5 status, with direct conversion and without competition, is that most of the current legislative issues posed by employee organizations would become moot. For example, current law requires that a dual status technician maintain membership in the National Guard as a condition of their employment. Because of this requirement we are keeping most technicians in traditional Guard roles until nearly age 60. This was not a significant problem prior to the 9/11 attacks and the dramatic increase in ops-tempo. However, with increased deployments and increased reliance on the National Guard to perform national defense missions, the dual-status requirement has become unwieldy. We must face the facts. Combat is, in general, suited more for the younger Soldiers and Airmen. In fact, the U.S. Air Force cites maturity and fitness for "the rigors of war" as a consideration taken in regards to dual-status technicians in Air Force

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Instruction (AFI) 36-36-12, Chapter 7. In Paragraph 7.2, the Air Force states that “a tenure program within the USAFR is essential to avoid the loss of combat readiness resulting from a maturing force.” The problem is that, for as much as the services want to avoid maturing forces, the requirement to maintain military membership in order to remain employed as a technician forces both the individual and the service branches to push the envelope. The services retain the older force due to its expertise, and the technicians do not voice concerns regarding injuries and other disqualifying factors in an effort to remain employed. This creates a vicious cycle.

Another contributing factor to the cycle is, ironically, the recurring success of the National Guard, and the Reserves as a whole. The Reserve Component’s ability to successfully fill the gaps in the active duty forces can only be attributed to the experience and knowledge of these older technicians. We do more with less. However, indirectly forcing men and women in their late forties and above to continue satisfying the strict physical requirements of military service in order to remain employed as technicians is unrealistic and, we believe, costly, for example, because the older a person gets the more predisposed to injury they become. When you force a person in their forties and older to participate in simulated or actual war, and to carry heavy loads of gear, or wear a protective chemical ensemble, that individual’s potential for injury becomes greater and greater. As a result, DoD may be paying for injuries that otherwise would not occur were these individuals allowed to end their military commitments and still retain their technician status.

We feel there is a happy medium. If, within certain parameters, technicians were allowed to maintain full-time employment without the encumbrance of the military requirement, we could keep their expertise, reduce injury rates and costs, and allow better upward mobility for younger Guardsmen. If you were to take a cross-sectional snapshot of the current Senior Commissioned and Non-Commissioned Officer positions in the National Guard, you would find that a significant number of these are held by dual status technicians. Approximately 10% of these technicians have more than twenty years of military service. This creates a bottle-neck in the upper ranks that stifles the promotion potential of junior personnel, and often leads to discouragement and high turn-over at the lower levels. If these technicians were allowed to retire from their traditional military role, and remain employed as civilians, it would help solve this bottleneck. This would also allow the Adjutants General to manage their military personnel without considering the technician status.

### *Compatibility between Military Assignment and Technician Duty Position*

The DoD has the responsibility of overseeing all military technicians, and NGB is responsible for administering the National Guard’s portion of said program. Both have been vocal proponents of the dual-status technician concept. DoD Instruction 1205.18 states that the “military nature of the technician program is paramount over all other considerations,”<sup>1</sup> and that “the skill requirements of the military and civilian positions” for technicians “shall be compatible.”<sup>2</sup> NGB Technician Personnel Regulation (TPR) 303 further expands that this compatibility requirement “ensures that a highly skilled cadre is available when units are deployed [and] ensures that a continuity of operation exists before, during, and after deployment periods that leads to enhanced unit readiness.”<sup>3</sup> However, the justification for compatibility and requirement for military membership is starting to show signs of age.

The concept for the military technician came about in a time when the United States military fought wars in a much different way (i.e., when the cavalry still used horses), and when the Guard was considered a Strategic Reserve rather than a key player in combat. World War II notwithstanding, for the better part of the 20<sup>th</sup> Century National Guard units could expect to be called upon rarely in response to National

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<sup>1</sup> DoD Instruction 1205.18 Para 6.10.

<sup>2</sup> DoD Instruction 1205.18 Para 6.10.1.

<sup>3</sup> NGB TPR 303 Para 2-1c

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Defense needs, and if they were called-up they would deploy as a single force. They would mobilize, train, fight, and return home as one entity. Guard units were also not typically front-line fighters. They mostly filled supporting roles since they didn't usually have the latest equipment. That all started to change when the active duty forces began shrinking, placing a higher demand on the Guard and Reserve to fill the total-force gaps. Since Desert Storm, the Army and Air Force have dramatically changed the way they incorporate the Guard into the total force, and that incorporation and reliance on the Guard has increased dramatically. As a result, the active duty components now have a more direct impact on what the Guard does, and how it does it, than it did prior to 1991. One example of this integration is the way the Air Force schedules deployment rotations. Since the mid-1990's the Air Force has been mixing and matching all or pieces of one or more Guard units with a larger active component package in what they call an Air Expeditionary Force (AEF).

Another way the active forces affect the way Guard technicians are used is when they modify operational concepts throughout the entirety of a branch. For example, Army National Guard technicians serve primarily in two areas: vehicle surface maintenance and aviation. The Army's shift to a two-level maintenance (2LM) concept some time ago also affected the way Guard units operate, and highlights how antiquated compatibility has become. Since the 2LM conversion, and for a long time before, most technicians assigned to surface maintenance positions were not directly tied to the military unit they were assigned to, either directly or indirectly. In fact, since the 2LM conversion, it is very rare that there is a direct relationship between the technician position and the individual's military unit assignment in the Army National Guard.

One example we can offer to support this lack of compatibility is to spotlight one of our members in South Dakota. His civilian technician duty position is that of an electronics mechanic in a repair facility located in the town of Mitchell. This same individual is assigned to a military unit located over 100 miles away that is indirectly supported by the repair facility where he works as a technician on a daily basis. However, because of the dated military compatibility requirements placed on him by current law, he cannot transfer or move to a unit that is actually closer to his home or directly supported by the repair facility where he works as a technician. Surely, there was a time that most technicians were working for or in direct support of the military unit they were assigned to, but that is now the exception instead of the rule due to the Army's shift to a 2LM concept.

The disparity between technician duty and military unit of assignment become even more apparent at the higher leadership structures of the Guard, especially within the Joint Forces Headquarters (JFHQ), or within the Directorate Levels. This is primarily due to the National Guard combining their Force Management into what they call "purple". The term "purple" means that each State's Key-Staff management structure is shared by both Army and Air National Guard personnel that are appointed by the State's Adjutants General. Often times, these positions are occupied by military technicians in GS-13 or higher grades. Traditionally, there is no equivalent military unit assignment for these very specialized civilian fields. For example, the person in charge of managing a National Guard State's Federal civilian workforce is the Human Resources Officer (HRO). This is a GS-0201-13 position that, in reality, due to its importance to continuity of operations, should be occupied by a non-dual status technician. However, that is usually not the case. In every State where LIUNA represents National Guard technicians, that position is occupied by a military technician who fills a military officer billet of Major (O-4) or above, and is assigned to a unit not directly associated or supported by his/her technician job. The problem here goes beyond whether the military technician concept works or not, or whether compatibility is being observed. The problem arises when that individual is called upon by their military unit to deploy in support of overseas combat, a stateside emergency, or even an exercise. Since their technician job is not directly or even indirectly tied to their unit of military assignment, their deployment causes an unnecessary vacancy, which is crucial and needs to be back-filled by another individual (usually a non-dual-status employee on an indefinite tour of duty).

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### *Rank Bottleneck and Retirement Liabilities*

The requirement to maintain a satisfactory military assignment as a condition of civilian employment forces technicians to hold senior positions for periods of time unheard of in the active duty components. Often times, technicians will follow a normal military career progression, advancing through the lower enlisted ranks and the junior non-commissioned officer (NCO) grades at a par with their active duty counterparts. However, unlike the active components, where an E-7 and above would more than likely retire after 20 years of service, military technicians often achieve Senior NCO grades and will hold onto those billets for periods of up to 35 years. This is primarily due to the dual-status requirement, and partially due to the fact that most National Guardsmen cannot draw their military retirement until after 60 years of age. This creates the unintended consequence of denying the lower ranks normal rank progression. This also serves to discourage other technicians and traditional guardsmen from continuing to serve. Since they see no real advancement opportunity, they will more than likely choose not to re-enlist upon completion of their enlistment contract. This also causes unnecessary turn-over and costs to the U.S. Government because now they will have to recruit and train another individual to replace the one that leaves. Furthermore, the extended amount of time these technicians stay in senior positions creates a higher retirement liability to the U.S. Government than if they had been allowed to retire earlier from the military and still keep their technician job. For example, in one of the states we represent, there is a technician that reached the rank of E-9 (the highest enlisted rank possible) while he was still in his early 40's. This individual has been in the Guard since at least age 20, and must stay in the military in order to keep his technician job. This means that if he works until age sixty, he will have accumulated the U.S. Government a liability equal to a 40-year National Guard retirement at the rank of E-9. That's in addition to a civil service retirement liability based on 30-plus years of covered employment, and a top-three calculation based on a civilian pay grade of WS-14.

Using another one of our members as an example, this individual was promoted to E-8 in 2004. At that time he had 18 years of military service. This is normal progression for a traditional Guardsman. If he did not have to remain in the military to keep his technician job he would have probably progressed to E-9 and retired after 25 years of service. However, because of the military requirement, this individual has deliberately taken steps to slow his military progression in order to avoid being promoted to an E-9 slot for any longer than necessary because, unlike our previous example, sometimes reaching the highest levels of the enlisted ranks can be cause for separation through a process called Qualitative Retention Board (QRB) or Selective Retention Program (SRP). The Army and Air National Guard (respectively) uses this as a tool to evaluate all military personnel with over 20 years of service and decide whether to retain them or not, regardless of their ability to continue serving. Our member is now trying to fulfill Professional Military Education (PME) requirements to become eligible for E-9 in order to satisfy one of the QRB's criteria (that individuals demonstrate their attempts to progress to the next rank level). To add to the confusion, our member has 12 years left before they qualify for an unreduced civilian retirement from the technician side of the house. Either way, if the individual is promoted in the next 2-3 years then they will have to hold an E-9 slot for 9-10 years. This dramatically and unnecessarily increasing the U.S. Government's military retirement burden in regards to this individual. If, however, the Guard never promotes him and he manages to stay in another 12 years, he would have then occupied an E-8 slot for 19 years, still creating huge retirement burden for the government, and essentially occupying a senior enlisted billet for an amount of time equal to that of a normal career for a typical traditional Guardsman.

### *Removing the Military Requirement will drain the Pool of Experienced Personnel*

We assume proponents of the current system will argue against removing the military membership requirement, saying that removing said requirement will cause current on-board technicians to run for the exits and no longer remain enlisted in the reserves. The truth is, this is already happening. The current

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system discourages technicians from staying in the military, which ultimately results in them leaving the Guard altogether and taking their expertise with them. The greatest threat to the technician workforce is the QRB/SRP process, which we mentioned earlier. State and Territories hold QRB's/SRP's every year to determine the fate of any member having 20-plus years of military service. The boards are held in secret, and the results may not be appealed or challenged to anyone above the Adjutant General. These boards can end a person's military career for any reason whatsoever, even if they are still fit for duty, and regardless of how much they have left on their enlistment or officer contract. When a technician is non-retained by the QRB/SRP, their civilian position is terminated 30 days later. The QRB/SRP process is void of oversight and irreversible. No one other than the respective Adjutant General can reverse a QRB/SRP decision. As a result, it is often rife with abuse. The threat of being let go by the QRB/SRP process encourages technicians to seek employment outside of the Guard right around the time they reach 20 years of military service. Again, the net result is that we're losing that individual's services and expertise prematurely; skills which they acquired at taxpayer expense. Because of these fears, an antiquated program, and lack of oversight we are losing well-qualified, long term employees completely.

We acknowledge that if the law changes, some technicians will certainly choose to leave the military voluntarily. However, it will not be instantaneous, and we feel that it will not be an option the majority will exercise. Even if the law changes to remove the military membership requirement, the change would merely make said membership optional rather than mandatory. So, those technicians currently on board would still have to serve out whatever commitment is left on their enlistment or officer contract. Once their term was over, it would be their choice whether to remain in the reserves or not, but we feel many of them will be motivated by upward mobility goals that they would like to fulfill, especially if they haven't reached their 20 years of service. Those with over 20 may leave, but that will help ease the rank bottleneck we mentioned previously. All of these scenarios aside, the net benefit is to the U.S. Government because they would be able to retain the experience and knowledge that these technicians have acquired for the last 15, 20, 25, 30, or 35 years plus of service, and the government would be doing so at a reduced rate because these individuals would no longer be accumulating credit towards their military retirement. Some will counter the retirement savings and say that the cost savings will be negated by the increased civilian retirement burden. However, it becomes hard to quantify the cost/savings benefit, and in reality, the study should look at how much is spent training a new or several new personnel in order to replace the experience vacuum that's left behind when a technician of 20-plus years is arbitrarily let go. The important part is that divorcing the military and civilian positions would allow the reserves to continue benefiting from the expertise these individuals' possess and are still able to share, and that means that the active duty components would also be able to take advantage of that knowledge pool. This is a net benefit to the government as a whole.

### *Review of Administrative Personnel Actions and Application of other Federal Programs*

A conversion to Title 5 would also open the door for technicians to have personnel actions taken against them reviewed by the Merit Systems Protection Board (MSPB). Currently, technicians in the National Guard do not have MSPB rights. All personnel actions that happen while the person is still employed as a technician are adjudicated by the Adjutant General. The Adjutant General's decision is not reviewable by any other entity, not even Federal courts.

There are some appeal avenues available to technicians, but they all end at the Adjutant General's doorstep. As with the QRB's/SRP's, the lack of oversight allows for abuse and corruption. Aside from the lack of legal review, the Human Resources functions of most National Guard States and Territories are staffed by personnel that have, at best, a basic working knowledge of Federal Civil Service laws. This lack of experience fuelled by lack of oversight fosters abuse, mismanagement, and, ultimately, doing harm to technicians.

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In the worst cases the result is inappropriate or fraudulent application of regulations and programs as we saw in California, and their blatant abuse of the Recruitment, Retention and Relocation (3R) program that occurred over the last few years. The abuses were so great and deliberate that the State's Adjutant General was summarily fired, and NGB was forced to remove the authority for approval of 3R Incentives from the States, and forced a review of every single 3R bonus that was currently in place throughout all 50 States, 3 Territories, and the District of Columbia. Program abuse was so rampant that several of the States were paying 25% retention bonuses to all their senior leaders (GS-14 and above) even though there was no real justification for payment. The cost to the taxpayers is in the millions, and in California's case the abuse was so deliberate and far reaching that the Department of Justice initiated their own investigation.

### **III. Source of Data**

During our March 5<sup>th</sup>, 2012, meeting CNA representatives indicated that they requested input from the National Guard Bureau (NGB) regarding States that could provide a pool of technicians to interview in support of this Study. According to your representatives, NGB provided a list of five States, and that CNA would probably travel to two or three of those States identified. We asked you to identify the States NGB suggested but we have yet to receive a reply. Our concern is that NGB did not identify States which have faced serious challenges over the past years, and that the pool from which CNA plans to draw the data for their research is not representative of the total force. As we stated before, NGB has a vested interest in maintaining the status quo. In the interest of fairness and balance, DoD and CNA need to consider NGB's motivation for self-preservation, and their likely desire to avoid highlighting deficiencies in their management and stewardship of the dual-status technician program. As such, their role and influence in this study should be carefully monitored and screened, and their input should be adequately weighed and biased to reflect that skew in opinion. For example, if a shift to Title 5 is found to be desirable, the Office of Personnel Management (OPM) could replace some or all of the functions performed by NGB in regards to technicians.

As a result we are proposing that you interview technicians in the following States:

1. California: The State of California is the largest in terms of total National Guard technicians. Over the last few years, California has been the target of numerous investigations into fraudulent practices involving the Federal technician program. Among other things, recent events in California have forced NGB to modify how the incentive bonus program is applied throughout the entire workforce. Due to the egregious violations of fiscal policy taking place largely in California, but in other States also, NGB remove bonus approval authority from the States.
2. Louisiana: The difficulties faced in Louisiana during Hurricane's Katrina and Rita prompted legislative changes that affected the way National Guard personnel, including technicians, are used and employed during stateside emergencies and natural disasters. The study would benefit from the first hand knowledge and experience gained by the technicians in this State, especially as it pertains to the uncertainty of their employment status and limitations during a crisis such as Katrina. There is also a recent investigation completed by the Secretary of the Air Force Inspector General's (SAF IG) Office which may highlight corruption and abuses similar, or perhaps worse, than those previously discovered in California.
3. Michigan: CNA would be well advised to visit Michigan since this is Senator Carl Levin's home State, and he is the Senate Armed Services Committee Chairman. It is also one of the largest in terms of technicians. Senator Levin is extremely familiar with technician issues since our technicians represented by LIUNA have repeatedly voiced their concerns to his office over the last 10 years.

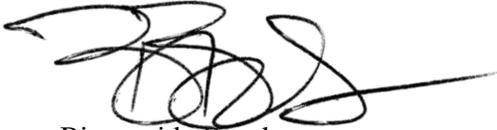
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4. South Carolina: CNA would also be well advised to visit South Carolina since this is Representative Joe Wilson's home State, and he is the House Armed Services Military Personnel Subcommittee Chairman. Rep. Wilson is also extremely familiar with concerns raised by technicians from his home State.
5. South Dakota: The South Dakota National Guard would also be a good state to garner data from. South Dakota recently experienced a prolonged flood that put a huge strain on its National Guard personnel, especially technicians.

We will continue to capture anecdotal data to highlight the shortfalls of the current military technician program, and we ask that this evidence be included in your review of the program.

Please feel free to contact the undersigned should any questions arise, or should you need further input.

Hoping that you give this request favorable consideration,



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