

Support the TRICARE Reserve Select Improvement Act

WHAT IS THE ISSUE

Federal employees who are also Reservists are eligible for FEHB and are prohibited from purchasing TRS.

FACT 1: TRICARE Reserve Select (TRS) offers Guard and Reserve members access to quality low-cost health insurance.

FACT 2: Even though these employees are subject to all the requirements of being in the Guard/Reserve, like combat deployments and emergency duty, they are denied full advantage of the benefits available to them as Reservists due to this legal technicality.

CONCERN: Lack of access to TRS financially penalizes Fed Employee Reservists and their families upwards of \$4000 per year.

PROPOSAL

Allow Fed Employee-Reservists access to TRS by supporting the TRS Improvement Act, introduced as S 164 and HR 613.

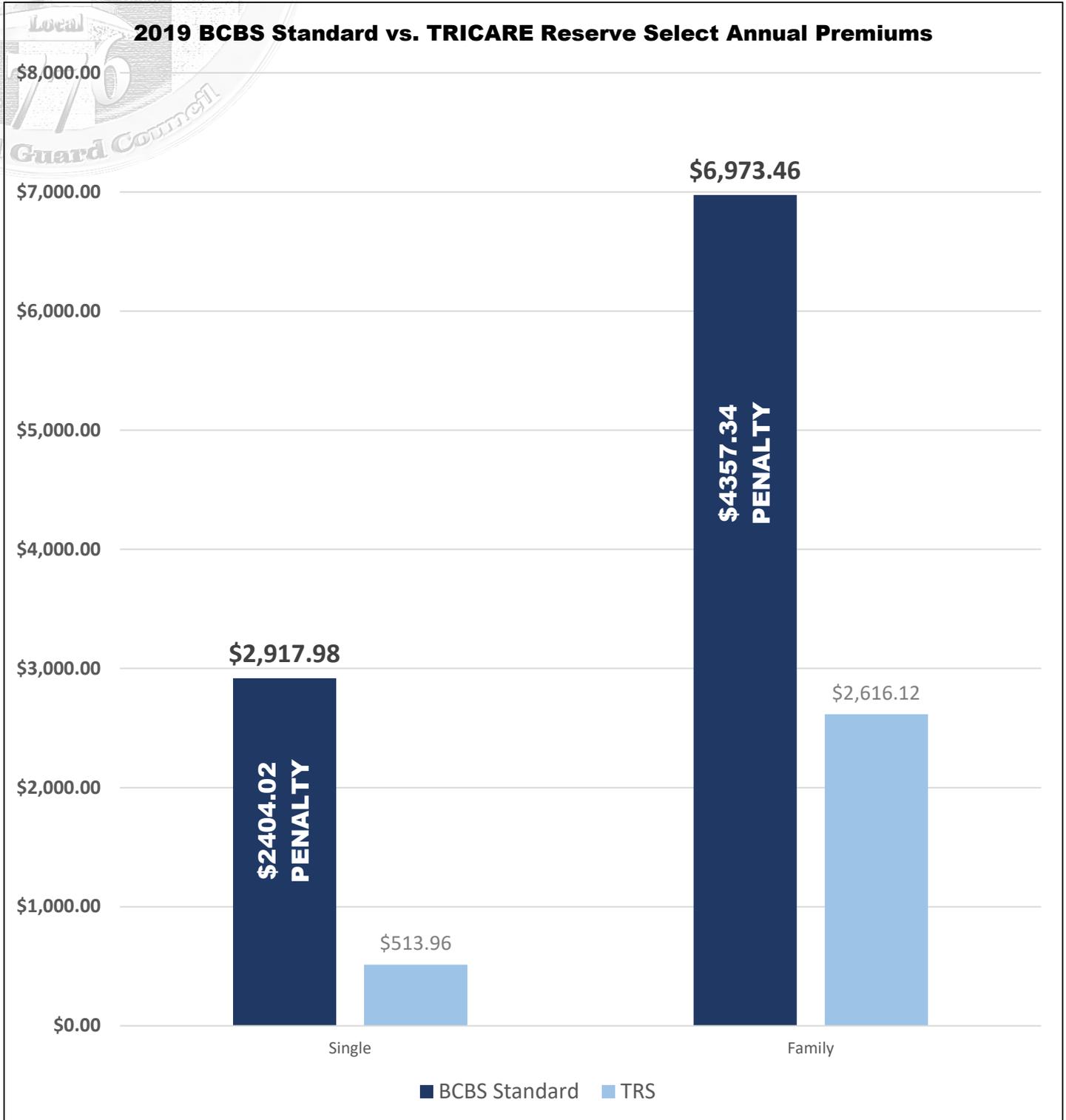
FINANCIAL IMPACT

Average 2019 FEHB monthly employee premium for family coverage (fee-for-service plans) is \$416 vs. \$218 for TRS, so an employee is penalized \$2,375/yr. It reaches \$4,360/yr. when you compare TRS to the \$581/mo. for BCBS's Standard plan (the most popular FEHB plan since 1990).

2019 BCBS vs TRS	Type of Coverage			
	Single		Family	
	Monthly	Annual	Monthly	Annual
BCBS Std.	\$243.17	\$2,917.98	\$581.12	\$6,973.46
TRS	\$42.83	\$513.96	\$218.01	\$2,616.12
PENALTY	\$200.34	\$2,404.02	\$363.11	\$4,357.34

FOR MORE INFORMATION

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Job Security for Dual-Status Technicians (DST's)

WHAT IS THE ISSUE

Many DST's are unable to reach full civil service retirement age even though they are perfectly able to perform their military and civilian jobs because of involuntary non-retention by military boards.

FACT 1: After 20 years of military service, Guard and Reserve members are subject to involuntary separation by military retention boards without notice.

FACT 2: Since DST's are required to be in the military as a condition of their civilian employment, involuntary separation from the military also results in termination of their civilian employment.

CONCERN: Military non-retention prevents many DST's from reaching civil service retirement age – this is not what Congress originally intended.

PROPOSAL

Exempt DST's who are in full compliance with the requirements of both their military and civilian job from being considered for involuntary separation by military retention boards – as Congress originally intended.

NOT WHAT CONGRESS ORIGINALLY INTENDED¹

SASC Report No. 1446 (1968) made clear that DST employment was expected to be career employment, with retention of qualified DST's in the military until age 60. However, the National Guard has not honored that intent and routinely separates DST's from the military, denying them the ability to reach civil service retirement age.

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¹ – See reverse for more info on SASC Report 1446 (1968) and other efforts to fix this issue legislatively.

Senate Armed Services Committee (SASC) Report No. 1446 (July 22, 1968)

The primary purpose of the National Guard Technician Act of 1968 was to standardize the retirement and fringe benefits of National Guard technicians by granting them Federal employee status. The Act also required dual-status technicians to maintain satisfactory military membership in their respective branch of service as a condition of their civilian employment.

In Report No. 1446 SASC examined in detail the potential for involuntary separation as a result of the dual-status requirement. Starting on page 11 of their report, SASC made it clear that it was their expectation that technician employment was to be career employment, with retention of qualified technicians in the military until age 60. Two passages drive home this point:

1. Concerning technicians who are officers in the Reserves, the Report states (Pg. 12 Para. 4):

"The bill...contains a provision which will permit the Secretaries of the Army and the Air Force on a permissive basis to retain Reserve officers who are technicians in an active military status until age 60, notwithstanding the operation of the Reserve personnel laws which would eliminate them because of promotion pass-over or length of service. "

2. Concerning technicians who are enlisted in the Reserves the Report states (Pg. 12 Para. 5):

"Under present regulations technicians holding enlisted grades are permitted to enlist in the Guard up to age 60. The committee has been informally advised that the National Guard intends to continue this policy, with the result that enlisted members should not be involuntarily retired through separation of job due to military promotion or elimination factors. In other words, so long as an enlisted technician properly performs his job there should be no grounds for his involuntary retirement."

The National Guard has not honored this original intent. Current regulations do not exempt technicians from either the Army's Qualitative Retention Program (AR 135-20) or the Air National Guard's Selective Retention Program (ANGI 36-2606), and technicians are often involuntarily separated from military service by these review boards well before reaching civil service retirement age even though they are properly performing their civilian job and are in full compliance with military standards.

Recent Legislative Efforts

LIUNA has been actively trying to correct this oversight for the last 10 years. Bills to allow technicians to either continue serving in their civilian capacity after being militarily non-retained or to exempt them from consideration by these retention boards have been introduced in both the House and/or Senate since 2009:

House

- HR 3345 (111th) NG Technician Equity Act (Andrews)
- HR 1169 (112th) NG Technician Equity Act (Andrews)

Senate

- S 1893 (112th) NG Technician Equity Act (Reed)
- S 2312 (113th) NG Technician Equity Act (Reed)

S 2312 was the last stand-alone bill introduced aimed at correcting this issue legislatively. It sought to modify 10 USC 10216. The language was straightforward, and aligned perfectly with SASC's original intent:

Exemption of military technicians from review by Army Qualitative Retention Program or Air Force Selective Retention Program

Subsection (f) of such section is amended to read as follows:

(f) Exemption from consideration by Armed Forces retention boards. -

A military technician (dual status) who is fully qualified in the technician's military technician (dual status) position and is properly performing the technician's military technician duties in such position-

(1) shall be retained in the armed forces;

(2) may not be considered for involuntary separation by a retention board of the armed force concerned; and

(3) shall be entitled to re-enlist as an enlisted member so as to maintain eligibility for continued employment as a military technician (dual status).

In place of legislation we have repeatedly asked NGB to change their regulations so that Technicians can be exempted from these boards. To date, they have refused to do. NGB, the Adjutant Generals, and their respective lobbying arms NGAUS and AGAUS are opposed to this effort.