



THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 2030

JUL 16 2001

The Honorable Bob Stump
Chairman, Committee on
Armed Services
U.S. House of Representatives
Washington, DC 20515-0303

Dear Mr. Chairman:

The enclosed report responds to House Report 106-616, page 361. The language requested that I conduct a study on the policy and cost considerations by which National Guard military technicians are treated for overtime work, and to report my findings and recommendations to the Senate Committee on Armed Services and the House Committee on Armed Services.

That report is enclosed. The report language stated that increased reliance on the full time force caused many military technicians to work irregular and overtime hours, but that they were unable to use the earned compensatory time, suggesting a need for overtime pay. The National Guard Bureau (NGB) conducted the study and provided data indicating that minimal compensatory time is lost by National Guard military technicians. The National Guard Bureau does not support overtime pay because it promotes additional work time and stress. National Guard Bureau focus on military technician overtime, coupled with the FY 2001 increases in the military technician (dual status) floor, should help mitigate the overtime issue. I have reviewed and concur with the NGB conclusions and recommendation to maintain the status quo, and not to seek to amend title 32 U.S.C. 709(h).

The committee's support of the recommendation and your continued interest in the Reserve components are greatly appreciated.

Sincerely,

Enclosure
As stated

cc:
The Honorable Ike Skelton
Ranking Member

National Guard Military Technician Overtime Pay

A Report

Prepared for

The Senate Committee on Armed Services
and
The House Committee on Armed Services

By the
National Guard Bureau

Submitted

Assistant Secretary of Defense for Reserve Affairs

April 2000

INTRODUCTION

This report was prepared in response to House Report 106-616, page 361 which requested that the Secretary of Defense conduct a study on the policy and cost considerations by which National Guard military technicians are treated for overtime work, and to report on his findings and recommendations to the Senate Committee on Armed Services and the House Committee on Armed Services.

The House Committee on Armed Services noted in its report (number 106-616), that section 709(h) of title 32, United States Code, prohibits Army and Air Force National Guard military technicians from receiving overtime pay. Instead, that section requires that technicians be granted compensatory time for overtime work. The Committee also noted that the law regarding National Guard military technician overtime pay has remained essentially unchanged since the enactment of the National Guard Technicians Act of 1968 (Public Law 90-486). In the report, the Committee stated that a review of this provision of law was necessary because the increased reliance on the full time support force caused many National Guard military technicians to work irregular and overtime hours, but that they were unable to use the earned compensatory time.

In the conduct of the required study, the National Guard Bureau found few situations in which technicians were unable to use compensatory time off for overtime hours worked. The following sections of this report provide the data and analysis to support the Department's recommendation to retain the current provisions of 32 U.S.C. 709(h), regarding compensatory time for irregular or overtime work by National Guard military technicians.

The National Guard Bureau conducted the requested study and developed the recommendation. The Office of the Assistant Secretary of Defense for Reserve Affairs reviewed the study and concurs with the recommendation.

SUMMARY

Throughout the conduct of the study, the National Guard Bureau found few situations in which technicians were unable to use compensatory time off for the hours of overtime they worked. Information provided by State Adjutants General, in response to a Guard-wide review of overtime hours worked in Calendar Year (CY) 2000 and subsequent compensatory time used, reinforces the position that technicians are using compensatory time earned. Conversely, while there were reported instances of earned compensatory time being "lost" (i.e., technicians were unable to take compensatory time off prior to the end of 26 pay periods, or one year), these cases were neither widespread nor significant, in terms of compensatory hours lost. As a general rule, any degradation or denial of earned benefits would be considered unacceptable. To this end, the National Guard Bureau will act to ensure that forfeiture of earned compensatory time is reduced and, when possible, eliminated.

The payment of overtime pay for National Guard technicians does not fit the concept or structure of the National Guard Technician Program. The workload of the National Guard technician workforce in both the Army National Guard (ARNG) and Air National Guard (ANG) is not, and has never been, static. Historically, increased unit-level activities that require overtime work and irregular hours (e.g., preparation for annual training, inspections, deployments) are typically followed by a more stabilized workload. During these periods, technicians have the opportunity to use compensatory time earned.

Accelerations in operational taskings, involving both the Army and Air National Guard, have had their effect on technicians using earned compensatory time. For example, in both components, data indicates that while some technicians are using earned compensatory time for rest, others use it to perform military duty assignments (e.g., State Active Duty, Inactive Duty for Training, Funeral Honors Duty) to support the needs and obligations of their military unit. Statistical information, specific to those technicians who use compensatory time to perform military duty, is anecdotal, at best, and difficult to confirm.

A legislative provision requiring overtime pay for the increased surge workload would impose a significant dollar cost on both the Army and Air National Guard. For FY 2002, the ARNG overtime cost projections could potentially reach \$18,000,000; and, additional overtime obligations for the ANG projections could total \$27,000,000. In addition, the dollar cost of overtime pay, while significant, highlights a more serious underlying issue. In CY 2000, ARNG technicians worked approximately 635,000 overtime hours, or 304 work years. The cost to employ 304 additional fulltime technicians, as opposed to paying overtime for the same work, results in cost-savings of nearly \$1,500,000. Similarly, during that same period, ANG technicians worked overtime equating to 442 work years. The net result is that the cost to employ 442 additional fulltime technicians, as opposed to paying overtime for the same work, would result in cost-savings of nearly \$3,000,000.

In summary, there are two basic areas of concern associated with payment of overtime pay for National Guard technicians. The first is that sustained periods of overtime work weaken National Guard efforts to promote a better "quality of work life" for National Guard employees. Second, the additional costs associated with providing overtime pay would not reduce the pressure on the technician workforce or purchase a more effective operation. Rather, overtime serves to overtax the existing technician workforce and, as such, may contribute to high levels of employee dissatisfaction and "burn-out," or undermine the National Guard's efforts to retain a quality technician workforce. Implementation of the FY 2001 congressionally directed and budgeted growth in the Army and Air National Guard technician workforce will help mitigate some of this overtime situation and address the underlying problems that serves to generate overtime hours and prevent technicians from using compensatory time earned as it is intended - for rest and recreation.

**NATIONAL GUARD TECHNICIAN OVERTIME HOURS WORKED;
COMPENSATORY TIME ACCRUED, USED AND/OR LOST; AND OVERTIME
PAY POTENTIAL COST ESTIMATES**

**BASIS FOR OVERTIME HOURS WORKED AND COMPENSATORY TIME
ESTIMATES**

There is no single source of reliable information on the amount of overtime performed by National Guard technicians over the course of a year. The National Guard Bureau requested the Human Resource Offices of all the National Guard jurisdictions (except Guam, which does not employ technicians) to provide information on the hours of overtime worked and the use of the resulting earned compensatory time over the period of CY 2000.

The following information for CY 2000 was requested:

- a. For General Schedule (GS) personnel, at and above the grade of GS11, the number of personnel on board and the number of overtime hours worked.
- b. For GS personnel below the grade of GS11, the number of personnel on board and the number of overtime hours worked.
- c. For all GS personnel, the number of accrued hours of compensatory time, the number of hours of compensatory time technicians used (i.e., took off from work) during the year, and the number of such hours forfeited because technicians were unable to schedule its use.
- d. For all Federal Wage System (non-supervisory (Grade); leader (WL); and supervisory (WS) employees; – combined here as Wage Grade (WG) for the purposes of the data collection) personnel, the total number of on-board technicians, the total number of overtime hours worked, the number of compensatory hours earned and used, and the number of compensatory hours forfeited because technicians were unable to schedule its use.

Thirty-six of the 53 jurisdictions surveyed were able to provide information that could be used in this report. Eleven were unable to provide any information on the topic, and 6 provided information that was not useable. The information received covered 51% of the Army National Guard (ARNG) technician workforce, and 58% of the Air National Guard technicians. Using this information and the Defense Civilian Personnel Data System (DCPDS) employment totals, extrapolation was used to produce the overall estimates of hours of overtime worked, compensatory time used, and the compensatory time lost during CY 2000. The compiled information, by state is provided at Enclosure 1. Calculations and extrapolation of the data are provided at Enclosure 2.

While 21 of the 34 ARNG and 18 of the 36 ANG reports did show some loss of compensatory time, the number of reports showing the loss per employee exceeding more than one to two hours was very low. The information submitted by the states clearly indicates that the concern expressed in the House Report, that technicians generally must forfeit the earned compensatory time because they are unable to use it, is not substantiated by the documentation provided by the states and territories.

ARNG Reported Results:

	Grades GS11 – GS 15		Grades less than GS11		Total (All GS MilTechs)		
General Schedule (GS) MilTechs	MilTechs (on board)	Overtime Hours Worked	MilTechs (on board)	Overtime Hours Worked	Comp Hours Used	Comp Hours Lost	Avg Comp Hours Lost
DCPDS Total	3,755		7,264				
State Reported Data	1,552	57,351	3,207	77,457	107,948	11,436	2.40
Percent of DCPDS Total Reported by States	41.33%		44.15%				

Wage Grade (WG) MilTechs	All WG MilTechs (on board)	Overtime Hours Worked	Comp Hours Used	Comp Hours Lost	Avg Comp Hrs Lost
DCPDS Total	14,242				
State Reported Data	8,127	183,246	170,517	7,167	0.88
Percent of DCPDS Total Reported by States	57.06%				

Total ARNG MilTechs Combined (GS + WG)	Total MilTechs (on board)	Overtime Hours Worked	Comp Hours Used	Comp Hours Lost	Avg Comp Hrs Lost
DCPDS Total	25,261				
State Reported Data	12,886	318,054	278,465	18,603	1.44
Percent of DCPDS Total Reported by States	51.01%				

NOTE: Comp hours lost will not equal overtime hours worked minus comp hours used since MilTechs have a 26 pay period (or 1 year) time frame in which they may use the earned comp time from working overtime hours.

Projecting the overtime hours worked to encompass the entire ARNG military technician work force produces an estimate of 138,758 hours for the higher graded GS personnel (GS11-GS15); 175,444 hours for the lower graded GS technicians (below

GS11), and 321,126 hours for WG personnel. The overall calendar year projected total of overtime hours worked by ARNG technicians equals 635,328. According to this extrapolation, ARNG technicians each worked an average of 25 overtime hours in CY 2000. (See Encl 2 for calculations)

ANG Results:

	Grades GS11 – GS 15		Grades less than GS11		Total (All GS MilTechs)		
General Schedule (GS) MilTechs	MilTechs (on board)	Overtime Hours Worked	MilTechs (on board)	Overtime Hours Worked	Comp Hours Used	Comp Hours Lost	Avg Comp Hours Lost
DCPDS Total	3,317		5,858				
State Reported Data	1,917	110,512	3,988	150,872	208,827	13,091	2.22
Percent of DCPDS Total Reported by States	57.79%		68.08%				

Wage Grade (WG) MilTechs	All WG MilTechs (on board)	Overtime Hours Worked	Comp Hours Used	Comp Hours Lost	Avg Comp Hrs Lost
DCPDS Total	14,205				
State Reported Data	7,717	276,687	235,809	8,303	1.08
Percent of DCPDS Total Reported by States	54.33%				

Total ARNG MilTechs Combined (GS + WG)	Total MilTechs (on board)	Overtime Hours Worked	Comp Hours Used	Comp Hours Lost	Avg Comp Hrs Lost
DCPDS Total	23,380				
State Reported Data	13,622	538,071	444,636	21,394	1.57
Percent of DCPDS Total Reported by States	58.26%				

NOTE: Comp hours lost will not equal overtime hours worked minus comp hours used since MilTechs have a 26 pay period (or 1 year) time frame in which they may use the earned comp time from working overtime hours.

Projecting the overtime hours worked to encompass the entire ANG military technician work force produces an estimate of 191,220 hours for the higher graded GS personnel (GS11-GS15); 221,617 hours for the lower graded GS technicians (less than GS11), and 509,320 hours for WG personnel. The overall calendar year projected total of overtime hours worked by ANG technicians equals 922,146. According to this

extrapolation, ANG technicians worked an average of 39 overtime hours in CY 2000. (See Encl 2 for calculations)

To help evaluate this issue, an analysis of additional dollar costs for overtime work, additional dollar costs for additional military technicians, and the status quo was completed. The comparison was based on the data collected, arrayed, and extrapolated in enclosures 2 & 3, and the costing guidelines provided below.

BASIS FOR COSTING ESTIMATES

For General Schedule Technicians Paid above GS10 Step 10:

Generally, these personnel are the GS11s and above. The overtime pay cap for the GS workforce is one and one-half the pay scale for Step 1 of GS10. Under Title 5, United States Code, GS employees whose rate exceeds the maximum for GS-10 may be required to earn compensatory time off in lieu of irregular or occasional overtime work. However, if they are unable to take the time within 26 pay periods, they receive the overtime pay. Therefore, the potential cost of this overtime pay must be calculated and considered. To simplify the costing, the OPM listed rate for CY 2000, GS10, Step 1 for the "Rest of the United States" (\$27.36) is the rate used, multiplied by the CY 2000 estimated hours. The costing for these personnel is annotated in the tables below, as "GS – HIGH."

For General Schedule Technicians Below GS11:

The rate for GS7, Step 4 (the "representative rate" for the grade) for the "Rest of the United States" (\$22.35) is the rate used multiplied by the CY 2000 estimated hours. The costing for these personnel is annotated, in the tables below, as "GS – LOW." While these personnel may elect to work overtime for compensatory time off, the standard is to pay overtime.

For All Wage Grade (WG) Technicians:

Wage Grade personnel are not limited, except to the extent that their overall salary may not exceed that of Executive Level One. The average annual salary for ARNG WG personnel is \$39,503, which yields an hourly overtime rate of \$28.39. The average annual salary for ANG WG personnel is \$42,019, which yields an hourly overtime rate of \$30.20. In each case the overtime rate is multiplied by the CY 2000 estimated hours. While these personnel may elect to work overtime for compensatory time off, the standard is to pay overtime.

A pay raise factor of 3% for each year was applied for the years 2001-2006 in the tables below. The overall annual totals are shown two ways. The first total includes the "GS HIGH" personnel, and the second does not.

ESTIMATED COST TABLES

Army National Guard:

ARNG	GS HIGH	GS LOW	WG	TOTAL	NO GS HIGH
FY00	\$3,796,419	\$3,921,173	\$9,116,767	\$16,834,359	\$13,037,941
FY01	\$3,910,311	\$4,038,809	\$9,390,270	\$17,339,390	\$13,429,079
FY02	\$4,027,621	\$4,159,973	\$9,671,978	\$17,859,572	\$13,831,951
FY03	\$4,148,449	\$4,284,772	\$9,962,138	\$18,395,359	\$14,246,910
FY04	\$4,272,903	\$4,413,315	\$10,261,002	\$18,947,220	\$14,674,317
FY05	\$4,401,090	\$4,545,715	\$10,568,832	\$19,515,636	\$15,114,546
FY06	\$4,533,123	\$4,682,086	\$10,885,897	\$20,101,106	\$15,567,983
TOTAL	\$29,089,916	\$30,045,843	\$69,856,883	\$128,992,642	\$99,902,726

Air National Guard:

ANG	GS - HIGH	GS - LOW	WG	TOTAL	NO GS HIGH
FY00	\$5,231,779	\$4,953,140	\$15,381,132	\$25,566,051	\$20,334,272
FY01	\$5,388,733	\$5,101,734	\$15,842,566	\$26,333,032	\$20,944,300
FY02	\$5,550,395	\$5,254,786	\$16,317,843	\$27,123,023	\$21,572,629
FY03	\$5,716,906	\$5,412,430	\$16,807,378	\$27,936,714	\$22,219,808
FY04	\$5,888,414	\$5,574,803	\$17,311,599	\$28,774,816	\$22,886,402
FY05	\$6,065,066	\$5,742,047	\$17,830,947	\$29,638,060	\$23,572,994
FY06	\$6,247,018	\$5,914,308	\$18,365,876	\$30,527,202	\$24,280,184
TOTAL	\$40,088,310	\$37,953,248	\$117,857,341	\$195,898,899	\$155,810,588

Combined Components (Army and Air National Guard):

ALL	GS - HIGH	GS - LOW	WG	TOTAL	NO GS HIGH
FY00	\$9,028,198	\$8,874,313	\$24,497,899	\$42,400,410	\$33,372,212
FY01	\$9,299,044	\$9,140,543	\$25,232,836	\$43,672,423	\$34,373,379
FY02	\$9,578,015	\$9,414,759	\$25,989,821	\$44,982,595	\$35,404,580
FY03	\$9,865,356	\$9,697,202	\$26,769,516	\$46,332,073	\$36,466,717
FY04	\$10,161,316	\$9,988,118	\$27,572,601	\$47,722,035	\$37,560,719
FY05	\$10,466,156	\$10,287,761	\$28,399,779	\$49,153,696	\$38,687,541
FY06	\$10,780,141	\$10,596,394	\$29,251,772	\$50,628,307	\$39,848,167
TOTAL	\$69,178,226	\$67,999,090	\$187,714,224	\$324,891,541	\$255,713,315

CONCLUSIONS

Data do not support the premise that National Guard technicians generally do not receive the compensatory time off for overtime hours worked.

The requirement to provide overtime pay, vice compensatory time off, for surge workload could impose a significant dollar cost on both the Army and Air National Guard.

Additional costs associated with providing overtime pay would not reduce the pressure on the technician workforce or purchase a more effective operation.

Sustained periods of overtime work weaken the National Guard's efforts to promote a better "quality of work life" for National Guard employees. Overtime serves to overtax the existing technician workforce and, as such, may contribute to high levels of employee dissatisfaction and "burn-out," or undermine the National Guard's efforts to retain a quality technician workforce.

Implementation of the FY 2001 congressionally directed and budgeted growth in the Army and Air National Guard technician workforce (Army National Guard military technician force was increased by 771 in FY 2001, and the Air National Guard military technician force was increased by 199 in FY2001) will help mitigate some of this overtime situation and address the underlying problems that serves to generate overtime hours and prevent technicians from using compensatory time earned as it is intended - for rest and recreation

RECOMMENDATION

The Department's recommendation is to maintain the status quo regarding overtime pay for National Guard military technicians, and not propose changes to 32 U.S.C. 709(h).

ARNG	ON BRD GS HIGH	O/T HRS WORKED	ON BRD GS-LOW	O/T HRS WORKED	TOTAL GS USED C/T HRS	GS HRS LOST	ON BRD WG	O/T HRS WORKED	C/T HRS	HRS LOST
AL	33	2,123	65	3,442	4,377	34	476	8,579	8,492	0
AK	0	0	0	0	0	0	0	0	0	0
AZ	47	2,013	60	1,743	2,693	90	166	4,753	3,517	157
AR *	0	0	0	0	0	0	0	0	0	0
CA	137	6,139	249	11,502	14,245	261	694	45,905	43,880	153
CO	12	1,196	17	566	186	1,175	123	1,889	1,211	251
CT #	0	0	0	0	0	0	0	0	0	0
DE	44	1,980	46	816	2,523	192	81	291	291	0
DC @	0	0	0	0	0	0	0	0	0	0
FL *	0	0	0	0	0	0	0	0	0	0
GA #	0	0	0	0	0	0	0	0	0	0
HI	18	588	13	206	796	280	179	1,316	2,832	0
ID *	0	0	0	0	0	0	0	0	0	0
IL	52	1,812	84	1,554	2,803	79	273	6,143	4,270	1,866
IN #	0	0	0	0	0	0	0	0	0	0
IA	72	1,492	158	2,560	3,734	25	270	3,930	3,787	26
KS *	0	0	0	0	0	0	0	0	0	0
KY	76	5,711	122	6,823	8,559	30	310	8,624	9,382	19
LA	80	887	149	1,787	1,239	548	438	3,957	3,102	855
ME *	0	0	0	0	0	0	0	0	0	0
MD @	0	0	0	0	0	0	0	0	0	0
MA	58	1,051	135	1,120	3,506	0	199	230	2,712	0
MI	14	578	40	1,600	2,178	0	300	12,270	12,270	0
MN #	0	0	0	0	0	0	0	0	0	0
MS	110	1,563	248	248	883	2,214	621	3,100	2,801	0
MO	76	3,025	0	3,295	4,072	0	430	5,130	3,329	0
MT	58	2,388	67	1,176	3,372	90	131	2,514	1,994	15
NE	36	2,149	115	4,982	4,588	2,194	136	3,285	3,285	0
NH	42	0	30	0	3,079	0	31	0	1,519	0
NJ	46	1,184	117	1,706	4,662	0	238	7,888	7,863	13
NM	23	234	117	165	216	0	175	1,535	1,402	0
NY	6	410	226	12,722	8,695	837	505	8,952	8,875	62
NC	94	5,834	327	2,022	6,564	1,292	305	13,577	10,565	3,012
ND *	0	0	0	0	0	0	0	0	0	0
OH	90	938	168	2,435	3,570	3	280	2,657	3,015	65
OK	0	0	4	720	0	720	93	1,198	568	630
OR *	0	0	0	0	0	0	0	0	0	0
PA *	0	0	0	0	0	0	0	0	0	0
PR	6	0	41	0	92	0	40	0	23	0
RI #	0	0	0	0	0	0	0	0	0	0
SC *	0	0	0	0	0	0	0	0	0	0
SD	24	2,210	23	1,769	3,443	536	109	2,276	2,276	0
TN *	0	0	0	0	0	0	0	0	0	0
TX	87	4,806	160	7,194	10,017	184	711	21,389	18,490	20
UT *	0	0	0	0	0	0	0	0	0	0
VT	49	2,754	80	1,854	4,918	25	114	3,015	2,972	23
VA *	0	0	0	0	0	0	0	0	0	0
VI *	0	0	0	0	0	0	0	0	0	0
WA	35	420	118	1,000	1,420	0	289	1,688	1,688	0

WV	57	2,006	107	2,165	0	0	141	3,049	0	0
WI	70	1,860	121	285	1,518	627	269	4,106	4,106	0
WY #	0	0	0	0	0	0	0	0	0	0
ARNG TOTALS	1,552	57,351	3,207	77,457	107,948	11,436	8,127	183,246	170,517	7,167
AVG OT HRS		36.95		24.15		2.40		22.55		0.88
GS/WG COMBINED	EMPL	OT-HOURS	AVG OT-HRS	USED	CT HRS LOST	AVG CT HRS LOST				
ARNG TOTALS	12,886	318,054	24.68	278,465	18,603	1.44				

ANG	ON BRD GS HIGH	O/T HRS WORKED	ON BRD GS-LOW	O/T HRS WORKED	TOTAL GS USED C/T HRS	GS HRS LOST	ON BRD WG	O/T HRS WORKED	C/T HRS	HRS LOST
AL	67	2,464	207	8,269	10,551	0	260	12,923	12,851	0
AK	0	0	0	0	0	0	0	0	0	0
AZ	174	10,417	677	26,798	26,756	443	144	5,086	4,649	103
AR	0	0	0	0	0	0	0	0	0	0
CA	139	8,456	241	8,683	15,759	571	429	26,434	23,107	568
CO	67	7,102	47	3,311	3,155	7,258	159	5,081	820	4,261
CT	0	0	0	0	0	0	0	0	0	0
DE	37	1,716	45	1,258	2,821	23	100	2,261	2,012	16
DC	11	691	15	356	1,176	0	111	4,046	3,929	0
FL	0	0	0	0	0	0	0	0	0	0
GA	0	0	0	0	0	0	0	0	0	0
HI	4	1,920	23	8,372	0	0	0	0	0	0
ID	0	0	0	0	0	0	0	0	0	0
IL	91	3,519	182	3,969	6,059	58	418	13,586	10,010	195
IN	0	0	0	0	0	0	0	0	0	0
IA	129	8,161	262	4,306	14,343	48	587	20,122	18,526	79
KS	0	0	0	0	0	0	0	0	0	0
KY	40	3,118	51	3,430	3,495	0	127	5,861	5,861	0
LA	63	1,457	34	2,341	2,027	360	197	0	2,585	382
ME	0	0	0	0	0	0	0	0	0	0
MD	46	1,091	52	2,120	3,211	0	195	6,520	6,520	0
MA	89	269	121	4,058	8,557	0	261	10,114	5,975	80
MI	65	3,792	108	6,200	9,992	0	380	30,400	30,400	0
MN	0	0	0	0	0	0	0	0	0	0
MS	79	1,445	115	1,101	2,431	0	285	5,668	5,454	0
MO	40	6,417	0	3,952	8,137	0	275	11,997	11,014	0
MT	41	999	43	1,222	0	0	160	5,159	0	0
NE	23	1,443	72	1,892	3,335	0	108	1,627	1,627	0
NH	69	4,519	131	2,495	5,574	17	314	7,374	7,021	59
NJ	69	4,519	131	2,495	5,574	17	314	7,374	7,021	59
NM	24	511	49	673	626	0	214	3,438	2,466	0
NY	32	3,795	357	22,756	24,170	39	665	27,376	24,082	0
NC	32	4,259	56	3,511	6,800	970	99	7,412	5,810	1,602
ND	0	0	0	0	0	0	0	0	0	0
OH	160	12,108	258	8,703	19,346	30	635	20,327	19,345	92
OK	6	175	10	1,605	0	1,780	9	221	0	221
OR	0	0	0	0	0	0	0	0	0	0
PA	0	0	0	0	0	0	0	0	0	0
PR	22	0	84	0	4,443	83	93	0	2,953	0
RI	0	0	0	0	0	0	0	0	0	0
SC	0	0	0	0	0	0	0	0	0	0
SD	31	1,271	61	837	1,929	29	138	2,571	2,163	408
TN	0	0	0	0	0	0	0	0	0	0
TX	55	2,853	130	5,784	7,427	64	268	9,484	7,932	58
UT	0	0	0	0	0	0	0	0	0	0
VT	35	2,347	50	489	2,659	0	145	5,736	4,052	0
VA	0	0	0	0	0	0	0	0	0	0
VI	0	0	0	0	0	0	0	0	0	0
WA	39	3,063	173	3,382	6,138	307	154	3,918	3,918	0

Enclosure 1

WV	77	5,938	102	3,865	0	15
WI	61	677	101	2,639	2,336	979
WY	0	0	0	0	0	0
ANG TOTALS	1,917	110,512	3,988	150,872	208,827	13,091
AVG OT HRS		57.65		37.83		2.22
GS/WG COMBINED	EMPL	OT-HOURS	AVG OT-HRS	USED	CT HRS LOST	AVG CT HRS LOST
ANG TOTALS	13,622	538,071	39.50	444,636	21394	1.57

209	10,800	0	55
264	3,771	3,706	65
0	0	0	0
7,717	276,687	235,809	8,303
	35.85		1.08

TOT ARNG + ANG	GS HIGH	WORKED	GS LOW	WORKED	USED	LOST
ARNG + ANG	3,469	167,863	7,195	228,329	316,775	24,527
AVG		48.39		31.73		2.30
GS/WG COMBINED	EMPL	OT-HOURS	AVG OT-HRS	USED	CT HRS LOST	AVG CT HRS LOST
	26,508	856,125	32.30	723,101	39,997	1.51

WG	WORKED	USED	LOST
15,844	459,933	406,326	15,470
	29.03		0.98

* = NO SUBMIT NOT INCL
 @ PARTIAL SUBMIT INCL
 # = QUEST SUBMIT NOT INCL

ARNG

GS	# HIGH GS EMPL	HIGH GS OT HRS WORKED	# LOW GS EMPL	LOW GS OT HRS WORKED	TOTAL GS CT HRS USED	TOTAL GS CT HRS LOST
DCPDS	3,755		7,264			
STATES	1,552	57,351	3,207	77,457	107,948	11,436
% REPORTED	41.33%		44.15%			

#WG EMPL	WG OT HRS WORKED	WG CT HRS USED	WG CT HRS LOST
14,242			
8,127	183,246	170,517	7,167
57.06%			

	# EMPL (HIGH GS + LOW GS)	TOTAL GS OT HRS WORKED	TOTAL GS CT HRS LOST	AVG GS CT HRS LOST		
TOT GS DCPDS #	11,019					
% REPORT	43.19%					
TOTAL STATE #	4,759	134,808	11,436	2.40		
EXTRAPOLATED #			26,479	2.40		
HIGH GS		138,758				
LOW GS		175,444				
TOTAL GS		314,202				
WG						
AVG OT HRS WORKED		28.5				
POTENTIAL \$						
HIGH GS		\$3,796,429				
LOW GS		\$3,921,165				
TOTAL GS		\$7,717,594				
WG						
TOT \$ (GS + WG)		\$16,835,059				

# WG	WG OT HRS WORKED	WG CT HRS LOST	AVG WG CT HRS LOST
	321,126	12,560	0.88
	22.55		
	\$9,117,465		

ARNG COMBINED (GS + WG)	# EMPL	OT HRS WORKED	AVG OT HRS WORKED	TOTAL CT HRS USED	CT HRS LOST	AVG CT HRS LOST
DCPDS	25,261					
STATES	12,886	318,054	24.68	278,465	18,603	1.44
% REPORTED	51.01%					

EXTRAPOLATED	
OT HRS WORKED	635,328
WORKYEARS	304.4
AVG OT HRS WORKED	25.2
TOT POT CY02 \$	\$16,835,059
EQUIV COST ALL	\$15,221,078
WG + LOW GS WORKYEARS	238
WG + LOW GS OVERTIME COST	\$13,038,630
EQUIV COST	\$11,896,728

ANG

GS	# HIGH GS EMPL	HIGH GS OT HRS WORKED	# LOW GS EMPL	LOW GS OT HRS WORKED	TOTAL GS CT HRS USED	TOTAL GS CT HRS LOST	#WG EMPL	WG OT HRS WORKED	WG CT HRS USED	WG CT HRS LOST
DCPDS	3,317		5,858				14,205			
STATES	1,917	110,512	3,988	150,872	208,827	13,091	7,717	276,687	235,809	8,303
% REPORTED	57.79%		68.08%				54.33%			

	# EMPL (HIGH GS + LOW GS)	TOTAL GS OT HRS WORKED	TOTAL GS CT HRS LOST	AVG GS CT HRS LOST			# WG	WG OT HRS WORKED	WG CT HRS LOST	AVG WG CT HRS LOST
TOT GS DCPDS	9,175									
% REPORTED	64.36%									
TOTAL STATE #	5,905	261,384	13,091	2.22						
EXTRAPOLATED			20,340	2.22						
HIGH GS		191,220								
LOW GS		221,617								
TOTAL GS		412,837								
WG								509,309	15,284	1.08
AVG OT HRS WORKED		45.00						35.85		
POTENTIAL \$										
HIGH GS		\$5,231,773								
LOW GS		\$4,953,138								
TOTAL GS		\$10,184,911								
WG								\$15,381,405		
TOT \$ (GS + WG)		\$25,566,316								

ANG COMBINED (GS + WG)	# EMPL	OT HRS WORKED	AVG OT HRS WORKED	TOTAL CT HRS USED	CT HRS LOST	AVG CT HRS LOST
DCPDS	23,380					
STATES	13,622	538,071	39.50	444,636	21,394	1.57
% REPORTED	58.26%					

EXTRAPOLATED	
OT HRS WORKED	922,146
WORKYEARS	442
AVG OT HRS WORKED	39.4
TOT POT CY02 \$	\$25,566,316
EQUIV COST ALL	\$22,092,617
WG + LOW GS WORKYEARS	350
WG + LOW GS OVERTIME COST	\$20,334,543
EQUIV COST	\$17,511,405

TOTAL ARNG + ANG OT HRS WORKED (EXTRAPOLATED)	1,557,474
AVG HRS WORKED	32.0
TOT POT CY02 \$	\$42,401,375

ARNG					
ARNG	GS HIGH	GS LOW	WG	TOTAL	NO GS HIGH
FY00	\$3,796,419	\$3,921,173	\$9,116,767	\$16,834,359	\$13,037,941
FY01	\$3,910,311	\$4,038,809	\$9,390,270	\$17,339,390	\$13,429,079
FY02	\$4,027,621	\$4,159,973	\$9,671,978	\$17,859,572	\$13,831,951
FY03	\$4,148,449	\$4,284,772	\$9,962,138	\$18,395,359	\$14,246,910
FY04	\$4,272,903	\$4,413,315	\$10,261,002	\$18,947,220	\$14,674,317
FY05	\$4,401,090	\$4,545,715	\$10,568,832	\$19,515,636	\$15,114,546
FY06	\$4,533,123	\$4,682,086	\$10,885,897	\$20,101,106	\$15,567,983
TOTAL	\$29,089,916	\$30,045,843	\$69,856,883	\$128,992,642	\$99,902,726

ANG					
ANG	GS HIGH	GS LOW	WG	TOTAL	NO GS HIGH
FY00	\$5,231,779	\$4,953,140	\$15,381,132	\$25,566,051	\$20,334,272
FY01	\$5,388,733	\$5,101,734	\$15,842,566	\$26,333,032	\$20,944,300
FY02	\$5,550,395	\$5,254,786	\$16,317,843	\$27,123,023	\$21,572,629
FY03	\$5,716,906	\$5,412,430	\$16,807,378	\$27,936,714	\$22,219,808
FY04	\$5,888,414	\$5,574,803	\$17,311,599	\$28,774,816	\$22,886,402
FY05	\$6,065,066	\$5,742,047	\$17,830,947	\$29,638,060	\$23,572,994
FY06	\$6,247,018	\$5,914,308	\$18,365,876	\$30,527,202	\$24,280,184
TOTAL	\$40,088,310	\$37,953,248	\$117,857,341	\$195,898,899	\$155,810,588

COMBINED ARNG + ANG					
COMBINED	GS HIGH	GS LOW	WG	TOTAL	NO GS HIGH
FY00	\$9,028,198	\$8,874,313	\$24,497,899	\$42,400,410	\$33,372,212
FY01	\$9,299,044	\$9,140,543	\$25,232,836	\$43,672,423	\$34,373,379
FY02	\$9,578,015	\$9,414,759	\$25,989,821	\$44,982,595	\$35,404,580
FY03	\$9,865,356	\$9,697,202	\$26,769,516	\$46,332,073	\$36,466,717
FY04	\$10,161,316	\$9,988,118	\$27,572,601	\$47,722,035	\$37,560,719
FY05	\$10,466,156	\$10,287,761	\$28,399,779	\$49,153,696	\$38,687,541
FY06	\$10,780,141	\$10,596,394	\$29,251,772	\$50,628,307	\$39,848,167
TOTAL	\$69,178,226	\$67,999,090	\$187,714,224	\$324,891,541	\$255,713,315

ASSOCIATION OF CIVILIAN TECHNICIANS

THOMAS G. BASTAS
National President



01 AUG 23 AM 8:27
August 21, 2001

The Honorable John M. McHugh
2441 RHOB
Washington, DC 20515-3224

Dear Representative McHugh,

Please find enclosed a copy of this association's review of the DoD report entitled, National Guard Military Technicians Overtime Pay submitted to Congress as per House Report 106-616, page 361. Enclosed also is a copy of our response to The Honorable Bob Stump, Chairman of the Armed Service Committee. Our review shows the analysis of and the resulting conclusions related to the collected state data completely misrepresent the plight of National Guard Civilian Technicians. The report's finding and its supporting rationale is over-simplified at best and frankly misleading, with the focus apparently to foster the appearance that there is no necessity to disturb the "status quo". A simple review of the submitted data cannot and does not support that conclusion.

We request that you would take the necessary steps in removing the status quo by seeking the needed changes to 32 U.S.C. § 709 (h) to insure that the Technician receives appropriate compensation in today's high tempo operations. Thirty-two years ago this may have been appropriate, but with the myriad of changes over this time span it does not fit the needs of today.

Inclusion in the Authorization bill of the H.R. 512 language presented by Rep. Colin Peterson will provide equity to these employees. Please review the attached information and I would appreciate your thoughts as to whether that change can be made.

If I can be of further assistance, or provide any additional information please feel free to contact me. We are available to meet with you or your representative on this matter.

Looking forward to your favorable response.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Bastas'.

Thomas G. Bastas
National President

Enclosures

ASSOCIATION OF CIVILIAN TECHNICIANS

THOMAS G. BASTAS
National President

August 13, 2001



The Honorable Bob Stump
Chairman, Committee on
Armed Services
U.S. House of Representatives
Washington, D.C. 20515-0303

Dear Mr. Chairman,

Please find enclosed a copy of this association's review of the DoD report entitled, National Guard Military Technicians Overtime Pay submitted to Congress as per House Report 106-616, page 361. Our review shows the analysis of and the resulting conclusions related to the collected state data completely misrepresent the plight of National Guard Civilian Technicians. The report's finding and its supporting rationale is over-simplified at best and frankly misleading, with the focus apparently to foster the appearance that there is no necessity to disturb the "status quo". A simple review of the submitted data cannot and does not support that conclusion.

As written, the DoD report distorts the overall picture of compensatory time as administered for dual-status employees of the National Guard system. The report clearly demonstrates that technicians have lost compensatory time. The author then categorizes those losses as insignificant. This is unacceptable for myriad reasons explained in the enclosed review. However, when one looks at the state-by-state information, technicians have lost "significant" compensatory entitlements.

We request your assistance in removing the status quo, by providing the necessary changes to 32 U.S.C. § 709 (h) to insure appropriate compensation in today's high tempo operations within the technician force. I am sure you could agree, that what may have been the right approach thirty-two years ago does not fit the needs of today.

Inclusion in the Authorization bill of the H.R. 512 language presented by Rep. Colin Peterson will provide equity to these employees. Please review the attached information and I would appreciate your thoughts as to whether that change can be made.

If I can be of further assistance, or provide any additional information please feel free to contact me. We are available to meet with you or your representative on this matter.

Looking forward to your favorable response.

Sincerely,

Thomas G. Bastas
National President

cc: The Honorable Ike Skelton,
Ranking member HASC

12510-B Lake Ridge Drive
Lake Ridge, VA 22192
Tel. 703-494-4845
Fax 703-494-0961

"Duty . . . Dedication . . . Dignity"

National Guard Military Technician Overtime Pay

**A Report in Reference to the above Study
released by
the National Guard Bureau**

Prepared for the Associations of Civilian Technicians

**By
J. J. Goulait EdD / PhD A.B.D.**

August 2001

INTRODUCTION:

The Association of Civilian Technicians submits the following response to the report issued by the Assistant Secretary of Defense for Reserve Affairs issued April 2001 and titled, National Guard Military Technician Overtime Pay. We take the following exceptions. These exceptions are based on the facts and figures as presented, and the misrepresentations created by the report.

As written, the report skews the overall picture of compensatory time as administered for dual-status employees of the National Guard system. It admits that there are personnel that have lost compensatory time but categorizes those losses as insignificant. This is unacceptable. If one employee lost time, they have lost a benefit they were entitled to. When one looks at the case-by-case information, many employees appear to have lost "significant" entitlements.

Before going further the Association of Civilian Technicians wishes to reiterate that the DoD report does not justify changing our position on this issue and we remain firm in the belief that something needs to be done to insure the TECHNICIAN receives his/her just entitlements. The cure for this is the necessary change in laws. Our recommendation is at the end of this report.

The report states " throughout the conduct of the study, the National Guard Bureau found few situations in which technicians were unable to use compensatory time off for the hours of overtime they worked." The NGB further avers, "these cases were neither widespread nor significant, in terms of compensatory hours lost."

A simple review of the facts cannot and does not support this conclusion.

RESPONSE:

Data Collection and Interpretations

One must look at the report, and ask how were these numbers arrived at. The cross line figures used do not add up. For example on Page 4:

Under ARNG Results:

Grades GS11 and Greater OT Worked	Grades less Than GS11	Total of GS Overtime	Comp Hours Used	Comp Hours Lost
57,351	77,457	134,808	107,948	11,436
Report Figure	Report Figure	Not given in report: Total of all GS employees	Report Figure	Report Figure
		Columns 1 and 2		Comp Hours lost From Overtime Hours Used is actually 26,860

Under Wage Grades:

Overtime Hours Worked	Comp Hours Used	Comp Hours Lost
183,246	170,517	7,167
Report Figure	Report Figure	Report Figure
		The math shows: Comp Hours lost From Overtime Hours Used is actually 12,729

Total ARNG Combined:

Overtime Hours Worked	Comp Hours Used	Comp Hours Lost
318,054	278,465	18,603
Report Figure	Report Figure	Report Figure
		The math shows: Comp Hours lost From Overtime Hours Used is actually 39,589

A review of the Page 5 data for the ANG results show similar results as noted in the following charts:

ANG Results:

Grades GS11 and Greater OT Worked	Grades less Than GS11	Total of GS Overtime	Comp Hours Used	Comp Hours Lost
110,512	150,872	261,384	208,827	13,091
Report Figure	Report Figure	Not given in report: Total of Report Figure for all GS employees	Report Figure	Report Figure
		Total of Columns 1 and 2		Comp hours lost from total GS overtime used is 52,577 not the report figure above

Wage Grade:

Overtime Hours Worked	Comp Hours Used	Comp Hours Lost
276,687	235,809	8,303
Report Figure	Report Figure	Report Figure
		The math shows: Comp Hours lost From Overtime Hours Used is actually 40,878

Total ANG:

Overtime Hours Worked	Comp Hours Used	Comp Hours Lost
538,071	444,636	21,394
Report Figure	Report Figure	Report Figure
		Doing the math: Comp Hours lost From Overtime Hours Used is actually 93,435

In summary, the DoD report displays erroneous figures for Average Comp time lost resulting in a misrepresentation of the hours presented to the Assistant Secretary of Defense for Reserve Affairs by the National Guard Bureau. The final Average Compensatory Hours lost should read as follows:

For ARNG:

GS Technicians	5.64 vs. 2.40
WG Technician	1.57 vs. .88
Total GS/WG Reported	3.07 vs. 1.44

For ANG:

GS Technicians	8.90 vs. 2.22
WG Technician	5.30 vs. 1.08
Total GS/WG Reported	6.86 vs. 1.57

The report uses total work force figures to extrapolate data that will not validate. To make this a valid assumption, either all data would have to be entered (i.e. **All states** reporting) or a true random sampling based on presumptive statistical research must be used.

In the Attachments, the report presents the breakdown of data by states, both Army and Air. The author of this rebuttal will not list line by line mistakes, but will point out a few glaring pieces of data that were glossed over by the presenter of the report.

Contained within the ARNG data the following may be noted:

- In *Alabama*, GS workers are listed as earning 5,565 hours of Comp time and using 4,377 compensatory hours. This equals **1,188** compensatory hours unused instead of the 34 shown.
- In *California*, GS workers compensatory time hours totaled 17,641 less 14,245 hours used reflecting a net loss of **3,396** hours not the 261 shown.
- *Hawaii* shows a different perspective. For the GS side, the total number of hours earned was 794, yet records that 796 were used which gives a **2-hour imbalance**. On top of this it shows 280 hours of lost compensatory time. For WG's the chart reflects 1,316 hours worked with 2,832 hours used creating a **negative 1,516** unused.
- *Kentucky* GS totals show 12,534 comp hours earned with 8,559 used, therefore it becomes a true loss of **3,975** compensatory hours not the 30 hours shown on the chart. The WG conversely shows 8,624 hours of compensatory earned with 9,382 used which results in a **negative 758** as opposed to the +19 shown on the chart.

In the ANG the numbers are not any better. As exemplar:

- In *Colorado*, the numbers appear to add up, but to say there is **no significant impact** becomes a contradiction. The reflected **11,519** hours of lost compensatory time is more than significant when spread over a total workforce of 373 technicians. This equates to **30.9 hours** of compensatory time lost per technician or $\frac{3}{4}$'s of a workweek that the agency did not pay for.
- In *Hawaii*, the facts are even more convoluted. On the GS chart it shows a total of **8,292** hours of compensatory time earned with none being used and none being lost. Evidently, according to the chart WG workers were non-existent in the data.
- *Illinois* GS technicians worked a total of 7,488 compensatory hours and used 6059 for a real loss of **1,429** hours vs. 48 shown. The WG technician shows a true total of **3,576** hours lost with the final line given as only 195 hours. Based on 418 WG workers in place, this equates to **8.56** work hours lost or a full day. Not insignificant to the employee.
- Two other examples are glaring. *Kentucky's* GS technician's show **3,053** hours actually lost vs. the 0 (zero) in the loss column. *Ohio* shows a true loss of **1,465** hours yet documents only 30 hours in the loss column.

The logic in using this incongruent data to create the report has to make one wonder what the authors were truly attempting to show. Was this report prepared only to fill the square and not worry what the figures really reveal and hope people will only look at the cover recommendations?

The disclaimer, "*Comp hours lost will not equal overtime hours worked minus comp hours used since MilTechs have a 26 pay period (or 1 year) time frame in which they may use the earned comp time from working overtime hours,*" is an incredulous statement given the data. The report states that the data was based on a request for CY 2000 information from the states. If the data, as stated, were for CY 2000, then the twenty-six period rule would not be a player in analyzing the data due to the pay period starting and concluding within the year. The resulting data either must be accepted as provided or additional data should have been requested so an average of at least three (3) CY figures could have been used to provide a fair and accurate representation of the data.

Whoever prepared this report appears not to understand that in order to extrapolate results, there has to be accurate data used that will insure collaboration or correlation in relationship to the results that affect the future. All that this disclaimer does is to give an appearance within the report that the 'status quo' position is the action to take. The other point that must be realized is that as in any organization there is a core group of employees that will never or very rarely be subjected to work overtime or compensatory time. So spreading the lost time over the full population further negates and distorts the results that are purported to reflect accuracy.

QUALITY OF LIFE VS. THE NUMBERS:

The report also averred that through congressional mandate, there was a growth of 771 ARNG and 199 ANG technicians between fiscal year 2000 and 2001. As the following chart shows, extracted from public law as passed, this statement is erroneous. It should be noted, with the numbers presented for HR 2586, proposed appropriations for fiscal 2002, the final total falls well short of the additional employment numbers stated in the report. This information is relative, due to the National Guard Bureau statement that with this increase, a better quality of life is to be gained, as overtime (compensatory hours) will drop proportionately.

	PL 106-65 2000 Authorizations	PL 106-398 2001 Authorizations	HR 2586 Proposed 2002	Difference over the three years
ARNG	23,125	23,128	23,128	+ 3
ANG	22,247	22,247	22,422	- 5*

* Note that using these numbers we have a net loss of 2 technician positions.

If "quality of life" is of true concern, which we agree it should be, the numbers of 771 and 199 are not found in the statute. The rhetoric of the statement sounds convincing, but it appears the author of the report has distorted the record in order to argue the case to make things appear the way the presenters would like them to remain.

SUMMARY:

The report if given an honest reading supports the fact that the law must change in order to preserve the technicians rights to earned benefits. On the whole, the report convolutes and attempts to use the data to convince the reader that there is not a problem and actions are in place to correct the 'insignificant' and "non-wide spread" loss that the report shows is present.

As stated in the study, the Guard and its mission are dynamic, and the Technician also must remain dynamic and subject to change. It is without question the Technician is willing to accept the change but like any other employee deserves the rewards due him/her for this committed effort. As the missions change so must the laws that a person works under. Since 1968 there has been no significant change made for the treatment of the Technician with regard to these issues. Unless the laws change, their servitude will continue.

As it stands, this report is an affront to those it was prepared for. It convolutes and skews the data to say what the author wants the reader to believe and accept without question.

The raw data, prior to tinkering with, negates the premise that there is no 'significant' loss to a technician. The report as presented unquestionably demonstrates that technicians have lost their earned compensatory time in numerous instances, and in some cases significant amounts. One should view individual 'state' data that displays significant

losses. Had overtime pay been provided in those instances it would have made the technicians whole and would not have the muster to the exaggerated degree the report would like to infer. If left in the 'status quo', one is being ambivalent to ethical responsibilities of honoring commitments to dedicated employees that protect and defend our freedoms.

RECOMMENDATIONS:

Although the report requests a 'status quo' on the issue, one has to see how flawed and one sided the numbers are as presented. The Association of Civilian Technicians therefore requests that Title 32 § 709 be changed to reflect the proposed changes contained in HR 512.

We are not naive enough to say that the solve will not come without cost to the agency, but as the dynamics of operations change, also the responsibility to the worker must change after 32 years. In 1969 compensatory time may have been the appropriate overtime compensation for National Guard Technicians. This no longer meets the needs of the agency or the employee in the 21st Century.

ACT strongly supports the apparent goals of the agency in the hiring of additional technicians in the Army/Air National Guard Technician Program. However, those goals should not be at the expense of those currently employed.

The proposed change to the 32 U.S.C. § 709 (h) presented by Rep. Colin Peterson, in H.R. 512, should be accepted. The cost would be negligible compared to the fairness achieved. It is the right thing to do!