

AD-A192 520

2



AIR COMMAND AND STAFF COLLEGE

STUDENT REPORT

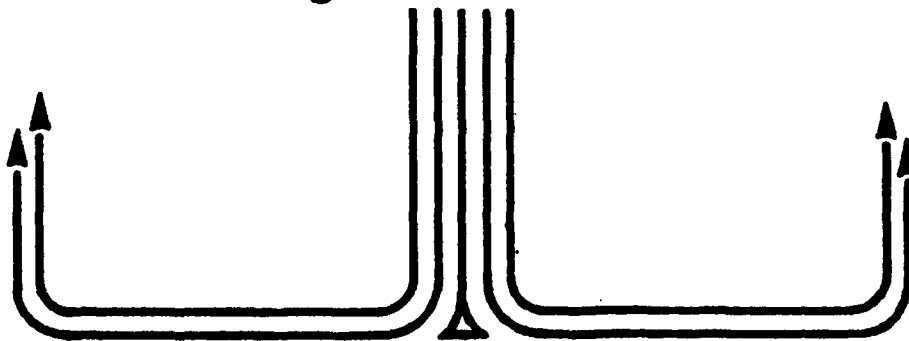
Air National Guard Full-Time Support

Major Roger M. Miller

88-1840

"insights into tomorrow"

S DTIC
ELECTE **D**
MAY 11 1988
E



This document has been approved
for public release and sale in
distribution is unlimited.

88 5 10 27 5



REPORT NUMBER 88-1840

TITLE AIR NATIONAL GUARD FULL-TIME SUPPORT

AUTHOR(S) MAJOR ROGER M. MILLER, USAF

FACULTY ADVISOR MAJOR WILLIAM MAGILL, ACSC|ADM

SPONSOR Colonel Joseph Galioto, NGB|CF

Submitted to the faculty in partial fulfillment of
requirements for graduation.

AIR COMMAND AND STAFF COLLEGE
AIR UNIVERSITY
MAXWELL AFB, AL 36112

UNCLASSIFIED

SECURITY CLASSIFICATION OF THIS PAGE

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

1a. REPORT SECURITY CLASSIFICATION UNCLASSIFIED			1b. RESTRICTIVE MARKINGS		
2a. SECURITY CLASSIFICATION AUTHORITY			3. DISTRIBUTION / AVAILABILITY OF REPORT STATEMENT "A" Approved for public release; Distribution is unlimited.		
2b. DECLASSIFICATION / DOWNGRADING SCHEDULE					
4. PERFORMING ORGANIZATION REPORT NUMBER(S) 88-1840			5. MONITORING ORGANIZATION REPORT NUMBER(S)		
6a. NAME OF PERFORMING ORGANIZATION ACSC/EDC		6b. OFFICE SYMBOL (if applicable)	7a. NAME OF MONITORING ORGANIZATION		
6c. ADDRESS (City, State, and ZIP Code) Maxwell AFB, AL 36112-5542			7b. ADDRESS (City, State, and ZIP Code)		
8a. NAME OF FUNDING / SPONSORING ORGANIZATION		8b. OFFICE SYMBOL (if applicable)	9. PROCUREMENT INSTRUMENT IDENTIFICATION NUMBER		
8c. ADDRESS (City, State, and ZIP Code)			10. SOURCE OF FUNDING NUMBERS		
			PROGRAM ELEMENT NO.	PROJECT NO.	TASK NO.
			WORK UNIT ACCESSION NO.		
11. TITLE (Include Security Classification) Air National Guard Full-Time Support					
12. PERSONAL AUTHOR(S) Miller, Roger M., Major, USAF					
13a. TYPE OF REPORT		13b. TIME COVERED FROM _____ TO _____		14. DATE OF REPORT (Year, Month, Day)	15. PAGE COUNT 29
16. SUPPLEMENTARY NOTATION					
17. COSATI CODES			18. SUBJECT TERMS (Continue on reverse if necessary and identify by block number)		
FIELD	GROUP	SUB-GROUP			
19. ABSTRACT (Continue on reverse if necessary and identify by block number) Full-time support for the Air National Guard is federally funded and subject to federal law and rules for its administration. Retirement benefits are a positive motivator for a career force, but also require clear rules for members to believe they can reach retirement. This study concludes revisions of ANGR 35-03 are necessary.					
20. DISTRIBUTION / AVAILABILITY OF ABSTRACT <input type="checkbox"/> UNCLASSIFIED/UNLIMITED <input checked="" type="checkbox"/> SAME AS RPT. <input type="checkbox"/> DTIC USERS			21. ABSTRACT SECURITY CLASSIFICATION UNCLASSIFIED		
22a. NAME OF RESPONSIBLE INDIVIDUAL ACSC/EDC			22b. TELEPHONE (Include Area Code) (205) 293-2867	22c. OFFICE SYMBOL	

PREFACE

This paper reviews the development of full-time support for the Air National Guard and makes specific recommendations for the management of military duty reservists. Congressional sources are used extensively to identify problems in regulations governing these people. Headquarters and wing level personnel managers were interviewed to help identify specific problems.

This study is intended to give insight into the evolution of ANG full-time support. It provides references to Congressional and DOD materials necessary to make changes to Air National Guard regulations controlling these people.

Accession For	
NTIS GRA&I	<input checked="" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification	
By _____	
Distribution/	
Availability Codes	
Dist	Avail and/or Special
A-1	



—ABOUT THE AUTHOR—

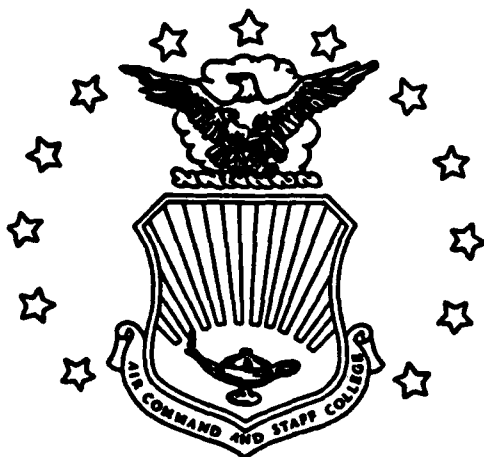
Major Roger M. Miller has been a statutory tour officer assigned to the Air National Guard Support Center. He was a member of the Reserve Officer Personnel Management Act (ROPMA) working group. This group worked for the Undersecretary of Defense for Reserve Affairs drafting legislation to manage reserve officers on active reserve duty. He was the Chief, Office of Air National Guard History and interviewed important senior Guard leaders on many continuing issues.

Major Miller is a lawyer with a Juris Doctorate from Indiana University School of Law. As a practicing attorney, he was a major party candidate for the United States Congress. He also has a Master of Business Administration Degree from Saint Francis College and a Master of Science Degree in Business Administration from Indiana University. His undergraduate degree is from Purdue University. Presently, he is working on a doctorate in Congressional Studies at Catholic University, Washington, D.C.

TABLE OF CONTENTS

Preface.....	iv
About the Author.....	v
Table of Contents.....	vi
Executive Summary.....	vii
CHAPTER ONE--INTRODUCTION	
Problem Background.....	1
Approach.....	1
Significance of the Problem.....	2
Limitations.....	2
Objectives of This Report.....	3
CHAPTER TWO--FULL-TIME SUPPORT	
Military Technician History.....	4
Introduction.....	4
State Employees.....	4
Unsolved Problems.....	4
Active Duty Mission Support.....	5
Increased Support.....	5
Results.....	5
Federal Employees.....	6
Unsolved Problems.....	6
Union Problems.....	6
Costs.....	7
Active Guard/Reserve History.....	7
Test Recommendations.....	8
Problems.....	8
Career AGR Program.....	9
Historical Analysis.....	10
CHAPTER THREE--MILITARY DUTY PERSONNEL MANAGEMENT.....	
Introduction.....	12
Chapter 1, Terms, Supplements, and Waivers.....	12
Chapter 2, General Policies.....	13
Chapter 3, Administration.....	14
Chapter 4, Promotions.....	15
Chapter 5, Military Duty Personnel in Overgrade Status.....	15
Chapter 6, Release From Military Duty.....	15
Chapter 7, Medical.....	17
CHAPTER FOUR -- CONCLUSIONS.....	
.....	18
BIBLIOGRAPHY.....	
.....	19

EXECUTIVE SUMMARY



Part of our College mission is distribution of the students' problem solving products to DOD sponsors and other interested agencies to enhance insight into contemporary, defense related issues. While the College has accepted this product as meeting academic requirements for graduation, the views and opinions expressed or implied are solely those of the author and should not be construed as carrying official sanction.

"insights into tomorrow"

REPORT NUMBER

88-1840

AUTHOR(S)

Major Roger M. Miller, USAF

TITLE AIR NATIONAL GUARD FULL-TIME SUPPORT

The purpose of this report is to
I. Purpose: To establish the need to revise Air National Guard (ANG) regulations controlling Active Guard Reserve (AGR) members and to provide a history of full-time support in the National Guard. *to y will*

II. Problem: The AGR program was started as a limited test and became a full-time support force without specific legislation. Existing law was intended to manage reservists on active duty with the regular components and does not consider the unique state management of the National Guard.


III. Data: National Guard full-time support was given special federal civil service status and federal benefits. Civil service retirement was the most important benefit. This created stability in the military technician force. Unfortunately, the right to join a union was also a federal benefit and Congress eventually froze hiring due to cost and unionization. As a result, the ANG supported a test program consisting of active duty reservists serving with units as full-time support. Management of this force has been criticized by Congress and regulations need to be revised conforming to agreements between the DOD and the General Accounting Office. Active duty retirement

CONTINUED

benefits are the incentive for this full-time force. However, many members are unsure of their tenure as military duty members and may not stay for a career.

IV. Conclusions: Full-time support for the ANG has resulted in effective units supporting active duty missions. Full-time members are motivated to remain by pay and retirement benefits. Personnel rules must be clear to make sure the member believes retirement is a possibility.

f. p. VII -
V. Recommendations: ANGR 35-03 Military Personnel Management needs to be revised to conform to federal laws concerning reservists on active duty. Promotion, professional military education, and active mission support should be centrally managed to use military duty members.



Chapter One

INTRODUCTION

PROBLEM BACKGROUND

"...(T)he KGB could not have done a better job of disrupting the Guard." (15:358) This may describe the National Guard Bureau's (NGB) management and administration of its full-time support programs. The Air National Guard (ANG) is responsible for two distinct full-time military support programs, the military technician (MT) and military duty (MD) programs. (26:213) Management problems result from confusion over the requirements imposed by Federal rules. The civil service military technician program confuses its civilian and military characteristics. The military duty program lacks centralized management to maintain uniform application of Federal laws to state military duty.

This paper traces ANG full-time support development. It discusses issues remaining important today: state/federal control, civilian/military status, unionization/career military in chronological order. Management changes are proposed for the full-time military duty (MD) program, but not proposed for the military technician (MT) program.

APPROACH

This report provides an historical analysis of the two full-time National Guard (NG) support programs, and lists and analyzes legislative solutions. Only problems surfacing in Congress are considered because these constitute national problems existing in many states. The problems identified in Congressional hearings exist in many units and existing regulations need revision (30:--;32:--).

Only officer Active Guard Reserve (AGR) problems are discussed because existing federal law creates more constraints than those for enlisted people. The military technician's (MT) problems are used to find problems possibly occurring with military duty (MD) people. This assumption is used because the AGR history is too short for career patterns to emerge.

The term AGR and MD are used to identify the full-time military support person. The ANG prefers MD when referring to the military duty person, and it uses MT for a civil service military technician. AGR is used by the Army National Guard when referring to the military duty person. The ANG uses AGR when referring to the full-time military duty program or a person's duty status.

SIGNIFICANCE OF THE PROBLEM

ANG effectiveness is dependent on the ability to attract and keep qualified people for full-time positions. Full-time officer support on September 30, 1987 was 2,880, of whom 955 were MD. (29:1) A key retention aspect of the MD concept is the opportunity to qualify for military retirement with pay and benefits after 20 years of active duty with the ANG. But Senate hearings show that lack of job security and career opportunities concern many MD people. (26:285) Because of problems in the MD program, the Senate is considering reducing full-time military duty people and replacing them with Active Component personnel.

MD program management involves State administration. State control was a concern when civil service status was granted to technicians. The State Adjutant General is charged with program administration and control. Additionally, any use of federal troops in active federal service to train ANG members not on active duty is contrary to Article I, Section 8, Clause 16 of the Constitution, which reserves the authority of training the militia to the States. Therefore, continued state AGR control is a survival issue. (31:-)

LIMITATIONS

The military duty program started in 1978 as a test and became a career program in the early 80s. The seriousness of career path problems for MD officers can't be adequately evaluated until more time passes. Until a person is released from duty involuntarily, no exact measure of the problem can be obtained from standard personnel sources. Presently, the problem is uncertainty about the program.

OBJECTIVES OF THIS REPORT

This study's objectives are to provide a legislative overview, analyze Congressional reasoning for changes, find problems solved and created by these laws, and recommend specific revisions of ANG Regulation 35-03, Military Duty Personnel Program Air National Guard.

Chapter Two
FULL-TIME SUPPORT
MILITARY TECHNICIAN HISTORY

Introduction

Historically, full-time support for the Air National Guard divides into three parts. First was a Federally funded program with caretakers and clerks supporting day to day unit needs employed by state government. Next came the present military technician (MT) who replaced the state employee. The MT system is Federally funded with the technicians considered Federal civil service employees. The latest addition is the Active Guard Reserve (AGR). Under each program, the controlling law and problems are discussed. Unresolved problems are identified.

State Employees

Preceding today's National Guard was the State militia. Under the militia concept, all members of a community were obligated to support and defend their community. This idea dates back to the beginning of history and out of necessity became the foundation of American defense policy.

The modern National Guard began to emerge in 1903 as a result of the Dick Act. Under this law, the Federal Government took an active role in establishing rules for organizing, training, and equipping the militia in line with the standards established for the Regular Army. An amendment to the Dick Act, the National Defense Act of 1916, officially renamed the militia the "National Guard" and provided funding for full-time support. This law authorized "caretakers and clerks" to look after the horses in cavalry and field artillery units. These full-time armory custodians increased service readiness standards and provided daily continuity to unit operations. They were under state control, but partially paid from Federal funds. (11:1-2 - 3)

Unsolved Problems. The state employee system lasted for 65 years. The problems justifying change emerged with Air National Guard. These problems can be placed into two general categories both involving military technology. Increased complexity required more full-time support to maintain high states of readiness. Higher states of readiness provided a cost effective way to do active duty missions.

Active Duty Mission Support. After WW II, the rapid demobilization provided a ready supply of trained people and planes. The National Guard quickly incorporated a large air mission which became the the Air National Guard. Starting with the Cold War, the ANG provided mission support to the active component. The Cold War officially began on March 12, 1948 when President Truman promulgated the Truman Doctrine. The Korean War erupted in June 1950 and soon 80 percent of the ANG was activated. Many ANG pilots and support people were World War II veterans who maintained their military skills after returning to civilian life by joining the ANG. (6:26) Four ANG pilots became jet aces and over 1,300 combat citations awarded. (1:131-132)

After Korea, the ANG handled a large part of continental air defense at one-third the cost of regulars. Its missions diversified to include Tactical Air Command (TAC) fighters, fighter interceptors, reconnaissance units, troop carriers, heavy air lift, and aero-medical evacuation. (2:222-223)

A tradition of active missions continued with 25 ANG squadrons mobilized for the Berlin Crisis in 1961. The Cuban Missile Crisis of 1962 resulted in 24 hour alerts and transfer of ANG bases to the Air Force. (2:247) The ANG flew cargo to Southeast Asia and assumed Air Force missions stateside and in Europe during the sixties. (2:242)

Increased Support. After the Berlin call-up, technician growth supported nuclear capability in Air Defense Command Units with security and maintenance needs. (8:55) Further growth resulted from conversions to more modern and sophisticated planes. (9:44) Units converting to heavy transport planes received more technicians. (10:46)

Modern planes, runway alert, and more active missions required more maintenance and support people. Most Air Guard effort was in federal mission support. The state share of National Guard cost dropped from 33 percent in 1933 to 6 percent in 1963. By 1968, the technicians were paid solely from federal funds. (18:3320)

Results. As a result of more active missions and complex planes, the skilled technician became the backbone of the Air Guard program. Guardsmen took an average pay cut of 61 percent on active duty. After the Berlin call-up, 95 percent of the technicians returned to their units. (7:57) By 1964, the overall retention rate had dropped to 54.6 percent largely owing to increased mission requirements. (2:247) The response to this attrition was to end a long standing technician problem. The problem was inadequate pay and retirement. (7:19-20)

Pay and retirement benefits were determined by each state. The resulting differences created inequities in the system. The solution sought by the National Guard Association of the United States (NGAUS) and NGB was Federal civil service status for technicians. (3:16)

Federal Employees

Two problems were addressed in the National Guard Technician Act of 1968. The first was to give uniform and adequate pay, retirement and fringe benefits. The second recognized the military and state ANG characteristics. This second objective was met by providing for administrative authority at the state level under the adjutant general, a state official. (18:3318-3319) Both problems were effectively solved by creating the exempt military technician.

Unsolved problems. Two new problems surfaced in the technician program. The first was unforeseen; Executive Order 10998 permitted unionization. (28:21-22) The second was a result of solving the prior pay and benefit problem. Technician cost increased and budget constraints caused a civilian employment freeze.

Union problems. The union issue is a National Guard issue. No other Reserve component had the scale of problem or management concern. During the AGR test period from January 1979 to July 1980, 261 labor issues were processed in all reserve components. Of these, 241 were in the National Guard.

DOD characterizes most union issues as trivial. According to DOD, the problem is Guard leadership perception. No substantiated incidents affecting readiness have occurred. DOD concluded this issue should be handled by redefining the proper subjects for collective bargaining. (12:11-15) Given the extreme difference in the number of labor issues between similar components, it is fortunate DOD considers the problem one of Guard management perception and not Guard management.

ANG management is complex owing to its State and Federal relationship. The adjutant general is generally an appointed state official. He has two separate systems to manage: one the military system; the other, a civilian civil service system. These two systems are interdependent and not mutually exclusive. Unions raise many questions touching military concerns. These include wearing the military uniform while in technician status, haircuts, and complaints on temporary duty (TDY) billeting requirements. In spite of concerted efforts by the NGB to prepare supervisors for labor management relations, many grievances have occurred. (28:22)

Cost. In April 1976, the Defense Manpower Commission (DMC) report found potential savings of \$270,000,000 in FY 1975 costs based on its military technician program study. These savings would result from converting technicians to full-time military. Two problems cited as resolved by this change were unionization and dual pay and retirement for the same job. Congress accepted these findings and prohibited the hiring or replacement of any technicians after October 1, 1977. Current technicians were to be phased-out through attrition, then, replaced by reservists in an active duty status on a one-to-one basis. However, conversion of current technicians was not discouraged. (20:93)

Dual pay and retirement for the same job is more than just a dollar cost. The technician needs 30 years service to qualify for a pension from his civil service job. (11:I-6) This requirement contributes to significant grade stagnation limiting career opportunities for reservists. Revitalization Boards annually review members with over 20 years of service for retention. (10:46) Together this caused reserve and technician morale problems. (14:221-222)

Retirement benefits also create a perception problem. The MT has a civilian job essentially similar to his military occupation in the reserve component. The civilian and military positions must be the same or close. He receives pay for both his technician job and his participation as a reserve member. The result is three separate retirement benefits: federal civil service, social security, and military retired pay. A few even qualify for state retirement. The perception of dual pay and retirement for what is in essence the same job has proved troublesome. Dual compensation has been cited as a reason to end the technician program. (16:123-124)

ACTIVE GUARD/RESERVE HISTORY

DOD, with strong ANG support, decided to conduct a military duty test. The Navy and Marine Corps had workable full-time military support programs and did not participate in the test. All other reserve components, Army Reserve, Army National Guard (ARNG), Air Force Reserve (AFRES), and Air National Guard, participated. The test program began February 9, 1978 with the objective of determining the reserves' ability to attract and hire people in an active duty status.

One immediate Air Guard benefit was preventing training site conversions to commercial contracts which would have cost some technicians their jobs. The ANG expected to fill 173 positions at these training sites and 364 growth positions for a total of 537 active duty people. (33:1) Conversion preserved these full-time technicians' jobs.

Full-time military duty filled unfilled and new positions. (20:223) Air Force grade and manpower ceilings did not include these military duty positions. The civilian hiring freeze did not apply; therefore, the ANG got more manpower. (20:225) The operations and maintenance appropriation (technician manpower) funds were shifted to military personnel appropriations. (19:225)

Test Recommendations. The test was originally scheduled to run from February 1979 to September 30, 1980; but Congress ended the test on June 30, 1980. The DOD report to Congress included four ANG recommendations. These were: first, keep all MD positions filled during the test; second, approve more MD positions; third, give each component authority to decide the mix of military technicians, military duty personnel, active component personnel, and civil service employees providing the best full-time support. Lastly, components would submit the mix in future budgets for Congress to go over. The ANG supported these recommendations. (24:469)

Problems. Three problems became evident after Congress and the reserve components accepted military duty as a source of full-time support. The first problem was serious. AFRES did not want to use the military duty option and defended its position before Congress. Second, the military duty person cost more than a military technician contradicting the major reason for the program. And lastly, military duty administration added even more complexity to full-time support management.

The Air Force Reserve rejected the MD program, because it could not fill high-paid wage grade jobs with lower paid MDs. (12:7) AFRES test results were based on converting positions. In the wage grade group, 92 of 165 positions were filled for 56 percent. General schedule (GS) positions were slightly better at 75 percent, 48 of 64 positions. Also, citing failure in recruiting, AFRES reported technician recruiting and retention efforts were hurt by the aura of uncertainty the AGR program created. The Air Force Reserve strongly opposed full-time manning militarization. (17:440)

On the other hand, from the end of FY 77 to the end of FY 81, the ANG reduced technicians by 1,000 and increased the MDs by 2,700 for a gain of 1,700 people. (12:10) Morale problems emerged in both programs owing to the uncertainty in future job security of the military technician and the military duty programs. (12:7)

The second problem was military duty cost. DOD was directed to "use the least costly form of manpower that is consistent with military requirements." A General Accounting Office study disputed AGR cost benefits. Increased military pay accounted for

only part of the difference. Conversion management was driven by a wish to meet limits on the number of MTs authorized and not to meet the intent of the law for least cost manpower. The GAO reported the technician personnel ceiling was a major reason in converting MTs to MDs. The conversion process was the administrative path of least resistance in getting more manpower. So in the ANG, the AGR program ignored cost effectiveness and readiness. (21:19-20)

The NGB used the Management Consulting and Research, Inc. (MCR) report to say the cost of MT and MD personnel were the same. However, MCR cautioned a detailed position analysis was needed. GAO studied ten units. Its analysis found a \$5.5 million dollar increase cost to convert from MTs to MDs. This cost came from converting supervisory positions rather than workers; that is, "too many chiefs." (23:458-464)

Over half of the AFRES AGR positions never received an application. Since the test, technicians filled all but two positions. The reason for the lack of interest was that the person would have stayed on active duty if he wanted to be in the military. (22:103)

The third problem was management of two full-time programs side by side. ANG program management was challenged based on position conversion and promotion. The AGR program has grade ceilings limiting promotion. The AGR proportionate share of promotions is less than the technician share. This works to restrict MDs from higher positions. Indeed, the MD person is discriminated against more than technicians in upward mobility. (24:525-527)

A lack of clear direction and guidance marred the program. General guidance to the field resulted in different interpretations. Strong resistance to the program from technicians and senior reservists complicated the program. (25:297-304) The union problems associated with the technician program spilled over to the military duty program. (23:505)

Union leaders testified on details of the MD program, presenting evidence on MD retention and a NGB 1983 Information Paper favoring full-time military duty. (23:505) Examples of merit promotion system circumvention by MDs converting to MT and back again were submitted. Charges of sexual bias being part of MT and MD conversions were made. Union leaders went directly to Congress in addition to day-to-day challenges in units to MD Management. (23:561) In effect, the union was directly negotiating the terms of MD employment.

Career AGR Program. By the summer of 1985, a consensus had formed on the military duty program. Unlike the Air Force components, the much larger Army reserve components strongly supported

a career AGR force. Since the Navy and Marine Corps already use only military duty support, AGR program survival was no longer questioned. The GAO reported to the Secretary of the Army on problems in implementing the AGR program. (13:A6-14) This report was critical of NGB's program administration. This is a problem for the ANG, because the state manager--the adjutant general--manages both Army and Air programs.

As a result of the GAO report, DOD has agreed on actions to correct overall program management. These actions apply to all components including the ANG. Of the five GAO recommendations, three apply to the ANG: (1) make sure military duty personnel are properly utilized, (2) establish the optimum level of centralized control consistent with good management practice, and (3) adhere to established grade structure. (13:28-29)

Historical Analysis.

The National Guard existed as a state entity with little federal interest except in times of national crisis until the 20th century. The need for a trained reserve force resulted in funding full-time support for the National Guard and the creation of federal reserve forces. Lack of interest in the federal reserve force left the National Guard as the primary reserve force. This state-controlled and partially federal situation continued until the federal mission requirements far surpassed the state's needs.

The state employee program was abandoned by the National Guard to get uniform pay and retirement benefits for its members. Of the two problems, the lack of retirement benefits for members was seen as the most critical. Special legislation was passed creating a special category of federal employee administered by the adjutant general, a state appointed official. The sponsors of the bill, NGB and NGAUS, did not foresee the application of federal law on the employee's right to join a union.

The success of the federal employee system was also its weakness, because the higher cost of the program became a problem. A second problem was retirement promoted retention and grade stagnation for reserve members. Therefore, another system of full-time support was tried, the military duty program. This program was seen as better, because the twenty-year retirement was attractive to the member and would eliminate grade stagnation. The Guard got lower cost support, which was flexible and easier to administer, because it could not join a union.

The problems in the AGR program are similar to those in the military technician program. The military duty program has an existing set of regulations required by law controlling most management actions. Just as the National Guard viewed the union

as a detriment to effective administration, Federal law concerning the management of military duty members is resisted. The creation of two full-time programs in less than 10 years and their subsequent failure in the next 10 years creates a survival problem for the Air National Guard. The proposed solution is providing full-time support by rotating Active Component personnel into the National Guard. (27:212) This would eliminate state control and effectively end state administration.

With the penalty for doing nothing so high, the following chapter supports changes to the ANG regulation controlling the AGR program. The changes will be viewed as very hard to comply with, but failure to meet Federal requirements will certainly lead to yet another full-time support solution even more difficult to manage.

Chapter Three

MILITARY DUTY PERSONNEL MANAGEMENT

Introduction. The General Accounting Office (GAO) reviewed the Army's Full-Time Manning (FTM) program. Several GAO recommendations were supported by the DOD. Although this was a study of the Army program, these recommendations apply to the ANG. Federal statutes require Reserve component regulations to be as uniform as possible. (36:233) The GAO report found many differences between Army components' FTM administration. The National Guard Bureau (NGB) was directed to make changes to its FTM management. (13:--) As a part of the NGB, the ANG should conform its regulations as much as possible to the GAO recommendations supported by DOD.

The lack of clear direction or enforcement of regulations by NGB marred its program. Despite a prescribed tour length of 3 years, state adjutant generals appointed AGR personnel to tours ranging from 6 months to 3 years and also established their own policies for probationary periods. (13:3) These actions created concern about AGR career viability undermining the career concept, leading many participants to question continuing in the AGR force. (13:4) The NGB was directed to establish procedures to closely monitor AGR career management and FTM program implementation. (13:7)

This includes attendance at active component schools and developmental assignments with active units, which corrects a serious deficiency in the technician program. Technicians were not often given the opportunity to attend active schools and their educational requirements for military promotion were the same as for other reservists.

Revisions to ANGR 35-03 are proposed following GAO recommendations agreed to by DOD. Each chapter's revisions are given in general terms and explained. Sometimes, specific revisions are given as illustrative of required changes.

Chapter 1, Terms, Supplements, and Waivers. The definitions need to be based upon the ANG military duty program. This regulation applies to ANG members serving in full-time military duty status. The Active Guard/Reserve (AGR) definition is particularly ill-advised. This definition is incorrect, because the

ANG and APRES both agree only members serving under 32 U.S.C. §502(f) are career AGR. The people serving under Title 10 sections are reservists on extended active duty, commonly known as statutory tour officers. A correction follows with deletions lined through and additions in bold print.

1-1 a. Active Guard/Reserve (AGR). National Guard ~~and Reserve~~ members on full-time active duty to support the National Guard ~~and Reserve components~~ and who are paid from Reserve personnel appropriations of ~~a military the~~ Department of ~~the Air Force~~. Includes all personnel of the Air National Guard ~~and Reserve Forces~~ serving on active duty under ~~sections~~ 475, 265, 672(d), 678, 3015, 8033, ~~or~~ 8496 of Title 10, United States Code ~~or~~ section 502(f) of Title 32, United States Code in connection with organizing, administering, recruiting, instructing, or training Reserve components.

Chapter 2, General Policies. A major rewrite of this chapter is required to carry out GAO's recommendations. NGB responsibilities need to be expanded to include ways to closely watch AGR career management and full-time manpower (FTM) implementation. Three recommendations--utilization, control, and structure--apply to this chapter.

Three major deficiencies need correction. First, eliminate specific sections listing benefits for technicians entering the MD program. Congress prohibited conversions and technicians have no preference over any other reservist for a military duty tour.

Second, this is a career military duty program. Members have many career safeguards as reservist on active duty. A reserve officer on active duty does not have a one year probationary period. Before an officer can be released, he is entitled to a hearing by a board of officers. (36:232) He may not be released from active duty if he has 18 years for retirement without the Secretary of the Air Force's approval. (37:233)

Third, specific tour lengths of three years are to be established. A standard agreement should be signed by the reservist informing him of his rights. (34:121) His rights include separation procedures. The word "separate" is incorrect; use "release." A person who is released from active status remains in the unit as a reservist, but a separated member leaves the service. Early involuntary release from a three-year tour entitles a member to separation pay. (35:122) Some needed changes are semantic, others are substantive. For example, separation pay after 5 continuous active duty years is an additional right. (38:236)

An example of changes to be made follows:

2-2. **Military Duty Career:** Any individual entering the military duty program should be making the decision to complete a career in military duty status. The Adjutant General, air/detachment commanders, and selecting officials must be aware that a military duty tour may, if eligible, exercise reversion rights to a military technician position. To set definite terms of active duty, the Adjutant General will make a standard written agreement with the individual requiring the member to serve for a three year period of active duty. When the agreement expires, a new one is executed.

Chapter 3 ADMINISTRATION. DOD instructed NGB to maintain grade compatibility. Rules should be added to make sure rank inversion does not occur. A voluntary system of inter-state movement of career MDs is necessary to help prevent grade inversion and career blockage. A method of achieving this goal would be listing all senior full-time positions with NGB/MP for 90 days before filling. NGB/MP would tell all eligible members so they could contact the state requesting consideration.

Controlling costs is a major management goal. A strong section on technicians accepting MD tours and reverting to MT status is necessary. This practice builds significant pension benefits aggravating the dual pay issue. A MT who voluntarily leaves MD status should be ineligible for another tour.

The section on military tours needs to be rewritten to conform to MD policy and federal law. The military duty program is a career, not a temporary job. The laws covering a reservist on active duty apply. The adjutant general does not have the authority to end a tour at his discretion. Before involuntary release, the officer is entitled to a hearing. (36:232) The law provides a sanctuary after 18 years for retirement. (37:233)

This chapter asserted the ANG could make its own rules. The GAO report specifically condemned the 30-day notice provision, non-standard tour lengths, and one year probation. The Army, including NGB, agreed to elimination of these provisions. This section needs to be rewritten as follows:

3-6. **Military Duty Tours:** Each member will sign a standard military duty tour agreement. The member must serve for a 3 year active duty tour. When the agreement expires, a new one may be made. The agreement will say the member may not be released from active duty without his consent during this period. Unless:

(a) Because of a reduction in the real ANG personnel strength and the release is by the recommendation of a board of

officers appointed by the Adjutant General to decide the members to be released from active duty.

(b) For any other reason, without an opportunity to be heard by a board of officers before the release, unless he is:

- (1) dismissed or discharged under sentence of a court-martial,
- (2) released because of an unexplained absence without leave for at least three months,
- (3) Released because he is convicted and sentenced to confinement in a Federal or state penitentiary or correctional institution and the sentence has become final,
- (4) released because he has been considered at least twice and has not been recommended for promotion to the next higher grade or because he is considered as having failed of selection for promotion to the next higher grade and has not been recommended for promotion to that grade.

(c) A member who is released from active duty without his consent before the end of his agreement is entitled to an amount computed by multiplying the number of years and fractions of his unexpired period of service under the agreement by the sum of one month's basic pay, special pay, and allowances he is entitled on the day of his release. This amount is in addition to any pay and allowances to which he is otherwise entitled.

CHAPTER 4 - PROMOTIONS. Control of promotions is necessary to control cost and career management. The established controls on O-6s and E-9s should be expanded. NGB should make sure rank inversion and overgrade situations do not happen. An active centrally managed system should be implemented to create flexibility in allocating grade ceilings to the states. States should receive higher grade quotas based on individual eligibility compared to all eligible.

CHAPTER 5 - MILITARY DUTY PERSONNEL IN OVERGRADE STATUS. The regulation now allows an officer to be in an overgrade situation for three years after mandatory promotion. He would then be involuntarily separated. This person should be placed on a listing and be considered for transfer to headquarters, either State, NGB, or ANGSC. Openings for tour officers should not be filled until this list is reviewed for acceptable candidates.

Chapter 6 RELEASE FROM MILITARY DUTY. This section must be rewritten to follow the laws on a reservist's release from active duty. The adjutant general does not have the authority to

release an officer without a board's recommendation. Probationary year elimination is essential. The DOD recommendation on standardized management of reserve components' military duty people applies to this section. Proposed revisions follow.

6--1. Release Authority: ...

a. Voluntary release: ...

b. Involuntary release: Involuntary release before the scheduled end of a tour must be for a following reason:

(1) Reduction in the real ANG personnel strength, and the release is by the recommendation of a board of officers appointed by the Adjutant General to determine the members to be released from active duty under regulations prescribed by the Secretary of the Air Force.

(2) Officers who because of unfitness, unacceptable conduct, or substandard performance of duty, should be released under ANGR 36-014.

(3) Second lieutenants not qualified for promotion. A commander should recommend an officer be found not qualified for promotion under AFR 36-11 when he/she is not qualified for promotion.

(4) Without an opportunity to be heard by a board of officers before the release if:

(a) dismissed or discharged under the sentence of a court-martial,

(b) released because of an unexplained absence without leave for at least three months,

(c) released because he is convicted and sentenced to confinement in a Federal or State penitentiary or correctional institution and the sentence has become final,

(d) released because he has been considered at least twice and has not been recommended for promotion to the next higher grade.

c. ...

d. ...

CHAPTER 7 - MEDICAL. This section should inform the member of medical retirement and retention problems. Medical benefits for members not located near active duty hospitals have been difficult to obtain. More work needs to be done to make sure members have access to medical care.

Chapter Four

CONCLUSION

The Air National Guard is a National Guard Bureau Directorate and bound by DOD and GAO agreements on AGR management. The lack of early central direction was due to the program being only a test. Therefore, members were treated as technicians with green I.D. cards. (34:20) However, they are reservists on active duty subject to federal law. (4:20-23) Because these members are expected to meet active component mission needs, greater central management is required to make sure these people's careers are properly managed.

Regulations controlling these members need to be reviewed for conformity with reservists on active duty. The ANG can not develop its own rules. The states will have lesser, not greater, discretion with these members. A great body of practice exists applying to reservists on active duty. The ANG did not accept the application of Federal regulations to the MT program and the resulting chaos created the AGR program. Similar resistance toward applying federal laws in the military duty program will have the same effect on another program.

The opportunity exists for the ANG to have a professional military cadre. To reach this goal, NGB will have to take greater interest in AGR career development. Their selection for tours at headquarters, deployments, and resident military professional schools would send a clear message on the Guard's determination to meet active component standards. This would establish career growth and identify the differences in the two full-time support programs.

BIBLIOGRAPHY

A. REFERENCES CITED

Books

1. Dupuy, Col. R. Ernest, USA, The National Guard, New York, NY, Hawthorn Books Inc., 1971.
2. Mahon, John K., History of the Militia and the National Guard, New York, NY, Macmillan Publishing Co., 1983.

Articles and Periodicals

3. Crist, Col. Allan G., USA, "Technician Retirement Enacted," The National Guardsman, Washington, D.C., September 1968.
4. Galioto, Joseph Colonel (ARNG), "The Active Guard/Reserve Program: In Search of An Identify," National Guard, January, 1988.

Official Documents

5. Air National Guard. ANGR 35-03, Military Duty Personnel Program, Air National Guard, HQ USAF, Washington, D.C., 15 August 1985.
6. National Guard Bureau, Annual Report of the Chief of the National Guard Bureau, Washington, DC, GPO, 1952.
7. National Guard Bureau, Annual Report of the Chief of the National Guard Bureau, Washington, DC, GPO, 30 June 1963.
8. National Guard Bureau, Annual Report of the Chief of the National Guard Bureau, Washington, DC, GPO, 30 June 1964.
9. National Guard Bureau, Annual Report of the Chief of the National Guard Bureau, Washington, DC, GPO, 30 June 1965.
10. National Guard Bureau, Annual Report of the Chief of the National Guard Bureau, Washington, DC, GPO, 30 June 1969.

CONTINUED

11. United States Department of Defense, Office of the Secretary of Defense, Report on Full-Time Training and Administration of the Selected Reserve, Washington, GPO, 24 May 1978.

12. United States Department of Defense, Report on Technician Position Conversion Test, 31 Dec 1980.

13. United States General Accounting Office, Report to the Secretary of the Army; Problems in Implementing The Army's Reserve Components Full-time Manning Program, GAO/NSIAD-85-95, June 4, 1985.

Congressional Materials

14. U. S. Congress, House, Armed Services Committee, House Armed Forces Committee Recommendations, Reserve Components, FY79, Washington, GPO, 1979.

15. United States Congress, House, Committee on Appropriations, Department of Defense Appropriations for 1984: Part 7, Hearings, 98th Congress, 1st Session, June 8, 1983, Washington, GPO, 1983.

16. U. S. Congress, House, Committee on Post Office and Civil Service, Hearings on Civilian Technician Program, H. R. 96-85, 96th Cong., 2d sess., April 29, 1980, pp. 123-131.

17. U.S. Congress, House, Hearings, Department of Defense Appropriations for 1982, Washington, DC, GPO, 1981.

18. U. S. Congress, House, National Guard Technicians Act of 1968, H. R. 1823, 90th Cong., 2d sess., 1968, pp. 3318-3329.

19. U.S. Congress, House, Report NO. 95-435, Department of Defense Appropriations Bill, 1979, Washington, DC, July 27, 1978.

20. U.S. Congress, House, Report No. 95-1398, Department of Defense Appropriations Bill, 1979, Washington, DC, GPO, July 27, 1978.

21. U.S. Congress, House, Report NO. 97-513, Department of Defense Appropriations Bill, 1983, Washington, DC, GPO, December 2, 1982.

22. U.S. Congress, House, Department of Defense Appropriations for 1983, Hearings, Washington, DC, GPO, March 23, 1982.

CONTINUED

23. U.S. Congress, House, Department of Defense Appropriations for 1984 Part 3, Washington, DC, GPO, June 8, 1983.

24. U.S. Congress, House, Department of Defense Appropriations for 1985 Part 7, Washington, DC, GPO, April 11, 1984.

25. U.S. Congress, House, Department of Defense Appropriations for 1986 Part 8, Washington, DC, GPO, March 19-May 1, 1984.

26. United States Congress, Senate, Committee on Armed Services, National Defense Authorization Act for Fiscal Year 1987, Report, 99th Congress, 2d Session, July 8, 1986, Washington, GPO, 1986.

27. U.S. Congress, Senate, Committee on Armed Services, Report 99-331, Washington, DC, GPO, July 8, 1986.

Unpublished Materials

28. Hessert, Lt. Col. Wilfred, USAF, "Unions in the Air National Guard," Air War College Research Report, Air University, ATC, Maxwell AFB, AL, February 1982.

Other Sources

29. Atlas Stat Summary Inquiry 08052, "ANG Data as of 30 Sep 87", 30 Sep 87.

30. Collins, Perry Major (USAF), 122 TFW Services Squadron Commander, Indiana Air National Guard, Fort Wayne, IN., Personal Interview (telephone) 7 January 1988.

31. Greenlief, Major General Francis S., NGUS (Ret.) to Caspar W. Weinberger, Secretary of Defense, 18 May 1982, Air National Guard Archives, Andrews AFB, MD.

32. Madigan, Thomas Captain (USAF), Chief, Personnel Plans Branch, National Guard Bureau, Washington, D.C., Personal Interview (telephone) 7 January 1988.

Statutes

33. 10 U.S.C. §679, United States Code 1982 Edition, Washington, DC, GPO, 1983.

CONTINUED

34. 10 U.S.C. §680(b), United States Code 1982 Edition, Washington, DC, GPO, 1983.
35. 10 U.S.C. §1163(a) United States Code 1982 Edition, Washington, DC, GPO, 1983.
36. 10 U.S.C. §1163 (d), United States Code 1982 Edition, Washington, DC, GPO, 1983.
37. 10 U.S.C. §1174(c), United States Code 1982 Edition, Washington, DC, GPO, 1983.

B. RELATED SOURCES

Books

Willson, Bennie J. III, ED., The Guard and Reserve in the Total Force, Washington, DC, NDU Press, 1985.

Congressional Materials

U.S. Congress, House, Hearings, Department of Defense Appropriations for 1980, Washington, DC, GPO, 1979.

U.S. Congress, House, Department of Defense Appropriations for 1987 Part 7, Washington, DC, GPO, April 22, 1986.

U.S. Congress, House, Department of Defense Appropriations for 1988 Part 4, Washington, DC, GPO, April 22, 1987.

U.S. Congress, House, Report No. 97-333, Department of Defense Appropriations Bill, 1982, Washington, DC, GPO, November 16, 1981.

Other Sources

Memo for Record, "The House and Senate Appropriation Committee Reports," NGB/CF, 16 August 1978.

Statutes

10 U.S.C. §678, United States Code 1982 Edition, Washington, DC, GPO, 1983.

END

DATE

FILMED

6-1988

DTIC