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WASHINGTON, D.C. 20548

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FEDERAL PERSONNEL AND
COMPENSATION DIVISION

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talk on form #115

The Honorable Harold Brown
The Secretary of Defense

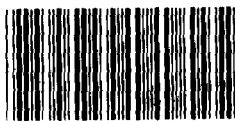
Dear Mr. Secretary:

We are currently reviewing the Reserve technician program and have identified an aspect which we believe warrants your immediate attention. The Army's technician program is not fully achieving its objectives because about 46 percent of the Army Reserve dual-status technicians (military reservists who are also civilian employees of the Reserves) cannot be mobilized with their Reserve units.

The objectives of the technician program are to provide a nucleus of trained personnel to provide continuity in the management and administration of the Army and Air Force Selected Reserve units and to increase the mobilization readiness of those Reserve components. Currently, the mobilization objective cannot be fully achieved because, in the Army Reserve, 26 percent of the dual-status technicians are assigned to military positions in units other than the one in which they are employed and an additional 20 percent of technicians are not qualified to hold military positions. Clearly, these situations impair the Army Reserve's mobility readiness. Legislation is needed to achieve program objectives by preventing a person from holding a job as a technician when he or she is not a member of the Reserve unit in which the position is authorized.

BACKGROUND OF THE TECHNICIAN PROGRAM

The National Guard Technicians Act of 1968 sets forth the conditions for dual-status employment in the National Guard. The statute specifically mandated that military membership was a condition of technician employment and



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retention. Thus, Guard technicians are considered to be unlike other Federal civil service employees because technicians are required to be a military selected reservist first and a Federal employee second.

National Guard technicians are expressly authorized under the provisions of title 32 of the United States Code. As a condition of continued employment as a civil servant, they must be members of the military units for which their technician positions are authorized. These are "excepted service" appointments.

Full-time support for the Army and Air Force Reserves is largely provided by dual-status technicians. Unlike the National Guard technician program, there is no express statutory authority for the civilian technician programs of the Reserves. Thus, they come under the general civil service laws in title 5, United States Code, and are "competitive service" appointments.

The Navy and Marine Corps Reserves rely primarily on active duty military personnel for full-time support.

ARMY AND AIR FORCE RESERVE TECHNICIAN PROGRAMS

The Army and Air Force Reserve technician programs operate under "memoranda of understanding" between the Departments of the Army and Air Force and the U.S. Civil Service Commission (now the Office of Personnel Management). These memoranda specify the conditions of employment for Reserve technicians and recognize the requirement for dual-status of technicians for the purpose of providing enhanced mobilization readiness.

The memoranda provide that dual-status technicians who later lose their active Reserve status for reasons outside their control will not be involuntarily reassigned or removed. Voluntary release or loss of Reserve membership because of unsatisfactory military performance or conduct by a technician who has attained dual-status will be a basis for removal from his or her position. Provisions are made for assisting technicians who lose their dual-status for reasons beyond their control in finding other employment.

"Status quo" technicians

Dual-status Reserve technicians who lose their Reserve membership for reasons beyond their control (e.g., physical reasons, mandatory removal due to age, or failure to be promoted) are classified as "status quo" in that they are no longer members of their Reserve units but still perform as civilians the necessary work to maintain the readiness of the unit. In time of activation, the status quo technicians would not mobilize.

Currently, there are 1,740 status quo technicians in the Army Reserve, about 20 percent of the total 8,550 technician strength. In comparison, the Air Force Reserve does not have a problem to the same extent as the Army Reserve. The 83 status quo technicians in the Air Force Reserve represent less than 2 percent of the total 6,501 technician strength. This is due, in part, to the more effective management of the Air Force Reserve technician program, including a priority placement program for technicians who are no longer Reserve members.

The following table shows that the number of Army and Air Force Reserve status quo technicians has increased slightly over the past 5 years.

<u>As of</u>	<u>Number of status quo technicians</u>	
	<u>Army Reserve</u>	<u>Air Force Reserve</u>
September 30, 1978	1,740	83
September 30, 1977	1,793	70
June 30, 1976	1,749	(not available)
June 30, 1975	1,652	70
June 30, 1974	1,667	58

Misassigned technicians

The memoranda also provide that, to the maximum practicable extent, technicians will be participating Reserve members assigned to the units with which they are employed.

Army Reserve dual-status technicians are permitted to be members of Reserve units other than the units in which they are employed. This condition seriously degrades the

mobilization capability of the supported unit. Upon mobilization, these technicians should be assisting in the preparation of their units for the transition to active duty. However, at this crucial time, these technicians may have already been mobilized with their Reserve units and would not be available to the units in which they are employed. About 26 percent of the Army Reserve technicians are currently assigned to Reserve units other than the units in which they are employed as technicians. Again, the Air Force does not have a similar problem, due in part to a more effective management of the Air Force Reserve technician program including the requirement for a closer relationship between technician and military positions.

We recognize that the problem of status quo and misassigned technicians in the Army Reserve is due in part to the number of small, specialized units that are widely dispersed and often located in small population centers. By contrast, the Air Force Reserve units are more centrally located in areas in which there are larger Federal work force populations. However, the Army and Air National Guard have similar disparities in the location of their units and the excepted technician program, by law, does not permit status quo or misassigned technicians.

STUDIES ADDRESSING RESERVE TECHNICIAN PROBLEMS

The problem of status quo technicians has been addressed by four major studies during the past 2 years. Three of these studies were made within the Department of Defense (DOD) and are entitled:

- "Report on Full-Time Training and Administration of the Selected Reserve (FTTA)," June 1978.
- "Study on the Full-Time Personnel Requirements of the Reserve Components (Stroud Study)," December 1977.
- "Reserve Compensation System Study (RCSS)," June 1978.

The fourth study was made by Operations Research Institute, Inc. (ORI), Silver Spring, Maryland, under contract with Office of the Chief, Army Reserve, and is entitled "The Army Reserve Technician Study," June 1978. This study also addressed the issue of misassigned dual-status technicians.

These studies generally concluded that the status quo technician problem is of major concern and agree that status quo technicians are not mobilization assets. For example, the FTTA study concluded that:

"The excepted civil service status of the National Guard technician provides significant advantages over the competitive civil service status of an employee of the U.S. Army Reserve or the U.S. Air Force Reserve in the operation and management of a full-time support force.

"The U.S. Army Reserve has the least effective full-time support (technician) force of the seven Selected Reserve Components, primarily because of the fragmentation of its management program and its severe status quo problem."

The FTTA study recommended that all technicians be converted to excepted service dual-status comparable to the National Guard technician programs as authorized by section 709, title 32, United States Code.

The ORI study reported that there were mobilization capability problems inherent in having 26 percent of the Army Reserve technician force assigned to units other than those in which they were employed.

EFFORTS TO CORRECT PROBLEMS

The House Appropriations Committee recognized the status quo problem in each of its last two reports on the DOD appropriations bill.

In its report of July 27, 1978 (95-1398), the Committee attempted to deal with the problem by recommending a test program within each of the four Reserve components having civilian technicians, to determine if the reserves have the ability to attract and hire personnel in an active duty status by:

"(1) Converting the full-time training site support to military personnel in lieu of using commercial contract as proposed in the budget.

"(2) Filling all vacancies which occur in positions currently held by status quo technicians with full-time reservists on active duty.

"(3) Filling all positions not manned at the end of fiscal year 1978 and all new positions added to the structure in fiscal year 1979 with full-time active duty military support. Although dual-status technician vacancies can continue to be filled by dual-status technicians, the Committee believes that the Chiefs of the Reserve forces should also attempt to fill some of these vacancies with full-time military support."

DOD has, since the early 1970s, submitted several legislative proposals to the Office of Management and Budget (OMB) to change Army and Air Force Reserve technicians from the competitive to the excepted service. No action has been taken on any of these proposals because of reservations about making the Reserve technicians identical to the National Guard and taking some rights away from competitive service technicians.

The Civil Service Commission (CSC) opposed the proposals because of unresolved questions concerning

--the status of civilian technicians presently on the rolls (i.e., whether they remain in the competitive service or at some point become excepted) and

--what happens to status quo technicians already on the rolls who either never had or who lose the required membership in the military Reserve unit through no fault of their own?

The CSC position emphasized that these are presently civilian, competitive service jobs, and the Government has made a commitment to the incumbents which should not be abridged.

In fiscal year 1978, DOD again forwarded a legislative proposal to OMB. The proposal recommended that Army and Air Force Reserve technicians be changed from the competitive service to the excepted service and required that a person losing his or her active reserve status for any reason be automatically terminated from the technician job. OMB coordinated the proposal with CSC. CSC had reservations about the proposal because it was similar to past proposals that CSC had opposed. Consequently, CSC never formally responded to the proposal. DOD and CSC have not resolved their differences because DOD does not agree with CSC's position that current incumbents not be affected by any changes.

The latest proposal is being held in abeyance because DOD is implementing the test program suggested by the House Appropriations Committee. DOD plans to convert 436 Army and 68 Air Force Reserve technician vacancies to full-time military positions in fiscal year 1979. The conversion does not affect the 1,823 Army and Air Force status quo technicians unless some of the positions currently held by these technicians become vacant. They could then be converted to full-time military positions.

CONCLUSIONS AND RECOMMENDATIONS

In our opinion, status quo and misassigned technicians under the competitive civil service are not mobilization assets and would be unable to satisfy the military mission and requirements of the activated Reserve components. The dual-status technician force was established to satisfy a military need much the same as the active military force. Therefore, the military requirement should be the primary consideration. This requirement is clearly recognized for the National Guard technician force in the law governing its technician program. Legislative action is needed to obtain the same degree of military consideration and mobilization readiness for the Army and Air Force Reserve technician programs. The legislation should provide for converting reserve technician positions from the competitive to the excepted service.

Previous DOD legislative proposals concerning this subject have met strong CSC opposition because DOD failed to address CSC concerns outlined above. These concerns should be addressed in future proposed legislation. We view the change to excepted service as a reduction in force. For individuals who do not retire under discontinued service provisions, the legislation should be designed to allow members directly affected to find other employment. ~~We suggest that DOD provide placement assistance for status quo technicians, and with this assistance, a 2-year period should be enough time to reassign and relocate the individuals concerned.~~

DOD is currently conducting a test program proposed by the House Appropriations Committee to determine the effectiveness of filling these positions with full-time military personnel. It has decided not to propose legislation to correct the status quo and misassigned technician problems until it has had an opportunity to review the results of the test.

Implementation of this program will not solve the status quo and misassigned technicians problem ~~because DOD must wait~~ until these technicians retire or voluntarily leave before converting the positions to full-time military positions. Recent studies have concluded that this problem is of major concern] and we believe that there is a need to take prompt action to improve the mobilization readiness of the reserve forces.

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We recommend that DOD promptly submit to the Congress legislation placing Army and Air Force Reserve dual-status technicians under the excepted service, giving careful consideration to the concerns expressed by CSC.]

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As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the House Committee on Government Operations and the Senate Committee on Governmental Affairs not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are sending copies of this report to the Director, Office of Management and Budget; the Chairmen, House and Senate Committees on Armed Services and on Appropriations; the Chairmen, House Committee on Government Operations and Senate Committee on Governmental Affairs; and the Secretaries of the Army and Air Force.

Sincerely yours,

H. L. Krieger

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Director