HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION

Number: 04-20 | 6 June 2004

ASSIGNMENT OF WORK
NO EXPIRATION DATE

1. Title 5 United State Code § 7106(a), also known as "Management Rights," was enacted to allow management to make basic decisions regarding mission, budget, organizations, security, emergencies; and to take personnel actions to hire, direct, layoff, retain, remove, reduce in grade or pay, take disciplinary actions, assign work, contract out, and promote. These items are generally non-negotiable.

2. Title 5 United State Code § 7106(b), known as "Permissive Topics," states that nothing in this section shall preclude any agency and labor organization from negotiating at the election of the agency. These items are generally negotiable:

a. Again, at the election of the agency, the numbers, types and grades of employees or positions assigned to any organization subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work

b. Procedures which management officials of the agency will observe in exercising any authority under this section

c. Appropriate arrangements for employees adversely affected by the exercise of any authority under this section by such management officials

3. Title 32 USC 709, National Guard Technician Act, authorizes State Adjutants General, the employer, to employ Technicians and Active Guard Reserve (AGR) employees to meet day-to-day administrative, training, and logistical needs.

4. Since the organization, administration, and training of the technician program is largely within the military framework of the National Guard, there is great emphasis on uniformity, discipline, and esprit de corps in the technician program. Therefore, it is imperative that we provide the proper military environment for the training and administration of the traditional/M-Day workforce. To ensure mission accomplishment and efficient government operations, management has the right to assign work as established by law. The assignment of unrelated duties, inherently military or otherwise, is legal. These duties may include arming technicians, range duties, administering and receiving immunizations, working or processing through mobility lines or stations, and administering or conducting physical fitness assessments or tests. As with any assignment of work, technicians must be trained, qualified and /or certified in accordance with appropriate military standards and regulations.

5. Drug and alcohol testing is not authorized at this time for Federal Technicians. Policy and procedures will be addressed at a later date under separate cover. However, if abuse is suspected contact the Human Resources Office for procedural guidance.

6. Entitlement to benefits from the Office of Workers' Compensation Program (OWCP) under the Federal Employees' Compensation Act (FECA) for technicians, should they sustain an injury while performing military functions or training while in a technician status, will be in accordance with Technician Personnel Regulation 800-810.1. Injuries sustained while performing military training and/or exercises in technician status are covered. The OWCP established policy states, "claims from the National Guard technicians require certification from a knowledgeable official that the injured employee was performing duties in a civilian status at the time of the injury." Further proof beyond such certification may be required under unusual circumstances. Each claim for OWCP benefits is evaluated on merit and case-by-case basis.

7. Should you have any questions concerning this subject, please contact Captain Stuart Ewing at CAGNET 6-3402, DSN 466-3402 or (916) 854-3402.

FOR THE ADJUTANT GENERAL:

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