

Quick Reference Guide - Changes to the ACT Contract

ACT Contract 2010 – 2013 <u>Old Language</u>	New ACT Contract 2016 - 2019 <u>New Revised Language</u>
Article 2a – Purpose – page 11	<p style="text-align: center;">Article 2a – Purpose – page 11</p> <p><i>Added wording to the end of the sentence.</i></p> <p>a. Procedures <u>at all levels.</u></p>
Article 4 – Employee Assistance Program (EAP) Section 2 - Paragraph 1 – EAP Program Responsibility – Page 14	<p style="text-align: center;">Article 4 – Employee Assistance Program (EAP) Section 2 - Paragraph 1 – EAP Program Responsibility – Page 14</p> <p><i>Changed the date of the TPR.</i></p> <p>1. Technician Personnel Regulation (TPR) 792-2 dated <u>8 February 2011.</u></p>
Article 6 – Union Rights - Section 4 – Smoking policy – Page 16	<p style="text-align: center;">Article 6 – Union Rights - Section 4 – Smoking policy – Page 16</p> <p><i>Added language to the end of Section 4.</i></p> <p>4. <u>Army Regulation (AR) 600.63 and Air Force Instruction (AFI) 40-102 as applicable.</u></p>
Article 7 – Union Management Cooperation - Section 11 – DMNA Publications – Page 20	<p style="text-align: center;">Article 7 – Union Management Cooperation - Section 11 – DMNA Publications – Page 21</p> <p><i>Changed the language of Section 11.</i></p> <p>11. <u>The Human Resources Office will make best efforts to post DMNA Pamphlets, Regulations and Policy letters that pertain to technicians available for use on the DMNA web page, similar resource or by request to MNHF.</u></p>
Article 7 – Union Management Cooperation -Section 14, Paragraph 2 – New Hire Training – Page 21	<p style="text-align: center;">Article 7 – Union Management Cooperation - Section 14, Paragraph 2 – New Hire Training – Page 22</p> <p>Changed the language of Section 14, Paragraph 2.</p> <p>2. <u>To qualify for this training, newly hired bargaining unit technicians must be trained within six (6) months from the date that the State Council Chairman was provided with the monthly new hire printout by the HRO.</u></p>
Article 8– Union Representation - Section 6, Paragraph 6 – ACT Sponsored Conventions, Conferences or Training – Page 24	<p style="text-align: center;">Article 8– Union Representation - Section 6, Paragraph 6 – ACT Sponsored Conventions, Conferences or Training – Page 25</p> <p><i>Changed the language of Paragraph 6.</i></p> <p>6. Supervisor/Managers will ensure that time and attendance <u>system used at their unit will</u> reflect the appropriate code for official time.</p>

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Article 9 – Employee Rights - Section 5, Paragraph 1 – Supervisor’s Work Folders – Page 28	Article 9 – Employee Rights - Section 5, Paragraph 1 – Supervisor’s Work Folders – Page 28 <i>Changes language regarding options for documenting.</i> 1. <u>on the Supervisor’s 904-1, Supervisor’s Employee Brief or similar types of documents.</u>
Article 9 – Employee Rights – Section 6, Adverse Actions – Page 29	Article 9 – Employee Rights - Section 9, Employee Rights – Page 29 <i>Changes language to indicate in accordance with applicable Technician Personnel Regulations.</i> <u>Adverse actions will be accomplished in accordance with TPR-752 & TPR 752-1.</u>
Article 9 – Employee Rights - Section 17, Official Personnel Folder Review – Page 31	Article 9 – Employee Rights - Section 17, Official Personnel Folder Review – Page 32 <i>Changes the language regarding ability to review electronically.</i> <u>Viewing of technician’s Official Personnel Folder (OPF) will be IAW current electronic Official Personnel Folder (e-OPF) memorandum.</u>
Article 9 – Employee Rights - Section 18, Health Benefits and Open Season – Page 31	Article 9 – Employee Rights - Section 18, Health Benefits and Open Season – Page 32 <i>Changes language to reflect electronic brochures and the Technicians ability to review online.</i> <u>Employees will be allowed a reasonable amount of time to review open season information online. The agency will ensure that the Supervisor/ Managers afford employees the opportunity to attend health fairs if scheduled at their installations.</u>

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<p>Article 12 – Hours of Work - Section 4, Compensatory Time – Page 35</p>	<p>Article 12 – Hours of Work - Section 4, Compensatory Time – Pages 36 - 37</p> <p><i>Gives more detail on compensatory time and overtime.</i></p> <p><u>Technicians shall not be required to perform any work or duty before or after normal work day without equal compensation for such duty or work performed, and such compensatory time will be utilized in accordance with TPR 690-1. Compensatory time off is time off from regularly scheduled work in lieu of overtime pay. The amount of time off given is equal to the time spent outside the normal duty hours or irregularly scheduled work.</u></p> <p>a. <u>Overtime work should be kept to a minimum and consistent with good mission management. It is agreed that overtime work will normally be scheduled for mission essential requirements. A technician, upon request, will be considered for release from an overtime assignment if a qualified replacement, as determined and approved by management, is available and capable of performing overtime work. In normal situations, supervisors will notify technicians forty eight (48) hours in advance of all overtime assignments and in emergency situations, will attempt to schedule overtime with no less than one (1) hour of notification.</u></p>
<p>Article 12 – Hours of Work - Section 4, Compensatory Time – Page 35</p>	<p>Article 12 – Hours of Work - Section 4, Compensatory Time – Pages 36 – 37</p> <p><i>Gives more detail on compensatory time and overtime.</i></p> <p>b. <u>If possible, when required to work overtime, and upon request of the technicians, management will schedule a thirty minute (30) non-duty period between the technicians normal ending shift and the start of the overtime work period. The designated thirty (30) minute meal period is not counted as time worked. If scheduled for a four (4) or more hours of overtime and time off between the normal ending shift and the start of overtime is not possible, a meal period of twenty (20) minutes or less may be counted as time worked for which compensation is allowed. Where such an on the job meal period is in effect, technicians must spend the time in close proximity to their work stations and must be available for work.</u></p>

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<p>Article 12 – Hours of Work - Section 5, Premium Pay</p>	<p>Article 12 – Hours of Work - Section 5, Premium Pay – Page 37</p> <p><i>Added new section entitled Premium Pay.</i></p> <p><u>The agency agrees that any full time technician within the organization/activity, who is required to work on a Sunday, nights or a holiday as part of the scheduled workweek, is entitled to premium pay in accordance with Title 5 CFR 550.</u></p>
<p>Article 12 – Hours of Work - Section 6, Standby Duty/Recall Compensation – Pages 36 - 37</p>	<p>Article 12 – Hours of Work - Section 6, Standby Duty/Recall Compensation – Page 37</p> <p><i>Changed the language.</i></p> <p><u>2. A technician will be considered off-duty, and time spent on-call status shall not be considered hours of work and compensatory time not granted, if;</u></p> <p><u>a. The technician is allowed to leave a telephone number or to carry an electronic device for the purpose of being contacted, but not in a state of readiness even though the technician is required to remain within a reasonable call-back or radius; or</u></p> <p><u>b. With Supervisory approval, the technician is allowed to make arrangements such that any work which may arise during the on-call period will be performed by another technician.</u></p>
<p>Article 12 – Hours of Work - Section 6, Standby Duty/Recall Compensation – Pages 36 - 37</p>	<p>Article 12 – Hours of Work - Section 6, Standby Duty/Recall Compensation – Page 37</p> <p><i>Changed the language.</i></p> <p><u>3. If the Employer requires electronic devices, such as beepers or cellular phones, they will be provided by the Employer. If leaving a phone number or occasional call-back is sufficient, that is accomplished via normal telephone service provided by technicians.</u></p>

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<p>Article 12 – Hours of Work - Section 7, Rest Periods</p>	<p>Article 12 – Hours of Work - Section 7, Rest Periods – Page 37-38</p> <p><i>Added section on rest periods.</i></p> <p><u>1. Rest periods granted in accordance with these provisions are considered duty time and included in the daily tour of duty:</u></p> <p><u>a. A rest period of fifteen (15) minutes may be granted for each four hours of continuous work, not to exceed one before the lunch period and one after the lunch period.</u></p> <p><u>b. The rest period may be in a continuation of the lunch period or taken immediately prior to the end of the technician’s duty day.</u></p>
<p>Article 13 – Leave - Section 2, Sick Leave – Page 38</p>	<p>Article 13 – Leave - Section 2, Sick Leave – Page 39</p> <p><i>Added language indicating acknowledgement by supervisor.</i></p> <p><u>Sick leave requests must be acknowledged by the supervisor or their designated representative.</u></p>
<p>Article 13 – Leave - Section 6, Administrative Leave Physical Exams – Page 39</p>	<p>Article 13 – Leave - Section 6, Administrative leave Physical Exams – Page 40</p> <p><i>Changes the language on time for military dental exams.</i></p> <p><u>Administrative leave will be granted to technicians for the time necessary for required technician physical examinations whenever necessary or requested by the Agency. Under no circumstances will administrative leave be granted for military physical exams. For military dental exams one (1) four (4) hour period for dental evaluation per calendar year with supervisor approval. This does not include dental treatment appointments.</u></p>
<p>Article 13 – Leave - Section 10, Blood Donation – Page 40</p>	<p>Article 13 – Leave - Section 10, Blood Donation – Page 41</p> <p><i>Added language to article.</i></p> <p>Those who participate in an Agency <u>or installation organized blood</u> donation program and <u>Excused time will be up to four (4) hours. A donor receipt card must be produced upon Supervisor request.</u></p>

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Article 13 – Leave - Section 12, State Active Duty (SAD) – Page 40	<p>Article 13 – Leave - Section 12, State Active Duty (SAD) – Page 40</p> <p><i>Added Section 12 language State Active Duty (SAD).</i></p> <p><u>State Active duty is authorized per Technician Personnel Regulation (TPR) 630.</u></p>
Article 15 – Inclement Weather Policy – Early Release Climate Emergencies, #6 – Page 43	<p>Article 15 – Inclement Weather Policy – Early Release Climate Emergencies, #6 – Page 44</p> <p><i>Added item h and #7 to the end of the article.</i></p> <p><u>h. And such other individuals as designated by the Adjutant General or Human Resources Officer</u></p> <p><u>7. The individuals designated per paragraph 6h above will be listed in the current TAG/HRO memorandum regarding administrative leave due to adverse weather.</u></p>
Article 16 – Environment – Section 3 – Exposure Time – Page 44	<p>Article 16 – Environment – Section 3 – Exposure Time – Page 45</p> <p><i>Added a paragraph to Section 3.</i></p> <p><u>Use of Army Pamphlet 48-152 and Air Force Pamphlet 48-151 will be used as guidance governing the amount of exposure that the technician is exposed to for thermal conditions.</u></p>
Article 17 – Health and Safety – Section 1 – Working Conditions, General – Page 45	<p>Article 17 – Health and Safety – Section 1 – Working Conditions, General – Page 47</p> <p><i>Added the word AED to 2c.</i></p> <p>c. First aid kit, fire extinguisher, <u>AED</u>, fire blankets and stretchers will be provided as required.</p>
Article 17 – Health and Safety – Section 11 – State Safety Committee – Page 48	<p>Article 17 – Health and Safety – Section 11 – State Safety Committee – Page 50</p> <p><i>Added words to the end of 11a.</i></p> <p><u>a. Including matters regarding flight crew rest.</u></p>
Article 17 – Health and Safety – Section 15 – Light Duty – Page 48	<p>Article 17 – Health and Safety – Section 15 – Light Duty – Page 50</p> <p><i>Added Section 15 – Light Duty.</i></p> <p><u>Section 15. Light Duty</u></p> <p><u>Light duty will be implemented in accordance with National Guard Bureau (NGB) Memorandum J1-TN reference TN-11-02, dated 23 February 2011, as revised and updated by NGB-J1-TN.</u></p>

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Article 19 – Merit Promotion – Section 1 – Civilian Personnel Merit Promotion and Placement Plan – Page 50	<p>Article 19 – Merit Promotion – Section 1 – Civilian Personnel Merit Promotion and Placement Plan – Page 52</p> <p><i>Added language to the end of Section 1.</i></p> <p><u>Impact and Implementation (I & I) discussions.</u></p>
Article 21 – Technician Performance Appraisal – All sections - Pages 53-58	<p>Article 21 – Technician Performance Appraisal – All sections - Page 55</p> <p><i>Language rewrite to entire article.</i></p> <p><u>Section 1. TPR 430 (as revised) is incorporated by reference into this article except as indicated below.</u></p> <p><u>Section 2. Identification of Performance Standards</u></p> <p><u>1. All technicians will be appraised by a standard appraisal system determined by The Adjutant General. Management and ACT agree to renegotiate any contractual articles, and working conditions affected by any change to the existing appraisal system.</u></p> <p><u>Section 3. Failure of a Critical Element</u></p> <p><u>1. If during the appraisal period a supervisor advises a technician of their failing to measure up to a critical element of their performance standards, the supervisor must provide this to the technician, including specific instructions on how to improve their performance on this critical job element and a date that performance is expected to meet the standards. A change in the working conditions of the technician beyond the control of the technician is a factor to be considered. Assistance will be provided by the supervisor to assist the technician in attaining the fully acceptable level of performance. This date will be at least ninety (90) days from the date of the counseling session. An ACT representative will be assured the opportunity to be present at all counseling sessions if requested by the technician.</u></p>
Article 21 – Technician Performance Appraisal – All sections - Pages 53-58	<p>Article 21 – Technician Performance Appraisal – All sections - Page 55</p> <p><i>Language rewrite to entire article.</i></p> <p><u>Section 4. Failure of a Critical Element While on Detail</u></p> <p><u>If a technician is detailed for a period of over one hundred twenty (120) days and received an unacceptable rating in a critical element, upon request by the technician or ACT, the Agency will provide the reason and supporting facts for the unacceptable rating.</u></p>

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<p>Article 22 – Incentive Awards – Section 4 – Incentive Awards Program Administration - Page 60</p>	<p>Article 22 – Incentive Awards – Section 4 – Incentive Awards Program Administration - Page 57</p> <p><i>Added #3 new language Section 4.</i></p> <p><u>3. Upon request the Agency agrees to provide the Union an itemized summary (without names) of incentive awards that were awarded in the requested timeframe for technicians.</u></p>
<p>Article 23 – Reduction In Force – Section 4 – DMNA Actions During a RIF - Page 62</p>	<p>Article 23 – Reduction In Force – Section 4 – DMNA Actions During a RIF - Page 59</p> <p><i>Language rewrite to Section 4.</i></p> <p><u>a. DMNA agrees to notify ACT of an impending RIF within ten (10) workdays after the decision to conduct a RIF at which time DMNA agrees to provide a detailed explanation of the procedures which will be used for implementation of the RIF.</u></p> <p><u>b. ACT will be given an opportunity to review the implementation of the RIF and respond not later than ten (10) workdays after being provided the information contained in 4(a).</u></p> <p><u>c. ACT will be given a copy of the retention register established in conjunction with the RIF.</u></p> <p><u>d. Provide briefings as appropriate to keep the technician workforce informed.</u></p> <p><u>e. Assure that applicable regulations are available for review by all parties concerned.</u></p>
<p>Article 23 – Reduction In Force – Section 4 – DMNA Actions During a RIF - Page 62</p>	<p>Article 23 – Reduction In Force – Section 4 – DMNA Actions During a RIF - Page 59</p> <p><i>Language rewrite to Section 4.</i></p> <p><u>f. Develop an aggressive placement program for adversely affected technicians.</u></p> <p><u>g. The required sixty (60) day notices will not be sent to affected individuals until the ACT State Chairman has had the opportunity to be provided the sample RIF notice(s).</u></p>

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<p>Article 23 – Reduction In Force – Section 5 – RIF Retention Register - Page 63</p>	<p>Article 23 – Reduction In Force – Section 5 – RIF Retention Register - Page 59</p> <p><i>Section deleted.</i></p> <p><u>Now Section 5 – RIF Competitive Level Area</u></p>
<p>Article 23 – Reduction In Force – Section 6 – Placement Actions - Pages 63 - 64</p>	<p>Article 23 – Reduction In Force – Section 6 – Placement Actions - Page 60</p> <p><i>Section deleted.</i></p> <p><u>Now Section 6 – RIF Appeals of Specific Notice</u></p>
<p>Article 23 – Reduction In Force – Section 7 – RIF/Competitive Level/Area - Page 64</p>	<p>Article 23 – Reduction In Force – Section 7 – RIF/Competitive Level/Area - Pages 60 - 61</p> <p><i>Moved to Section 5.</i></p> <p><u>New language Section 7 – Miscellaneous Provisions</u></p> <p><u>1. To mitigate a RIF no vacant bargaining Union position within those specific career fields affected will be filled within the New York National Guard during the pendency of the RIF, unless the time period is lessened upon agreement with ACT and the Agency. An exception are those positions essential to agency operations determined by The State Adjutant General through the HRO. If said vacant positions in the designated career field are to be filled, technicians affected by a RIF will be given first consideration in the filling of those positions. The affected technicians may be management assigned to a new assignment.</u></p> <p><u>2. Personnel who decline a management directed reassignment outside a reasonable, agreed to, commuting area will be separated from their current position, but not until the date the formal processed RIF would have taken place.</u></p>

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Article 23 – Reduction In Force – Section 7 – RIF/Competitive Level/Area - Page 64	<p align="center">Article 23 – Reduction In Force – Section 7 – RIF/Competitive Level/Area - Pages 60 - 61</p> <p><i>Moved to Section 5.</i></p> <p><u>3. The Agency will take positive action to assist technicians affected by a RIF. Positions available for offer will initially be within the competitive area or expanded area as necessary including statewide. Technicians who qualify may be registered for placement in other agencies through the DoD Priority Placement Programs. Registration will be in accordance with DoD Manual 1400.20-1-M.</u></p> <p><u>4. Those technicians that cannot be placed or management directed in a vacant position will be terminated through the RIF process.</u></p>
Article 23 – Reduction In Force – Section 8 – RIF Tenure Groups - Pages 64 - 65	<p align="center">Article 23 – Reduction In Force – Section 8 – RIF Tenure Groups - Pages 64 - 65</p> <p><i>Section deleted.</i></p> <p align="center"><u>No new language.</u></p>
Article 23 – Reduction In Force – Section 9 – RIF Order of Release - Page 65	<p align="center">Article 23 – Reduction In Force – Section 9 – RIF Order of Release - Pages 65</p> <p><i>Section deleted.</i></p> <p><u>No new language.</u></p>
Article 23 – Reduction In Force – Section 10 – RIF Notices - Page 65	<p align="center">Article 23 – Reduction In Force – Section 10 – RIF Notices - Pages 65</p> <p><i>Section deleted.</i></p> <p><u>No new language.</u></p>
Article 23 – Reduction In Force – Section 11 – RIF Appeals of Specific Notice - Page 66	<p align="center">Article 23 – Reduction In Force – Section 11 – RIF Appeals of Specific Notice - Pages 60</p> <p><i>Moved to Section 6.</i></p> <p><u>Moved to Section 6.</u></p>
Article 23 – Reduction In Force – Section 12 – Precluding a RIF - Page 67	<p align="center">Article 23 – Reduction In Force – Section 12 – Precluding a RIF - Pages 66</p> <p><i>Section Deleted.</i></p> <p><u>No New Language.</u></p>

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Article 25 – Training – Section 1 – Training Programs – Page 69	Article 25 – Training – Section 1 – Training Programs – Page 63 <i>Added language:</i> The training program may be reviewed every three (3) years.