

May 21, 2013

The Honorable Carl Levin
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Levin:

On behalf of the Laborers' International Union of North America (LIUNA), the American Federation of Government Employees (AFGE) and the National Association of Government Employees (NAGE), we are writing to express our opposition for inclusion of language in the Fiscal Year 2014 (FY 14) National Defense Authorization Act (NDAA) that would take away critical discrimination protections from National Guard dual-status technicians. Our unions represent thousands of National Guard dual-status technicians throughout the United States. These brave men and women serve their country honorably every day and deserve basic discrimination protections in the workplace.

This proposed language would strip civilian discrimination protections from National Guard dual-status technicians, leaving them with only the limited military discrimination rights, even if the discriminatory event occurred while the technician is in his or her civilian status. In many cases, the military chain of command and civilian chain of supervision are completely different. Therefore, filing a claim in the military channels would force people who have no knowledge of the situation to oversee these workplace discrimination cases.

This language would eliminate a federal worker's Title VII rights to a neutral third party. This means that a female technician subjected to sexual harassment in the workplace would not have access to the EEOC or a judge to hear her case, only her military commanders. This language would also remove protections against age discrimination under the Age Discrimination in Employment Act (ADEA) and disability discrimination under the Rehabilitation Act.

Finally, this proposed language appears to be an attempt by the National Guard Bureau to further "militarize" the dual-status technicians, who are by definition both civilian and military. Section 519 of the FY 12 NDAA required a study on the future of the National Guard technician program which is due to be released in September 2013. Therefore, we ask that your committee refrain

from making any changes to the law that would make these workers more "military," with fewer rights while the study is pending.

We ask that you reject this misguided provision from inclusion in the FY 14 NDAA. Please contact Danielle LeClair, Director of LIUNA's Public Employee Department, at (202) 639-4145 or dleclair@liuna.org with any questions.

With kind regard, we are



TERRY O'SULLIVAN
General President, LIUNA

Sincerely yours,



J. DAVID COX, SR.
National President, AFGE



DAVID HOLWAY
National President, NAGE

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cc: Senator Jim Inhofe, Ranking Member, Senate Armed Services
Committee