

## **OVERVIEW OF CIVILIAN PERSONNEL PROVISIONS IN NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 1998**

### ***Depot Level Activities.***

**Section 357.** Amends 10 U.S.C. 2466(a) to increase from 40 percent to 50 percent the share of depot level maintenance and repair workload that may be performed by the private sector.

**Section 360.** Prohibits the management of depot-level maintenance and repair employees by any constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

**Section 361.** Requires the Secretary of Defense to designate each depot-level activity (excluding certain facilities identified for closure or major realignment under BRAC) as a Center of Industrial and Technical Excellence in the core competency of the activity. Requires the Secretary of Defense to establish a policy encouraging military department secretaries and Defense Agency heads to reengineer industrial processes and adopt best-business practices at their depot activities in connection with their core competency requirements. Allows Centers to enter into public-private partnerships.

**Section 364.** Prohibits the Secretary of the Army from initiating reductions-in-force of civilian employees at the five Army depots participating in the demonstration and testing of the Army Workload and Performance System (AWPS) until after the Secretary submits to Congress a report certifying that AWPS is fully operational. Does not apply to BRAC 95 reductions at Red River and Letterkenny Army Depots.

**Section 522. *Military technicians (dual status).*** Amends 10 U.S.C. 10216. Defines a "military technician (dual status)" as a federal civilian employee who is employed in accordance with Titles 5 or 32 and who, as a condition of federal civilian employment, must maintain military membership in the Selected Reserve, and who is assigned to a position as a technician in the administration and training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or armed forces. Requires (unless exempted by law) all military technicians hired after 1 December 1995 to maintain military membership in the Selected Reserve unit by which they are employed as a military technician, or in a unit they are employed as a military technician to support. Prohibits use of appropriated funds to compensate any military technician hired after 10 February 1996 who is no longer a member of the Selected Reserve. This prohibition on the use of funds does not apply for a period of not more than 6 months following an individual's loss of Selected Reserve membership if the

Secretary determines that the loss of membership was not due to the individual's failure to meet military standards. Requires the Secretary of Defense to submit to Congress a legislative proposal (developed in consultation with OPM) to provide statutory authority and clarification under Title 5 for hiring, management, promotion, separation and retirement of reserve military technicians. Eliminates the skill compatibility requirement between a military technician's civilian and military positions.

**Section 523. Non-dual status military technicians.** Amends Title 10 to add section 10217. Defines "non-dual status military technician" as a DoD civilian employee serving in a military technician position who was hired as a military technician before 18 November 1997 and as of 18 November 1997 is not a member of the Selected Reserve or after such date ceased to be a member of the Selected Reserve. Sets a cap on the number of non-dual status technicians in each component as of 30 September 1998. Requires DoD to report, within 90 days of enactment, the actual number of non-dual status technicians in each component, and to submit, within 180 days of enactment, a plan to ensure that by the end of FY 2007 and thereafter all military technician positions are occupied only by military technicians (dual status). In developing the plan, the Secretary must consider the feasibility and cost of certain actions including contracting with the private sector for performance of military technician functions.

**Section 524. Report on feasibility and desirability of conversion of AGR personnel to military technicians (dual status).** Requires that DoD report to Congress on the feasibility and desirability of converting AGR personnel to dual status military technicians.

**Section 591. Sexual harassment investigations and reports.** Amends Title 10 to add section 1561. 10 U.S.C. section 1561 obligates commanders to take certain actions upon receipt of a complaint from a member of the command or a *civilian employee* under the commander's supervision that alleges sexual harassment by a member of the armed forces or a DoD *civilian employee*. 10 U.S.C. section 1561 includes a definition of sexual harassment similar (but not identical) to the definition in DODD 1350.2 and AR 600-20. This new statutory definition is broader than the Title VII definition of sexual harassment. It covers condonation by persons in supervisory positions and deliberate or repeated unwelcome gestures or comments of a sexual nature in the workplace by any member of the armed forces or DoD civilian employee, whether or not such activity creates a hostile work environment or adversely affects the victim's ability to perform his or her job.

**Section 593. Authority for personnel to participate in management of certain non-Federal entities.** Authorizes service secretaries to approve on a case-by-case basis the limited service of military and civilian personnel without compensation as directors, trustees, or officers of a military welfare society, such as Army Emergency Relief, or other designated not-for-profit entities.

**Section 911. Personnel reduction in management headquarters and headquarters support activities .** Amends Title 10 to add section 130a. 10 U.S.C. section 130a requires a 25 percent reduction in the number of personnel assigned to management headquarters and headquarters support activities phased in over five years. 10 U.S.C. section 130a also requires a 5 percent reduction by October 1998 of personnel assigned to management headquarters activities and management headquarters support activities in the U.S. Transportation Command.

**Section 912. Defense acquisition workforce.** Requires a reduction of 25,000 in the number of defense acquisition positions in FY 1998. The Secretary of Defense is authorized to waive up to 15,000 of that number if the Secretary determines and certifies to Congress that a greater reduction would be inconsistent with cost-effective management and would adversely affect military readiness. Requires a report on the reductions in the defense acquisition workforce since FY 1989 and a definition of "defense acquisition workforce" that can be uniformly applied throughout DoD. Requires a review of acquisition organizations and functions by the Secretary of Defense and the Task Force on Defense Reform.

**Section 1101. Use of prohibited constraints to manage DoD personnel.** Requires the secretary of each military department and head of each defense agency to submit an annual report on the management of their civilian workforce to the Senate Armed Services Committee and the House National Security Committee. The reports must include a certification that the civilian workforce is not and has not during the preceding twelve months been subject to a constraint or limitation in terms of man years, end strength, full-time equivalent positions, or maximum number of employees.

**Section 1102. Veterans' preference status for certain veterans who served on active duty during the Persian Gulf War.** Amends the Title 5 definition of "veteran" for purposes of preference eligible status to include military personnel who served on active duty during the period from 2 August 1990 to 2 January 1992.

**Section 1103. Repeal of deadline for placement consideration of involuntarily separated military reserve technicians.** Amends 5 U.S.C. 3329 to eliminate the time limitation within which involuntarily separated military reserve technicians are given priority placement consideration.

**Section 1104. Rate of pay of DoD overseas teachers upon transfer to General Schedule position.** Amends Title 5 to authorize DoD to regulate the amount of salary increase for certain overseas professional educators who move from positions compensated under the Teaching Position (TP) pay system to positions compensated under the General Schedule (GS) pay system.

**Section 1105. Garnishment and involuntary allotment.** Amends 5 U.S.C. 5520a to restore the requirement that administrative costs in executing a garnishment action be borne by the federal employee.

**Section 1106. Extension and revision of voluntary separation incentive pay (VSIP) authority.** Amends 5 U.S.C. 5597 to extend authority for the DoD VSIP Program until 30 September 2001. For separations occurring on or after 1 October 1997, increases the agency's retirement fund contribution to an amount equal to 15 percent of the VSIP recipient's final basic pay.

**Section 1107. Use of approved fire-safe accommodations by Government employees on official business.** Amends 5 U.S.C. 5707a to require each government agency to ensure that not less than 90 percent of the commercial lodging-room nights for its employees each FY are booked at approved accommodations and that each agency establish procedures to meet this requirement. Requires the Federal Emergency Management Agency to prepare an accurate fire-safe hotel list. Requires the General Services Administration to submit an implementation report.

**Section 1108. Navy higher education pilot program.** Authorizes the Navy to establish a pilot program of graduate level higher education regarding the administration of business relationships between the Government and the private sector, to be made available to employees at certain Navy commands and activities.