

Memorandum of Understanding
Between
The Adjutant General, West Virginia National Guard
And
The Association of Civilian Technicians, West Virginia Chapters

SUBJECT: Modification of Labor Management Relations Agreement (LMRA), Section 20.6

This agreement is entered into under the provisions of Public Law 95-454, by and between the West Virginia National Guard, hereinafter referred to "Employer", and the Association of Civilian Technicians, West Virginia Chapters, hereinafter referred to as the "Association."

Section 20.6

- a. The Employer will establish a retention register before releasing technicians from their competitive level. The register will show competing technicians in descending order starting with the highest score first. The retention register documents any action being taken and is maintained for every RIF action even when the released technician occupies the only position in the competitive level.

- b. When a register is established, it will list all competing technicians in descending order by tenure groups I, II, and III. The technician's correct tenure group is shown in Item 7, SF 50. Tenure groups are the categories in which technicians are grouped based on length of employment and completion of probationary/trial periods.
 1. Tenure Group I - Permanent, Competitive Service Technicians with career status, who have successfully completed their probationary period, and permanent, Excepted Service Technicians who have successfully completed a trial period.
 2. Tenure Group II - Permanent technicians who are serving a trial or probationary period. This category includes Competitive Service Technicians with career-conditional status and Excepted Service Technicians who have not completed their trial period. Competitive Service Technicians under career appointments who must serve a probationary period are also in tenure II.
 3. Tenure Group III - Technicians who serve under indefinite appointments in the excepted service.

- c. Retention standing within each tenure group is established by using the following criteria:
 1. Technicians will be given five points for "Outstanding," three points for "Excellent," and one point for "Fully-Successful" rating. Points awarded for three performance appraisals, within the established timeframe, will be averaged for use in final computation. All decimals will be rounded up to the nearest whole

number if it's greater than or equal to .5 and rounded down if less than or equal to .49. No points will be awarded for ratings of "Marginal" or "Unsatisfactory." Technicians who do not have three appraisals on file will be credited with a "Fully Successful" rating for any missing appraisals. One point will be awarded for each complete year of creditable service. Creditable service is based upon Service Computation Date (SCD). The sum of points awarded will be used to establish the technician position in the retention register.

2. The SCD will be used as the first tie-breaker if two or more technicians in the same tenure group have the same retention score.

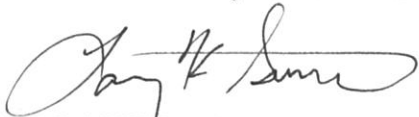
3. The date a Federal Technician became a Title 32 Excepted or Competitive Federal Technician in West Virginia will be used as the second tie-breaker in the event two or more technicians have the same retention standing and SCD.

The terms in this Memorandum of Understanding supersedes LMRA, Article XX – REDUCTION IN FORCE, Section 20.6, *dated 12 October 2010.*

FOR THE ASSOCIATION



DENNIS K. RAYBURN
CHIEF NEGOTIATOR
ASSOCIATION OF CIVILIAN TECHNICIANS
CHAIRMAN, WV STATE COUNCIL



LARRY K. SOUTHARD
PRESIDENT
SHENANDOAH CHAPTER



ADAM C. HARPER
PRESIDENT
MOUNTAINEER CHAPTER

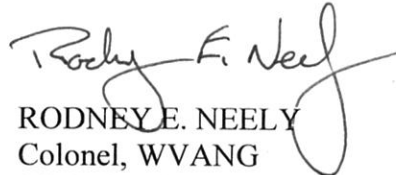


LUCAS C. PAYNE
VICE PRESIDENT
MOUNTAIN STATE CHAPTER

FOR THE EMPLOYER



CHAD C. BOARD
CHIEF NEGOTIATOR
Maj, WVNG
LABOR RELATIONS SPECIALIST



RODNEY E. NEELY
Colonel, WVANG
167 MSG COMMANDER



ANDREW J. COX
Lt Col, WVANG
130 AMXS COMMANDER



JAMES P. DOMENICO
Capt, WVANG
167 AMXS COMMANDER