

**STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789**

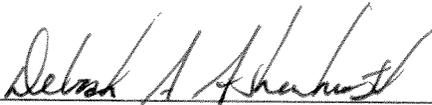
OHIO JOINT PARTNERSHIP EXECUTIVE COUNCIL (JPEC)

15 August 2011

MEMORANDUM FOR All Bargaining Unit Technicians and Supervisors

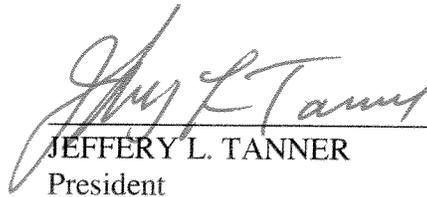
SUBJECT: JPEC Policy Letter 11-08 (Clarification of Art VI of CBA)

1. All parties agree and acknowledge that a workplace free from unlawful discrimination is an important and necessary goal for the comfort of our employees and the efficiency of the service. The parties have recognized this in Article VI of the Collective Bargaining Agreement or CBA.
2. Technician EO complaints will be processed under an EO regulation published by The Adjutant General of Ohio consistent with case law and Title VI of the Civil Rights Act of 1964. Article VI of the Collective Bargaining Agreement does not confer any additional rights under Title VII of the Civil Rights Act, The Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, nor the Americans with Disabilities Act of 1990.
3. Under decisions of the Federal Court of Appeals governing Ohio, the duties of federal technician employees of the Ohio National Guard are "irreducibly military." Accordingly, federal technician employees are covered only by the requirements of Title 32 of the United States Code and Title VI of the Civil Rights Act of 1964. This is the same process offered to all military personnel. Therefore, federal technician employees have no right to a non-military EEO process which implements Title VII of the Civil Rights Act of 1964 under NGR 690-600/ANGR 40-1614.



DEBORAH A. ASHENHURST
Major General
The Adjutant General

3 Aug 2011
(Date)



JEFFERY L. TANNER
President
AFGE Local 3970

3 Aug 2011
(Date)