

## APPENDIX B

### § 709. Technicians: employment, use, status

- (a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsection (b) of this section persons may be employed as technicians in-
  - (1) the administration and training of the National Guard; and
  - (2) the maintenance and repair of supplies issued to the National Guard or the armed forces.
- (b) A technician employed under subsection (a) shall, while so employed -
  - (1) be a member of the National Guard;
  - (2) hold the military grade specified by the Secretary concerned for that position; and
  - (3) wear the uniform appropriate for the member's grade and component of the armed forces while performing duties as a technician.
- (c) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title, to employ and administer the technicians authorized by this section.
- (d) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed therein is required under subsection (b) to be a member of the National Guard.
- (e) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned -
  - (1) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who is separated from the National Guard or ceases to hold the military grade specified for his position by the Secretary concerned shall be promptly separated from his technician employment by the adjutant general of the jurisdiction concerned;
  - (2) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who fails to meet the military security standards established by the Secretary concerned for a member of a reserve component of the armed force under his jurisdiction may be separated from his employment as a technician and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;
  - (3) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;
  - (4) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;
  - (5) a right of appeal which may exist with respect to clause