

INFORMATION PAPER

AGOH-HR-Z
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SUBJECT: Utilization of the Full-Time Force for CONUS Disaster Response

1. Purpose. The purpose of this paper is to provide basic guidelines that will apply to the utilization of full-time members and employees for CONUS disaster response.

2. Facts.

a. Utilization of Military Technicians: Military Technicians may be utilized in their technician status at their normal place of work to perform duties which are reasonably within their normal scope of employment and which aid in the disaster response effort. If military technicians are to participate more directly in disaster response, either to perform duties outside their normal scope of employment, strictly military duties, or duties in a forward area, they must be in a military status, either State Active Duty (SAD) or Title 32 orders. A technician must be in a non-duty status relative to her technician position when receiving pay in an active military status. A combination of paid and non-paid leaves as described below may be used. Appropriate technician leave statuses include the following:

1) Military leave up to 15 days or Military Leave Without Pay may be used if ordered to duty in a Title 32 status. These two leave categories may not be used if placed on State Active Duty. Instead, a technician must utilize accrued annual leave, or accrued compensatory time, during which the technician receives full technician pay and benefits; or

2) Leave without pay, during which the technician receives no technician pay and may incur a debt for benefit costs normally deducted from technician pay; or

3) Differential pay leave (also known as Law Enforcement Leave), up to 22 days, during which the technician may receive differential pay if military pay is less than civilian pay. Differential pay leave must meet the requirements of 5 USC 6323(b) in order to be authorized and is calculated by the comptroller.

b. Utilization of Active Guard Reserve (AGR) Members: AGR members may not be placed in a State Active Duty (SAD) status or tasked to perform a street mission. When a declared emergency effort occurs, an AGR may support SAD operations by performing his normal AGR function either as a member of his assigned unit or as an attached member who has needed skill sets for the response effort. This includes work performed while deployed to a forward CONUS location.

c. Utilization of FTNGD (Counter-Drug, Special Work, ARNG Mobilization Augmentee) members: In order to participate in disaster response efforts, these members must have their current orders amended and be placed on SAD or Title 32 orders. This option may affect member entitlements dramatically and should be exercised with caution.

d. Utilization of Non-Dual Status Technicians: Non-Dual Status Technicians may be utilized in their technician status at their normal place of work to perform duties which are reasonably within their normal scope of employment and which aid in the effort.

e. Utilization of State Employees: Employees should follow guidance in Payroll Letter No. 16 for using military leave. After the first day (partial) of duty and before the last day (partial) of duty, no state employee will perform their normal duties except as directed by the Adjutant General. Commanders will not order members to serve in any dual status and are responsible for proper reporting and strength accounting accordingly.

f. Notwithstanding the above guidance, all National Guard members are authorized under the Emergency Doctrine to respond to a situation immediately, regardless of status, when necessary to save human life, prevent immediate human suffering or lessen major property damage or destruction.

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