



Technician 44 Workdays of Military Leave Policy

* Available only to Reserve and National Guard Technicians



Previous Policy

Title 5 Section 6323(d)

(d)(1) A military reserve technician described in section 8401(30) (FOOTNOTE 1) is entitled at such person's request to leave without loss of, or reduction in, pay, leave to which such person is otherwise entitled, credit for time or service, or performance or efficiency rating for each day, not to exceed 44 workdays in a calendar year, in which such person is on active duty without pay, as authorized pursuant to section 12315 of title 10, under section 12301(b) or 12301(d) of title 10 (other than active duty during a war or national emergency declared by the President or Congress) for participation in operations outside the United States, its territories and possessions.



Current Policy

National Defense Authorization Act FY 2005

**SEC. 523. FEDERAL CIVIL SERVICE MILITARY LEAVE FOR
RESERVE AND NATIONAL GUARD CIVILIAN TECHNICIANS.**

**Section 6323(d)(1) of title 5, United States Code is amended by striking
“(other than active duty during a war or national emergency declared
by the President or Congress)”.**



How is it authorized?

- The duty must be performed:
 - under Title 10, section 12301(b) or 12301(d)
 - *outside* of the United States, its territories or possessions
 - *without* military pay (orders must clearly state (WITHOUT PAY”))
- Not to exceed 44 workdays in a *calendar* year



Leave Rules

- **The use of a combination of Annual Leave, Compensatory Time, normal 15 days of military leave or AUS/LWOP is also authorized.**
- **Neither Title 10 section 12301(b) nor 12301(d) are qualifying authorities for reserve differential.**
- **Active Duty Title 10 pay order covers Non-duty days, weekends and holidays.**
- **Non-workdays and holidays are not charged to leave. Only workdays in the regularly scheduled work week from which absent are charged to leave.**
- **Technicians DO NOT receive any holiday (premium) pay because they are in a Title 10 status.**



Leave Rules Continued

- **Technicians DO NOT have to convert from their regular duty schedule to a 5 day 8 hour work week.**
- **There is no entitlement to compensatory time earned for overtime hours worked, night differential or hazardous duty pay because the technician is in a technician leave status. However, if these are part of the technicians REGULAR basic civilian pay, this would continue.**
- **While on 44 day military leave technicians receive their technician pay in lieu of military pay for time they would otherwise be in a paid technician status.**



Leave Rules Continued

- **The entitlement is on a calendar year basis and NOT a fiscal year basis. There is no entitlement to carry over any unused leave into the subsequent calendar year.**
- **Technicians utilizing the 44 days of military leave are considered to be in an active duty status. If an injury occurs during this time the technician is ineligible for worker's compensation.**
- **The Time and Attendance leave code for the 44 days of military leave is "LL". The remarks will specify "44 days of military leave entitlement".**



Additional Leave Rules (Military Impact)

- **Hazardous duty, combat zone tax exclusion and other entitlements will be paid for all Title 10 Military pay status days (Those days only) For authorized locations.**
- **Per diem is paid while utilizing 44-day leave, based on military rates.**
- **Technicians will earn 1 retirement point from the military for each day while in a 44-day leave status.**
- **You must work 30 consecutive days in order to accumulate the 2.5 days per month of military leave from the military side.**



Process Guidance

- The technician is responsible to plan out utilizing a calendar what types of leave status they will be in for the duration of time being spent in a military status.
- The technician will make the necessary elections prior to the deployment.
- Elections will be signed by both the technician and the supervisor.
- Once elections have been submitted there will be no changes made.
- Election options and supporting documentations such as all orders will be forwarded to the local timekeeper and through the appropriate Command/Directorate to the HRO.

Technician 44-Day Leave Policy



Example 1

OCONUS 2 Sep to 31 Oct

Leave Elections

- 42 days of 44 Day Mil Leave

Leave Charged

- Entire period can be covered by 44 Day Mil Leave

Pay

- Technician receives full technician pay 2 Sep – 31 Oct
- Technician receives military pay for each Saturday, Sunday, holiday and regular day off

Technician 44-Day Leave Policy



Example 1

SEPTEMBER						
SU	MO	TU	WE	TH	FR	SA
1	2	3	4	5	6	7
	Holiday	44 Day - 1	44 Day - 2	44 Day - 3	44 Day - 4	Mil Pay
8	9	10	11	12	13	14
Mil Pay	44 Day - 5	44 Day - 6	44 Day - 7	44 Day - 8	44 Day - 9	Mil Pay
15	16	17	18	19	20	21
Mil Pay	44 Day - 10	44 Day - 11	44 Day - 12	44 Day - 13	44 Day - 14	Mil Pay
22	23	24	25	26	27	28
Mil Pay	44 Day - 15	44 Day - 16	44 Day - 17	44 Day - 18	44 Day - 19	Mil Pay
29	30					
Mil Pay	44 Day - 20					

OCTOBER						
SU	MO	TU	WE	TH	FR	SA
		1	2	3	4	5
		44 Day - 21	44 Day - 22	44 Day - 23	44 Day - 24	Mil Pay
6	7	8	9	10	11	12
Mil Pay	44 Day - 25	44 Day - 26	44 Day - 27	44 Day - 28	44 Day - 29	Mil Pay
13	14	15	16	17	18	19
Mil Pay	Holiday	44 Day - 30	44 Day - 31	44 Day - 32	44 Day - 33	Mil Pay
20	21	22	23	24	25	26
Mil Pay	44 Day - 34	44 Day - 35	44 Day - 36	44 Day - 37	44 Day - 38	Mil Pay
27	28	29	30	31		
Mil Pay	44 Day - 39	44 Day - 40	44 Day - 41	44 Day - 42		

Technician 44-Day Leave Policy



Example 2

OCONUS 2 Sep to 31 Oct

Leave Elections

- 4 Days of 15-Day Mil Leave 3-6 Sep
- 16 Days of 44-Day Mil Leave 9-30 Sep
- 9 Days of Annual Leave 1-11 Oct
- 13 Days of LWOP 15-31 Oct

Pay

- Technician pay is received from 2 Sep – 14 Oct
- Military Pay is received from 3- 8 Sep and 1-31 Oct
- Technician receives military pay for each Saturday, Sunday, holiday and regular off day off

Technician 44-Day Leave Policy



Example 2

SEPTEMBER						
SU	MO	TU	WE	TH	FR	SA
1	2	3	4	5	6	7
	Holiday	Mil Leave	Mil Leave	Mil Leave	Mil Leave	Mil Pay
8	9	10	11	12	13	14
Mil Pay	44 Day - 1	44 Day - 2	44 Day - 3	44 Day - 4	44 Day - 5	Mil Pay
15	16	17	18	19	20	21
Mil Pay	44 Day - 6	44 Day - 7	44 Day - 8	44 Day - 9	44 Day - 10	Mil Pay
22	23	24	25	26	27	28
Mil Pay	44 Day - 11	44 Day - 12	44 Day - 13	44 Day - 14	44 Day - 15	Mil Pay
29	30					
Mil Pay	44 Day - 16					

OCTOBER						
SU	MO	TU	WE	TH	FR	SA
		1	2	3	4	5
		Annual Leave	Annual Leave	Annual Leave	Annual Leave	Mil Pay
6	7	8	9	10	11	12
Mil Pay	Annual Leave	Mil Pay				
13	14	15	16	17	18	19
Mil Pay	Holiday	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS	Mil Pay
20	21	22	23	24	25	26
Mil Pay	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS	Mil Pay
27	28	29	30	31		
Mil Pay	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS	LWOP-Mil/AUS		



Questions?