

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

NGOH-HRZ

4 May 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: HRO Policy # 21-015, Intermixing of Technician Duty and Military Status

**1. References.**

- a. 5 United States Code (USC) 6323, Military leave; Reserves and National Guardsmen.
- b. 32 United States Code (USC) 502, Required Drills and Field Exercises (Drill and Annual Training).
- c. 37 United States Code (USC) 206, Reserves, Member of National Guard: Inactive Duty Training.
- d. 38 United States Code (USC) 4312 (e)(1)(A)(i)(ii), Reemployment Rights of Persons who serve in the Uniformed Services.
- e. 5 Code of Federal Regulations (CFR) 353.208 Use of Paid Time off during Uniformed Service.
- f. Depart of Defense Instruction (DODI) 1205.18, 5 June 2020, Full-time Support (FTS) to the Reserve.
- g. Comptroller General Decision B-133972, February 5, 1973, Civilian Pay without charge of Military or Civilian Leave for the Day of Departure.
- h. Chief, National Guard Bureau Instruction (CNGBI) 1400.25 Vol 630, 23 April 2021, National Guard Technician and Civilian Personnel Absence and Leave Program.

**2. Cancellation.** This policy supersedes policy memorandum, subject: HRO Policy #19-003, Intermixing of Technician Duty and Military Status, dated 1 July 2019.

**3. Purpose.** To provide guidance and procedures that apply to instances where National Guard Technicians are performing duty in Technician status and in a full-time military status on the same day. This policy does not apply to military duty that is

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specified by law to be for less than 24 hours in duration as detailed in references b and f. The performance of paid full-time military duty prohibits a technician from being in a paid technician status on the same day, unless the paid status is a result of approved leave or released from military control.

**4. Credit for Work Performed.** During a period that a military technician (dual status) is subject to military control, the technician may not simultaneously be regarded as present for work in the technician position, since technician service is incompatible with military duty or Full Time National Guard Duty (FTNGD) status IAW references b and c. However, the employee may receive credit for civilian technician work performed before the employee becomes subject to military control on the first day of the duty or FTNGD period and after the employee is released from military control on the last day of the duty period without a charge to civilian leave IAW references f and g.

**5. Leave and Consecutive Days.** The employee must be in an appropriate leave status for civilian workdays on which consecutive days of military pay is earned. Military duty performed by technicians under separate orders or duty status on consecutive days in which pay is earned is strongly discouraged. Only the below exceptions apply.

a. If on the first day of the consecutive days of military pay, the member is not required to report for military duty until after the civilian duty day ends, no civilian leave is charged for that first day. If the member is required to report for military duty on the first day before the end of the civilian duty day, civilian leave must be charged to cover the period of overlap with the civilian duty day.

b. If the member is completely released from military control on the last day of the consecutive days of military status pay prior to the start of the civilian duty day, no civilian leave is charged for the last day of military duty. If the member is released from military duty on the last day after the start of the civilian duty day, civilian leave must be charged to cover the period of overlap with the civilian duty day.

**6. Cost Effective Execution.** Commanders and supervisors are strongly urged to minimize the intermixing of military duty and civilian status to avoid the perception that taxpayer funds are being abused. Particularly, commanders, supervisors, or order officials should scrutinize requests for short (one and two-day) periods of military duty performed in conjunction with technician duty - while allowable; they should be used only for emergencies. National Guard personnel are strongly encouraged to wisely utilize all manpower resources available to them to cost-effectively execute the organizational mission.

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7. Questions related to this memorandum should be directed to Mrs. Dana Mowery, Deputy Director for HRO, at [dana.a.mowery.civ@mail.mil](mailto:dana.a.mowery.civ@mail.mil) or (614) 336-7054/DSN 346-7054.

FOR THE ADJUTANT GENERAL:

A handwritten signature in black ink, appearing to read "Joseph F. Logan". The signature is fluid and cursive, with a long horizontal stroke at the end.

JOSEPH F. LOGAN, Col, ANG  
Director for Human Resources

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## Leave Status for Intermixing of Technician Duty and Military Status

### Military Status for Consecutive Days

<b>First Day of Military Status</b>	Report for Military Duty on a Non-Technician Duty Day	No civilian leave required.
	Report for Military Status After Technician Duty Day	Performs regularly scheduled technician duties then reports for military duty later on the same day. No civilian leave required.
	Report for Military Status during Technician Duty Day	Approved civilian leave status required for overlap hours to cover all or balance of technician duty day. This includes leaving technician duty to travel to reporting location.

<b>Second and Subsequent Days of Military Status</b>	Non-Technician Duty Day	No civilian leave required.
	Under Military Status/Control during Technician Duty Day	Consecutive day of military status on a technician duty day and <b>NOT</b> released from military control. Must be in an approved leave status for the regularly scheduled technician duty hours.
	Release from Military Status/Control <b>NOT</b> on regularly scheduled Technician Duty Day	Technicians will report for their regularly scheduled work period on the first full calendar day following the completion of the period of military service.
	Release from Military Status/Control on regularly scheduled Technician Duty Day (Either Option 1 or Option 2)	<p>Option 1: Released from military control <b>PRIOR</b> to the start of the technician duty day. No civilian leave is required.</p> <p>Option 2: Released from military status <b>AFTER</b> the start of the technician duty day. Civilian leave must be charged to cover the period of overlap with the technician duty hours.</p>