



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

NGOH-HRO-Z

- 1 JUL 2019

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: HRO Policy #19-003, Intermixing of Technician Duty and Military Status

I. References.

- a. 5 United States Code (USC) 6323, Military leave: Reserves and National Guardsmen.
- b. 32 United States Code (USC) 502 (a) Required Drills and Field Exercises (Drill and Annual Training).
- c. 32 United States Code (USC) 502 (d) Required Drills and Field Exercises (Minimum time to authorize military pay).
- d. 37 United States Code (USC) 206, Reserves, Member of National Guard: Inactive Duty Training.
- e. 38 United States Code (USC) 4312 (e)(1)(A)(i)(ii), Reemployment Rights of Persons who serve in the Uniformed Services.
- f. 5 Code of Federal Regulations (CFR) 353.208 Use of Paid Time Off during Uniformed Service.
- g. Department of Defense Instruction (DODI) 1205.18, Full-time Support (FTS) to the Reserve.
- h. Department of Defense Instruction (DODI) 1215.06, Uniform Reserve, Training and Retirement Categories for the Reserve Components.
- i. Air Force Instruction (AFI) 11-202V3_AFGM2018-01, General Flight Rules.
- j. Army Regulation (AR) 95-1 Flight Regulations.
- k. GAO Comptroller General Decision B-211249, Sep 20, 1983, Present for Work in Civilian Position while simultaneously on Active Duty.

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I. GAO Comptroller General Decision B-133972, Feb 5, 1973, Civilian Pay without charge of Military or Civilian Leave for the Day of Departure.

m. Chief, National Guard Bureau Instruction (CNGBI) 1400.25 Vol 630, National Guard Technician Absence and Leave Program.

2. 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. The memorandum does not apply to military duty that is specified by law to be for less than 24 hours as detailed in references (b) and (g). 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.

3. Criteria. In no instance can a technician be paid for regularly scheduled technician duty (not in a leave status) and full-time military duty on the same day for two consecutive days. Full-time military duty that is scheduled for more than one day must be scheduled for the needs of the service and done so in a manner that complies with the principles of fiscal responsibility. When military duty is scheduled for second and subsequent days, the military duty is scheduled in 24-hour increments.

4. Approved Leave Status. An employee performing service with the uniformed services must be permitted, upon request, to use any accrued annual leave under 5 USC 6304, military leave under 5 USC 6323, earned compensatory time for travel under 5 USC 5550b, or sick leave under 5 USC 6307, if appropriate, during such service. See reference (f). Technicians may also use Leave Without Pay (LWOP) or a received time-off award. For the minimum amount of time required for which military pay can be authorized, see references (c) and (d).

5. Technician duty on the same day as beginning of full-time military duty. In cases where military duty is scheduled to start after the completion of the regularly scheduled technician work day, no technician leave is required. The technician can complete their normal technician duty then report for their military duty. If the military duty is scheduled to start prior to or during the regularly scheduled technician work day, that time is considered "overlap" and the technician is required to be in an appropriate approved leave status for the period of overlap technician duty hours. When technicians must travel to report for military duty during their technician work day, they are required to be in an approved leave status for the remainder of their technician duty day. See Enclosure.

6. Crew Rest for Alert Duty and Flight Duty Periods (Air Guard). Crew rest is compulsory for aircrew members prior to performing any duties involving aircraft operations and is a minimum of 12 non-duty hours before Flight Duty begins. Crew rest period cannot

begin until after the completion of official duties. Crew rest may be waived by the Wing Commander when an Operational Risk Management (ORM) assessment determines that operational requirements justify the increased risk. See reference (i). When crew rest is taken during a technician's regularly scheduled work day, the technician must be in an approved leave status.

7. Crew Endurance (Army Guard). Crew endurance is an integral part of the overall risk management program. It is used to control risks due to sleep deprivation or fatigue. See reference (j). Each Flight Facility has a Crew Endurance Program (Guide) established to outline the proper procedures and guidelines for flight operations.

8. Rest Period under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Reference (e).

a. Applies to a technician whose period of service in the uniformed services was less than 31 days.

b. A technician shall report for their regularly scheduled technician duty not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, allowing for safe transportation to their residence, and the expiration of an 8 hour rest period.

9. Second Consecutive Military Duty Day. No regularly scheduled technician duty may be performed on the second day of full-time military duty. For every day beyond the initial day of full-time military orders, until the release date, all regularly scheduled technician duty must be accounted for by an authorized type of approved leave status.

10. Return to Technician Duty. At the completion of military duty, the technician must comply with the USERRA rest period rules. Once the rest period is completed, the technician can report for their next regularly scheduled work day. See enclosure. The exception for travel time that extends beyond 2400 hours following completion of military status that ends on the same day as a regularly scheduled technician duty day are as follows:

a. Travel time that lasts **less** than four hours:

(1) Required eight (8) hour rest period at completion of military status to include travel time (USERRA rule, reference e.)

(2) Technician may report and resume technician duty after completion of rest period.

(3) Technician will request appropriate leave to cover their technician duty hours prior to arrival at their duty location.

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b. Travel time that lasts **more** than four hours:

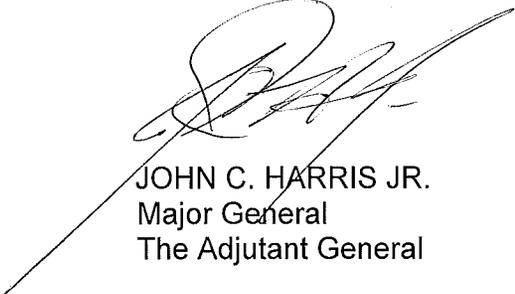
(1) Considered full-time military duty day.

(2) Technician will request appropriate leave to cover their technician duty hours for the entire day.

(3) Technician may return to their regularly scheduled technician duty on the next regularly scheduled duty day.

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

Encl
as



JOHN C. HARRIS JR.
Major General
The Adjutant General

DISTRIBUTION:
A, D

Leave Status for Intermixing of Technician Duties and Military Status

Military Status for Consecutive Days		
First Day of Military Status	Report for Military Duty on a Non-Technician Duty Day	No Technician 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 technician leave required.
	Report for Military Status during Technician Duty Day	Approved technician 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. NOTE: See <i>Crew Rest paragraph 7 for approved technician leave status required prior to reporting for military duty.</i>
Second and Subsequent Days of Military Status	Non-Technician Duty Day	No Technician Leave required
	Under Military Status/Control during Technician Duty Day	Military status is 24 hours in duration for the second through last day of military orders. Technician must be in approved leave status for those days that are also regularly scheduled technician duty days.
	Release from Military Status/Control <i>NOT</i> on regularly scheduled Technician Duty Day	Technicians will report to their regularly scheduled work period on the first full calendar day following the completion of the period of military service, safe transportation home and after an 8-hour period of rest. See Reference e. (USERRA rules).
	Release from Military Status/Control on regularly scheduled Technician Duty Day	Technicians will report to their regularly scheduled work period on the first full calendar day following the completion of the period of military service, safe transportation home and after an 8-hour period of rest. See Reference e. (USERRA rules). NOTE: See <i>paragraph 10 a. and b. for travel time exception.</i>