

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

NGOH-HRZ

17 February 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Procedures for Restoration of Annual Leave Forfeited by Title 32 Military Technicians and Title 5 National Guard Employees (HRO Policy # 21-010)

1. References.

a. Chief, National Guard Bureau Instruction 1400.25, Volume 630, National Guard Technician Absence and Leave Program, 6 August 2018.

b. 5 CFR 630.310 Scheduling of annual leave by employees whose work is essential to respond to certain national emergencies.

2. Cancellation. This policy supersedes HRO Policy #21-005, dated 26 January 21, Procedures for Restoration of Annual Leave Forfeited by Title 32 Military Technicians and Title 5 National Guard Employees.

3. Technicians and National Guard Employees may carry a maximum of 240 hours of annual leave into a new leave year. Unless used prior to the end of each leave year, annual leave hours, in excess of 240, are automatically forfeited (lost). Under certain circumstances, however, this leave may be restored.

4. Annual leave may be restored only if one or more of the following conditions caused the forfeiture / loss of leave:

a. Exigencies of the public business, as verified and approved by the Assistant Adjutant General (Army or Air respectively, as the case may be): i.e., when annual leave was scheduled and approved in advance, but operational demands prevented the technician or employee from using the leave and no other reasonable alternative existed.

b. Illness or injury: i.e., when an illness or injury prevented the technician or employee from using annual leave, which was scheduled and approved in advance (i.e., prior to the illness or injury that prevented the use of annual leave).

c. Administrative errors: i.e., when administrative error prevents the use of annual leave, as verified and documented by the appropriate official / authority within the Ohio

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National Guard Human Resources Office (HRO). **NOTE:** The administrative error that prevented the use of annual leave, must have occurred due to no fault of the technician or employee who is requesting restoration of leave.

5. Requests for restoration of forfeited annual leave must meet the following criteria:

a. The annual leave must have been requested, scheduled, approved, and documented, using an Office of Personnel Management (OPM) Form 71, before the start of the third bi-weekly pay period, prior to the end of the leave year (which generally occurs in late November of each leave year, and always occurs on a Sunday).

b. The annual leave must have been approved **and** subsequently disapproved or otherwise officially canceled (IAW the criteria in paragraph 2 above), by the appropriate supervisor and on the same OPM Form 71, upon which the original request was submitted.

c. Requests for restoration of forfeited annual leave must be submitted via the enclosed form (i.e., NGOH-HRO-B3 Form – 7 January 2021). Using this form, supervisors must recommend approval or disapproval of the restoration and forward the request to the Ohio National Guard Human Resources Office (HRO) no later than first day of the third pay period of the new leave year (i.e., the leave year that immediately follows the leave year in which the leave was forfeited). The original OPM Form 71 must be attached to the request and must clearly indicate that the request for leave was disapproved or otherwise officially canceled by the appropriate supervisor. The HRO will coordinate with the CoS (OHARNG) or DoS (OHANG) to attain the appropriate ATAG's verification and approval in accordance with paragraph 3a above.

d. In accordance with federal regulations, restoration requests that do not meet the criteria in paragraphs 4a through 4c will be returned without action.

6. The OPM may identify a specific national emergency, as declared by the President of the United States, to be an exigency of the public service. In this situation, OPM will notify the agency to proceed with utilizing the authority in Reference b. This authority allows the agency to approve requests for restoration of forfeited annual leave without the leave being scheduled, approved, and later denied, as a prerequisite for approval.

a. The TAG, or designee, must identify the specific employees or groups of employees who are performing services that are essential in responding to the national emergency designated as an exigency of the public business and who are thus qualified for coverage under Reference b, and,

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b. The agency must inform covered employees in writing of such a determination.

7. Restored annual leave is placed in a separate leave account in the new leave year. Restored leave must be used before the end of that leave year which is two years from the date of restoration or it will be permanently forfeited, without further restoration rights.

8. The POC is MAJ Daryl Scott, Federal Employee Branch Manager, at 614-336-7121 or daryl.g.scott.mil@mail.mil.

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.

Enclosure
NGOH-HRO-B3 Form

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

DISTRIBUTION:
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