

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

NGOH-HRO-Z

07 November 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Technician Leave Procedures While Absent-Uniformed Service (AUS)

1. Policy Replacement. This Policy Memorandum replaces Policy Memorandum, Subject: Procedures for Requesting Paid Military Leave While Absent-Uniformed Service (AUS) dated 25 May 2016.

2. Definitions for the purpose of this policy:

a. Active Service: IAW 10 USC, § 101(d)(3), the term "active service" refers to a period of time when a member is ordered to federal active duty or Full-Time National Guard Duty (including, but not limited to Active Guard Reserve [AGR] duty) with the Uniform Services of the United States. This period of time has a start and end date specified on the military orders placing the member on active duty.

b. Absent-Uniformed Service status (AUS): The period of time a technician is absent from his or her technician position (whether in a pay or non-pay status) to perform federal active service with the uniform services and has reemployment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This status is established by an official personnel action with start and end dates identified. The AUS status may include the entire time period a technician is absent to perform active service or it may include only a portion of the active service time, depending on leave taken while in a technician status or leave taken while in a military active-service status.

c. Military Furlough: The period of time when a technician is in a Leave Without Pay (non-pay) status from his/her technician position to perform duty with the uniformed services where the period of time is recorded in the Time and Attendance system with the pay code KG (military) on the technician's time card.

3. Permanent and Indefinite Technicians accrue 120 hours of paid military leave annually at the beginning of the Fiscal Year. They may also have earned leave available from technician service prior to entering an AUS status. Technicians performing uniformed service and in an AUS status (e.g. AGR duty, FTNG-OS duty, T10 ADOS, Mobilized to augment active component forces for pre-planned CONUS, etc.) must adhere to the following procedures and guidance in order to use accrued leave:

a. A technician is not authorized to use regularly-earned compensatory time after being placed in an AUS status. However, technicians may use any regularly-earned compensatory time after the start of active duty orders, as long as that use is prior to the effective date of the SF 50 personnel action that places them in an AUS status. The effective start date of the SF 50 personnel action for AUS may be delayed beyond the active duty order directed start date to allow for the processing of the member's CT timecard code in the Time and Attendance system. Upon

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being placed in an AUS status (via the SF 50 personnel action), the pay system will be hard-coded as KG for military furlough. Once the KG code has been implemented, AUS-status technicians may no longer use regularly-earned compensatory time.

b. Technicians must request the use of accrued or earned leave by submitting a Request for Leave or Approved Absence on OPM Form 71 or through ATAAPS prior to the beginning of a pay period. Military leave for technicians in an AUS status generally is to be exhausted before using time off awards, compensatory time from travel, or annual leave.

c. Supervisors may allow the use of "Use-or-Lose" annual leave, time off awards, or travel compensatory time that will be forfeited prior to military leave being used. Otherwise, military leave shall be exhausted prior to other forms of leave while a technician is in an AUS status.

d. Military leave will be requested and granted in continuous hourly blocks until the end of the technician's AUS status or until military leave is exhausted, whichever occurs first. Once military leave is exhausted, the AUS-status technician may use annual leave, time off awards, or travel compensatory time—but **NOT** regularly-earned compensatory time.

e. The technician must attach a copy of his/her military duty order to the OPM 71. The OPM 71 and military orders are submitted through the technician's supervisory chain for approval and forwarded to the local timekeeper or comptroller Customer Service Representative (CSR) for pay processing.

4. Any technician in an AUS status must be permitted, upon request, to use any accrued annual leave, time off awards, military leave, and earned compensatory time from travel during the period of AUS status. Technicians in an AUS status must request leave in a timely manner to avoid forfeiting accrued leave. Supervisors may deny a technician's leave request if it does not comply with this policy or if there are funding limitations due to a government shutdown. Supervisors shall provide a timely justification to a technician if they deny his/her leave request. In the event leave is denied, supervisors shall ensure the technician is provided an adequate period of time to take accrued and earned leave within the fiscal year while the technician is still in an AUS status. All technicians in an AUS status shall be treated equally regardless of the type of Uniformed Service they are performing (e.g. AGR duty, FTNG-OS duty, T10 ADOS, Mobilized to augment active component forces for pre-planned CONUS, etc.).

5. Holiday Pay: Technicians in a non-pay status before and after a Federal holiday do not receive technician pay for the Federal holiday. However, if the technician's leave is properly requested as per this policy, and the technician is in a pay status for the workday immediately before or after a holiday they are entitled to pay for the holiday regardless of whether he/she is on a military furlough or absent immediately preceding or succeeding the holiday. According to the Joint Ethics Regulation, DoD 5500.7-R, Federal employees must not use public office for private gain; and should therefore avoid actions which create the appearance or perception that they are violating ethical standards.

a. Technicians in an AUS status may select any block period of time throughout the fiscal year to use their accrued military leave. They may choose to use all of their accrued military leave,

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some of their accrued military leave, or to not use any accrued military leave at all in a given fiscal year. Once military leave is exhausted by a technician in an AUS status, annual leave, time off awards and/or compensatory time from travel may be used in a continuous block or segmented throughout the AUS period without regard to federal holidays.

b. When taken as a continuous block, military leave may be used immediately prior to and/or after Federal holidays, which then entitles the technician to holiday pay. However, military leave shall not be segmented throughout the year for the specific purpose of gaining multiple periods of holiday pay. For example, while requesting a continuous block of military leave from 1-15 October (entitling the technician to one day of holiday pay for Columbus Day) is acceptable, requests for segmenting military leave into three each 5-day increments to coincide with Columbus Day, Veterans Day, and Thanksgiving Day (entitling the technician to three days of holiday pay) could create a perception that the request is for personal gain at the government's expense.

6. If technicians in an AUS status desire to segment their accrued military leave throughout the fiscal year, they must first submit written requests for an exception to policy through their respective chains of command—including the Ohio Army National Guard Chief of Staff or Ohio Air National Guard Director of Staff (as applicable)—to the Director of Human Resources. The technician's written request must identify the specific periods of requested military leave throughout the fiscal year and must provide a justification for segmenting the periods. The justification must eliminate the appearance and perception that the request is for personal gain at the government's expense.

7. AUS-status Technicians and Technician supervisors who have questions about the use of military leave in conjunction with Federal Holidays (as it pertains to the Joint Ethics Regulation) should contact the Ohio National Guard Ethics Counselor, before submitting military leave requests.

8. For questions regarding the use of technician leave and compliance with other USERRA requirements, the HRO POC is Ms. Dana Mowery, Deputy HRO, at (614) 336-7054. For ethics questions, associated with the use of military leave, the POC is MAJ Joseph Schwade, State Ethics Counselor and Joint Staff Judge Advocate, at (614) 336-7263. Timekeepers and Customer Service Representatives are the POCs for the proper completion of pay forms and general pay questions.

FOR THE ADJUTANT GENERAL:



WILLIAM K. GIEZE, P.E., Col, OHANG  
Director of Human Resources

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