

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

NGOH-HRO-Z

18 January 2017

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Use of Technician Military Leave while performing Active Guard and Reserve Duty

1. References:

a. National Defense Authorization Act of Fiscal Year 2017, Section 513, dated 23 December 2016.

b. Title 32 USC 709, The National Guard Technician Act.

c. 5 USC § 6323(a)(1), Military Leave; Reserves and National Guardsmen

d. Human Resource Policy Memorandum: Technician Leave Procedures While Absent- Uniformed Service (AUS), dated 7 November 2016.

e. Title 10 USC 101(d)(6), Duty Status

2. Purpose. Inform dual-status military technicians, technician supervisors, and technician-pay timekeepers of the effect of recent changes to the laws that govern the use of military technician leave.

3. Effective 23 December 2016, the National Defense Authorization Act of Fiscal Year 2017 (FY17 NDAA), amended Section 709(g) of Title 32, the National Guard Technician Act. This amendment now prohibits National Guard technicians from using technician military leave, while performing Active Guard and Reserve (AGR) duty for a period of 180 consecutive days or more (i.e. any technician whose current AGR-tour order is for a period of 180 consecutive days or more).

4. This change affects all technicians performing AGR duty under Title 10 and Title 32 of the United States Code. This change does not affect those members performing Full-Time National Guard Duty (FTNGD) for Operational Support (FTNGD-OS) or Full-Time National Guard Duty-Counter-Drug (FTNGD-CD).

5. Technician personnel in an Absent-Uniformed Service (AUS) status, performing AGR duty, will continue to accrue 120 hours of technician military leave each fiscal year,

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up to the maximum accrual limit of 240 hours. Personnel who restore (return) to Technician duty will have their accrued technician military leave balance available for use.

6. For a technician, performing AGR duty, to qualify for using or being paid for technician military leave, both of the following criteria must be met:

a. The technician's leave-request form must have been submitted and approved prior to 23 December 2016, in accordance with reference (d).

b. The dates of the requested leave period(s) must not occur after 23 December 2016 (i.e. the last day of the pay period in which the FY17 NDAA was signed into law).

7. Technicians, performing AGR duty, whose leave requests do not meet both criteria in paragraph 6, are not authorized to use or to be paid for technician military leave. Furthermore, the practice of amending, backdating, or otherwise altering timecards and leave-request forms, in order to meet the criteria in paragraph 6, is not authorized. Technicians, technician supervisors, and technician-pay timekeepers are responsible for ensuring compliance with all technician military leave guidance in this memorandum and in reference (d).

8. For Human Resources questions, contact CPT Daryl Scott, Technician Branch Manager, at 614-336-7121. For Army National Guard technician pay questions, contact Ms. Jan Runyon, at 614-336-7254. For Air National Guard technician pay questions, contact the appropriate Wing Comptroller's Office.

FOR THE ADJUTANT GENERAL:



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

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