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NGHI-TAG

19 January 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Leave, Excused Absences and Pass Policy for Hawaii Army National Guard Active Guard Reserve (AGR) and Full Time National Guard Duty Operational Support (FTNGD-OS) Soldiers

1. References.

- a. 10 USC §701, Entitlement and Accumulation.
- b. 10 USC §1052, Adoption Expenses: Reimbursement.
- c. DoD Instruction 1327.06, Leave and Liberty Policy and Procedures, dated 16 June 2009.
- d. Army Regulation 380-5, Department of the Army Information Security Program, dated 29 September 2000.
- e. Army Regulation 525-13, Antiterrorism, dated 11 September 2006.
- f. Army Regulation 600-8-10, Leaves and Passes, dated 15 February 2006.
- g. ALARACT 062/2009, Army Guidance for Paternity Leave Auth by Duncan Hunter Nat'l Def Authorization Act for Fiscal Year 2009, dated 10 March 2009.
- h. MILPER Message Number 08-004, AHRC-PDO-IP, Policy Change on the Use of Leave in Conjunction with a Special Pass, dated 4 January 2008.
- i. MILPER Message Number 06-186, AHRC-PDO-IP, Adoption Leave for Service Members Adopting Children, dated 29 June 2006.
- j. NGR (AR) 600-5, The Active Guard / Reserve (AGR) Program, dated 20 February 1990.
- k. DA Form 31, Leave, Permissive TDY, Pass.
- l. DD Form 689, Individual Sick Slip.

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m. DA Form 4187, Personnel Action.

2. PURPOSE: Prescribe Hawaii Army National Guard policy and procedures for Active Guard/Reserve (AGR) and Full Time National Guard Duty Operational Support (FTNGD-OS) Soldiers annual leave program, administrative absences and passes, consistent and current with the above references. It is intended to increase positive contributions to morale, level of performance, career motivation and cost savings.

3. POLICY:

a. Annual Leave:

(1) AGR and FTNGD-OS Soldiers earn leave at a rate of 2 ½ calendar days for each month of active service, excluding periods such as unauthorized absence. Leave is an individual entitlement that should be preplanned and scheduled to obtain maximum benefit for the individual and the Hawaii National Guard.

(2) Leave and pass management is an important function of full-time supervision. Commanders, supervisors and individuals delegated to approve leave requests will monitor leave programs. They may establish and regulate schedules that provide for the maximum use of earned leave consistent with operational requirements, training workloads, and the desires of the Soldier. Every effort should be made to grant leave during holiday periods, during significant family events, and after major training periods.

(3) Commanders, supervisors and individuals delegated to approve leave requests should encourage and assist all Soldiers to use, on the average, their 30 days of accrued leave each year. Soldiers shall be provided the opportunity for frequent periods of leave, and, when possible, at least one extended leave period each year of approximately 14 consecutive days in length or longer within the constraints of operational requirements. Leave will not be denied unnecessarily. When denial is recommended, reasons will be provided in block 17 of DA Form 31, Request and Authority for Leave.

(4) The use of leave as a method of compensation or as a career continuation incentive through the accrual of large leave balances contradicts the intent of Congress to provide for the health and welfare of Soldiers. Soldiers, however, who refuse to take leave throughout the year shall be counseled regarding their obligation to execute military leave programs and policies and cautioned that such refusal may result in the loss of earned leave. Except for circumstances outlined in 10 USC §701, such as the Special Leave Accrual for Service Members Assigned to Hostile Fire or Imminent Danger Areas, leave accumulated in excess of 60 days (75 days until 31 December 2010) shall be lost at the end of the fiscal year.

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(5) Soldiers requesting annual leave are responsible for verifying their leave balance and completing blocks 2-11 of DA Form 31, in accordance with AR 600-8-10. Ideally, leave requests are submitted at least 14 days before start date. Leave requests are not considered approved until signed by the approving authority and assigned a control number. For AGR Soldiers, units must send the DA Form 31 to HRO to request a control number no later than 5 days prior to the leave start date or include an Approving Authority written justification, if within the 5 day window. Full-time supervisors or their designated representative will provide program oversight and review using the Unit Commander's Financial Report.

(6) Chargeable versus Non-Chargeable Leave: Leave shall be calculated based on the actual date of departure on leave status and actual date of return from leave. The day a Soldier departs on and returns from leave must not be charged as leave if the Soldier is at his or her place of duty for the majority of the normal working hours of a workday.

(a) Certain types of leave may begin as chargeable and become non-chargeable. When leave starts on a non-duty day, the day of departure shall be charged as leave. For leave ending on a regularly scheduled non-duty day, the day of return shall not be charged as a day of leave (see instructions to DA Form 31, paragraph 5).

(b) Saturday and Sunday of a 7-day week are considered "normal" non-duty days. Drill weekend is an exception.

(c) Holidays are to be charged as leave if a Soldier's leave begins on a holiday. Soldiers will be charged leave for a regular pass or holidays when they are on leave the day before and the day after the regular pass or holiday. When a Soldier's leave terminates on a holiday, that day is not charged as leave. Soldiers will not be charged leave for U.S. public holidays or regular passes if they work the day before or the day after a regular pass or holiday.

(7) Soldiers on leave who are hospitalized or placed on convalescent leave shall not be charged as leave for the period that they are medically unfit for duty.

(8) Whenever requested and operationally feasible, accrued leave shall be granted in conjunction with temporary duty (TDY). Pass may not be used to extend TDY periods.

(9) Soldiers are required by AR 380-5 and AR 525-13 to notify their security manager regarding any foreign travel for a briefing/debriefing, especially if they have/had access to classified information. Supervisors will verify Soldiers have obtained clearance for travel and obtained a force protection plan prior to departure. The plan should accompany the DA Form 31. Block 17 of DA Form 31 should have a date (within 6 months) when the Soldier completed the Antiterrorism/Force Protection (AT/FP) level I awareness training, as well as all countries to be visited or traveled through.

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(10) The purpose of block leave is to provide a liberal leave policy in conjunction with the operational tempo of the organization. With prior approval, unit Commanders may designate a specific block leave period for their Soldiers.

b. Other types of leave or excused absences non-chargeable toward the member's leave balance.

(1) Sick-in-Quarters is a non-chargeable leave with duration not to exceed 3 days at any one time. A Soldier will report to his or her supervisor, either in person or by phone, during normal duty hours for minor injuries or illness. The supervisor may excuse the individual, order him or her to sick call or demand a doctor's excuse, depending on the nature of the ailment and the trustworthiness of the individual. A DD Form 689, Individual Sick Slip, will be used by a military physician to document disposition of patient. Note that if a Family Member is sick and the Soldier stays at home, the Soldier should be charged annual leave.

(2) Convalescent Leave is non-chargeable leave from duty for recuperation from illness, injury, or childbirth. Convalescent leave is documented on DA Form 31. The Adjutant General, or his delegate, may approve convalescent leave from 1-30 days with an appropriate recommendation of a hospital commander or State surgeon. Requests in excess of 30 days and extensions beyond 30 days will be forwarded to National Guard Bureau (NGB-ARP-HS) for approval. Convalescent leave requires a signed military doctor's statement, with a full explanation of injury or illness, to be submitted with the leave form through the chain of command. Convalescent Leave is extended to 42 days following pregnancy and childbirth. This period may be extended with the recommendation and justification of the Soldier's doctor and approval from NGB-ARP-HS. The DA Form 31 will be submitted along with each DA Form 4187 (Personnel Action) indicating changes in duty status: present for duty to hospital, hospital to convalescent leave, and convalescent leave to present for duty.

(3) Paternity Leave is non-chargeable leave for a married male Soldier serving on active duty whose wife gives birth to a child. Paternity Leave is authorized for up to 10 consecutive days of non-chargeable leave, within 45 days after the birth of the child. Deployed Soldiers have 60 days after returning from deployment to use the 10 days of paternity leave. A male Soldier who has been charged ordinary leave in connection with the birth of his child on or after 14 October 2008 but before the release of the Army paternity guidance, may request through his chain of command that up to 10 days of ordinary leave used in connection with the birth of his child be restored and credited to his accrued leave balance.

(4) Adoption Leave for Service Members Adopting Children. Soldiers who adopt a child in a qualifying adoption (defined as being eligible for reimbursement of qualified adoption expenses under 10 USC §1052) are authorized up to 21 incremental days of non-chargeable leave or absence. Only one Soldier per household may be granted an adoption leave of absence.

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(5) Excused Absence for Conferences or Conventions Using Permissive Temporary Duty (TDY). Excused absence is absence from duty, administratively approved, without loss of pay and without charge to leave. Such permissive TDY may be granted in limited circumstances to allow Soldiers to perform a semi-official activity that benefits the Service and the Soldier. Such programs should be of significant value to the interests of the Federal Government and directly related to the mission of the National Guard. The activity performed must not be required as part of the Soldier's assigned duties. Ordinary leave or pass may be taken together with permissive TDY. Document permissive TDY on a DA Form 31.

c. Passes. Passes should be administered in a fair and equitable manner. Passes are not a right to which a Soldier is entitled but are a privilege to be awarded.

(1) A Regular Pass is non-chargeable leave from a Soldier's place of duty during normal non-duty days (i.e., Saturday, Sunday, and official federal holidays). A regular pass should not exceed 3 days, except when the President authorizes a 4-day weekend in conjunction with a Federal holiday. Authorization of time off from duty for less than the majority of the duty day is also a regular pass. The Soldier remains in an available-for-duty status during normal off duty hours unless absence is authorized. If a Soldier seeks to ensure that he or she is not selected for duty during a regular pass period, he or she will submit a DA Form 31 for a regular pass when departing from his or her home island to another Hawaiian island (see AR 600-8-10, table 5-14). Travel outside the vicinity of the State of Hawaii requires leave, in lieu of pass. A regular pass may be granted with leave.

(2) A Special Pass is non-chargeable leave granted to deserving Soldiers in recognition of exceptional performance or other circumstances which warrant time away from duties. Whenever a training holiday or a day of no scheduled activities (ADONSA) is granted with a federal or state holiday, this is considered as a Special Pass. A DA Form 31 is optional and not required if a Soldier remains in the vicinity of the State of Hawaii (see AR 600-8-10, table 5-15). Travel outside the vicinity of the State of Hawaii requires leave, in lieu of pass. Leave may be granted in conjunction with the special 4-day pass before starting the special pass or after the special pass. There must, however, be a duty day between one leave period and the special pass period. Taking leave, then a pass, then back on leave is not authorized. Soldiers electing to take leave in conjunction with a special pass must be physically present at the assigned duty station or local residence area when departing and returning from leave. If the Soldier wishes to leave this area during the special pass period and not return to this area for the beginning of the leave period, the entire leave and pass period will be charged as leave.

(3) Commanders may further restrict passes to meet the organizational readiness requirement. Passes will not normally be approved for periods when Soldiers are required to be at their duty stations (i.e., drill weekends, annual training to include deployments, special projects and exercises).

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d. Absent Without Leave (AWOL). Soldiers who, without authority, absent themselves or remain absent from their unit, organization, or place of duty at which the Soldiers are required to be at the time prescribed are AWOL. AWOL time is counted as lost time. All pay and allowances are terminated during the AWOL period. AWOL status constitutes sufficient reason for an individual to be separated from active status. A change of duty status report on DA Form 4187 should be submitted to change status from present for duty to AWOL, effective the beginning of the AWOL period.

4. EXCEPTIONS OR WAIVERS: Requests for exceptions or waivers of AR 600-8-10 that are consistent with the controlling law and regulation will be forwarded through this headquarters to the proponent.

5. EFFECTIVE DATE: This policy is effective as of 1 January 2010 and supersedes any previous policies concerning leave, excused absences and passes.

6. POINT OF CONTACT: LTC Laura Soares, AGR Manager, 808-672-1321.



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Major General, HING
Adjutant General

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