

**ARNG Customer Service Representative (CSR)
Law Enforcement Leave (LEL)
State Active Duty (SAD) Payroll Processing
Fact Sheet
(Dec 16)**

1. References.

a. Title 5, United States Code (USC), Section 6323(a) (b), Military leave; Reserves and National Guardsmen.

b. Title 5 United States Code (USC), Section 5519, Crediting Amounts Received for Certain Reserve or National Guard Service.

c. Title 10 United States Code (USC), Section 331, 332, 333, Federal Aid for State Governments.

d. Title 10 United States Code (USC), Section 12406, National Guard in Federal Service: Call.

e. DoD 7000.14R, Department of Defense (DoD), Financial Management Regulation (FMR), Volume 8, Civilian Pay Policy and Procedures, Aug 99 (changes through Jun 16).

f. DCPS-UM02, DCPS Payroll Office User Manual.

g. ARNG-ARC-F, Standing Operating Procedure (SOP), Subject: Defense Civilian Pay System (DCPS) Decentralized Online Time and Attendance (T&A) Reporting – Phase I, Nov 12.

2. Eligibility. National Guard (NG) Technicians serving under a permanent or indefinite appointment status are entitled to additional 22 workdays (176 hours) of Military Leave or commonly referred to as Law Enforcement Leave (LEL).

3. Use. LEL is primarily used for State Active Duty (SAD) (full-time military service in a State, District of Columbia (D.C.), Commonwealth of Puerto Rico, or territory of the United States). LEL **is not** a dual compensation leave. The Technician is not entitled to both military and Technician pay. Typically, local authorities notify the State Emergency Management Agency (SEMA) who notifies the Governor's office who requests military assistance from The Adjutant General (TAG). ARNG soldiers are called-up for the primary purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection for saving of life or property or the prevention of injury. Duty maybe required due to fires, snow storms, tornadoes, hurricanes, floods, droughts, or riots.

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Note: The D.C. police authority notifies the Mayor to request military assistance from the Commanding General (D.C. does not have a TAG). The Commanding General requests approval from the Secretary of the Army.

4. Title 32 Exceptions. Federal service under section 331, 332, 333, or 12406 of Title 10 U.S.C. allows Technicians to perform military duty in Title 32, Section 502(f), status. An example of Title 32 LEL exception was the post September 11th terrorists attacks where Technicians provided airport security.

5. Compensation. By law, LEL compensation cannot be less than a Technician's wages.

6. Basic Rules. The two basic rules for LEL are:

a. Rule #1 – If the military pay is **greater** than the Technician pay, then the gross Technician pay is collected in DCPS.

b. Rule #2 – If the military pay is **less** than the Technician pay, then the difference between the two is paid to the Technician and the remainder is offset or collected in DCPS.

7. Availability. Twenty-two (22) workdays (176 hours) of LEL is available for usage at the beginning of each calendar year (CY). A Technician accrues the 22 workdays of LEL in the pay period LEL is first used in the CY. There is no minimum service requirement prior to crediting or using LEL. Any remaining balance of unused LEL at the end of the calendar year is forfeited. There is no pro-ration for a partial year. LEL does not pay out, does not carryover from one CY to the next, and is not allowed to be advanced.

NOTE #1: DCPS does not identify a LEL balance on the Technician MASTER LEAVE HISTORY screen or DFAS Form 1, Department of Defense (DoD) Civilian Leave and Earning Statement (LES). The only time LEL is posted to the LES is when it is used.

8. Request. Technicians request the use of LEL in the same manner as any other leave type, i.e., OPM Form 71, Request for Leave or Approved Absence.

9. DCPS Type Hour Code and Charges. The correct DCPS Type Hour Code is "LL". It is charged hourly based on the Technician's regularly scheduled workdays in

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performance of SAD. Weekends, holidays, and Regular Day Off (RDO) **are not** charged "LL".

NOTE: Ensure LEL administrative (identifying or explanatory) plain text information is entered in the "JOB ORDER" field of the Technician's time and attendance (T&A) report.

Include audit information such as the operation or disaster name (Katrina, Operation Noah's Ark, etc.), and/or military order number if available. **Do not** use special characters; i.e., !@#\$\$%^&*()<> .

10. Commingling of Leave. Technicians may commingle Accrued Annual Leave (LA), Restored Annual Leave (LR), Advanced Annual Leave (LB), Compensatory Time (CT), Official Travel Compensatory Time (CF), Time Off Award (LY), or Leave Without Pay (LWOP) (KA) instead of LEL.

Note: LEL performed under Title 32 exceptions may use Military Leave (LM) in addition to the above. Military Furlough (LWOP) – Called to Active Duty (KG) is used instead of LWOP (KA).

11. Orders. Orders placing a Technician on military duty must reference 5 USC 6323(b) "providing military aid to enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury".

12. State Active Duty (SAD) Information. It is important that either the Human Resources Office (HRO) or CSR make available the enclosed information regarding LEL to Technicians called to SAD. The CSR should perform a pay comparison pre-screening of Technicians interested in using LEL. This is done using pay rates and hypothetical period of duty on the "ARNG Law Enforcement Leave (LEL) Offset Worksheet (Dec 16)" and provides the Technician important decision making information regarding whether LEL is their best option.

13. Computation. LEL is computed "after the fact". This is due to the state authorities generally cut orders and process pay after the duty is performed. Some states cut orders incrementally; i.e., five day or seven day orders, to ensure the Technician receives their military pay in a timely and regular manner. The CSR must determine the military hourly rate (MHR) in order to perform a pay comparison between the military and Technician wages. The MHR is compared to the Technician hourly rate (THR). The MHR is the total military pay (less amounts for travel, transportation, or per diem)

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divided by the number of LEL SAD days, divided by the number of hours in a Technician's workday schedule (8, 9, 10).

Note: Military pay includes all entitlements; i.e. BAH, BAS, Flight Pay, etc.

14. Offset. The Defense Finance and Accounting Service – Indianapolis (DFAS-IN) Civilian Payroll Office (CPO) performs the offset adjustments "after the fact". When the

LEL duty is completed, the CSR requires a copy of the SAD order and SAD military pay voucher to calculate the MHR. The Technician continues to receive their normal Technician pay while utilizing LEL and upon completion of SAD duty, their military pay is compared to their Technician pay to determine the indebtedness. Offset rules require crediting of military pay against Technician pay, thus reducing the Technician pay.

The CSR uses the attached "ARNG Law Enforcement Leave (LEL) Offset Worksheet (Dec 16)" for determining the military and Technician pay comparison and indebtedness.

Note: LEL performed under Title 32 exceptions is processed in the same manner except the CSR requires a copy of the Title 32 order and AD military pay voucher to determine the MHR.

15. Due-Process. The CSR must provide each Technician a copy of the completed "ARNG Law Enforcement Leave (LEL) Offset Worksheet (Dec 16)" as soon as possible (ASAP) after SAD order and SAD military pay voucher is received. This document serves as notification to the Technician of the incurred LEL offset debt. Additionally, the Technician is required to sign the "Acknowledgement of Law Enforcement Leave (LEL) – State Active Duty (SAD) Offset Indebtedness (Dec 16)".

Note: Maintain LEL supporting documents in the individual Technician "Payroll Substantiating Document File".

16. Repayment. Repayment is due in full! The 15 percent of disposable pay rule does not apply. Once the LEL offset debt is established in DCPS, collection begins within the next Pay Period Ending (PPE). DCPS will collect the total amount. If the Technician's biweekly pay does not have sufficient funds, DCPS will continue to collect from the subsequent PPE, or beyond, until the LEL offset debt collection is complete.

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Note: The DFAS-IN CPO produces a DCPS system generated due process letter anytime a debt is established. The letter indicates 15 percent repayment is allowable. This is incorrect for this type of offset and does not apply.

17. CSR Pay Processing Action. The CSR initiates a Remedy ticket using the “LAW/CONTINGENCY LEAVE STATE ACTIVE DUTY” bucket to establish the SAD LEL offset. Attach the completed "ARNG Law Enforcement Leave (LEL) Offset Worksheet (Dec 16)" and signed “Acknowledgement of Law Enforcement Leave (LEL) – State Active Duty (SAD) Offset Indebtedness (Dec 16)” to the Remedy ticket.

18. Incomplete Package. The CSR will not initiate a Remedy ticket without a signed “Acknowledgement of Law Enforcement Leave (LEL) – State Active Duty (SAD) Offset Indebtedness (Dec 16)”. Without a signed acknowledgement, a Technician in a SAD status, coded “LL” in DCPS, and processed for pay is an erroneous payment. If the Technician refuses to provide a signed acknowledgement, the CSR will perform a corrected T&A report replacing “LL” entries with Annual Leave (LA) for failure to provide a signed agreement within 30 days of notification. An insufficient LA balance will process through the DCPS leave conversion logic and can ultimately cause the Technician to convert to Leave without Pay (LWOP) (KA) and create a T&A debt.

19. Taxes. It is important to understand the Department of Treasury, Internal Revenue Service (IRS) rules of collection. A LEL indebtedness paid in full by the last full PPE that pays before the end of the tax year will result in DCPS automatically adjusting the tax liability. However, only a partial adjustment will occur if the indebtedness is not 100% satisfied prior to tax year-end closeout. Any incomplete indebtedness is considered taxable income and subject to the repayment of all federal and state taxes withheld. Technicians must recover those taxes paid during their personal IRS tax filing in the tax year the indebtedness is satisfied.

20. Dual Compensation Audit Program. MyUnitPay – DCPS (MUP-DCPS) is the ARNG Dual Compensation Audit Program “system of record” that replaced the previous labor intensive manual process using the Manday Accounting Report (JSS620P). It is an automated system that processes multiple data feeds to produce an “audit by exception” report rather than requiring a 100 percent audit. Since SAD orders are not produced on a single automated system, the CSR must use the DCPS "Outstanding Leave Documentation Report" (P6603R01), SAD order, and SAD military pay voucher to clear outstanding leave from a suspense file using the DCPS “Leave Certification” screen. The CSR will “Accept” each Technician’s instance of LEL based on the proper processing of LEL to clear the leave.

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Note: The CSR will use MUP-DCPS for LEL performed under Title 32 exceptions.

21. Documents. Enclosed are the necessary documents a CSR requires for processing LEL:

- a. ARNG DCPS 17-07B.pdf – "ARNG Law Enforcement Leave (LEL) Offset Worksheet (Dec 16)"
- b. ARNG DCPS 17-07C.pdf – "Acknowledgement of Law Enforcement Leave (LEL) Offset Indebtedness (Dec 16)"
- c. ARNG DCPS 17-07D.pdf – Example #1 (AWS "0") 5/8 Work Schedule
- f. ARNG DCPS 17-07E.pdf – Example #2 (AWS "6") 5/4/9 Work Schedule
- g. ARNG DCPS 17-07F.pdf – Example #3 (AWS "8") 4/10 Work Schedule
- h. ARNG DCPS 17-07G.pdf – Example #4 "Gross" Technician Pay Collection

22. Staffing. The above guidance and attachments was reviewed and validated with the Defense Finance and Accounting Service - Indianapolis (DFAS-IN) Civilian Payroll Office, Debt Processing Branch.

23. Point of Contact (POC). ARNG Technician Pay Program (DCPS/ATAAPS) Liaison is Mr. Daryl Kasper at COM 317-212-3991 or E-mail daryl.m.kasper.civ@mail.mil.