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NGHI-HRO

26 November 2010

MEMORANDUM FOR COMMANDER, HIANG
COMMANDER, HIARNG
O/USPFO

SUBJECT: Use of Regular Compensatory Time (CT) While on Military Orders

1. References:

- a. Memorandum, NGB-J1-TN, 16 September 2010, subject: Title 32 Technician Use Compensatory Time while on Military Orders (TN-10-25) (Encl 1).
- b. Memorandum, NGB-J1-TN, 21 September 2010, subject: Title 32 Technician Use of Compensatory Time Off while Absent Uniformed Service (TN-10-27) (Encl 2).

2. Background:

- a. In May 2007, the Office of Personnel Management (OPM) prohibited the use of Regular CT while on military orders. Technicians were only authorized the use of military leave under 5 USC 6323, any accrued annual leave under 5 USC 6304, earned compensatory time off for travel under 5 USC 5550b, or sick leave under 5 USC 6307 (if appropriate) during such service.
- b. Effective 28 March 2010, OPM changed the nature of action previously known as LWOP-US to Absent-Uniformed Service (AUS). In this status, the technician is considered absent (*whether in pay or nonpay status*) to perform duty with the uniformed services. Unless you elect to separate, all periods of military absence regardless of the length of the military period (to include those periods covered entirely with paid leave) now require placement in an AUS status. The effective date of the AUS is the date the orders begin.

3. NGB continues to work with OPM, DOD and DFAS to reestablish our use of Regular CT while on military orders. In the interim, reference 1a authorizes technicians to use regular CT while on AUS and reference 1b is the processing guidance. HRO will be revising it's USERRA information and election form to comply with this new guidance.

4. POC: Sandra Hashimoto, HR Specialist, (808) 672-1235.

2 Encls

1. Memo, NGB-J1-TN, 16 Sep 2010
2. Memo, NGB-J1-TN, 21 Sep 2010

RANDALL TOM
Colonel, HIANG
Human Resources Officer



NATIONAL GUARD BUREAU

1411 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202-3231

NGB-J1-TN

16 September 2010

MEMORANDUM FOR THE HUMAN RESOURCES OFFICER OF ALL STATES,
PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AND THE DISTRICT OF COLUMBIA

SUBJECT: Title 32 Technician Use Compensatory Time while on Military Orders,
(TN-10-25)

1. References:

a. 10 USC § 10503 (9): US Code - Title 10, § 10503. Functions of National Guard Bureau: charter.

b. 32 USC § 709 (h): US Code - Title 32, § 709. Technicians: employment, use, status.

c. 5 CFR § 9901.362(b)(3): Code of Federal Regulations - Title 5, § 9901.362 Modification of standard provisions. Adopted 26 Sep 2008, Federal Register Vol. 73, No. 188 (1)(b)(3)

d. 5 USC § 5542: US Code - Title 5, § 5542. Overtime rates; computation.

e. 5 USC § 5543: US Code - Title 5, § 5543. Compensatory time off.

f. 5 USC § 5550b: US Code - Title 5, § 5550b. Compensatory time off for travel.

2. The use of compensatory time (comp time) by Title 32 technicians while on military orders is hereby authorized in accordance with the authority provided 10 USC § 10503(9), 32 USC § 709(h), and 5 CFR § 9901.362(b)(3).

3. The Office of Personnel Management's prohibition for the use of comp time while on military orders, except for comp time for travel per 5 USC §5550b, by the rest of the Federal Government is based on the fact that, in lieu of comp time, other Federal employees are paid overtime wages in accordance with 5 USC §5543. National Guard technicians can receive no such payments per 32 USC 709 (h).

4. To avoid the loss of comp time by Title 32 technicians, the National Guard Bureau policy is that the use of such comp time in military status is authorized.

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SUBJECT: Title 32 Technician Use Compensatory Time while on Military Orders,
(TN-10-25)

5. Until such time as necessary computer pay system changes are accomplished by DoD, we will provide an interim method of effectuating this policy to the HROs and Employee Benefits Specialists in each State.

6. Point of contact for this memorandum is the undersigned at (703) 607-5419 or email William.kolbinger@us.army.mil.



WILLIAM F. KOLBINGER
Colonel, USAF
Chief, Office of Technician Personnel
National Guard Bureau



NATIONAL GUARD BUREAU
1411 JEFFERSON DAVIS HIGHWAY
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NGB-J1-TN

21 September 2010

MEMORANDUM FOR THE HUMAN RESOURCES OFFICER OF ALL STATES,
PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AND THE DISTRICT OF COLUMBIA

SUBJECT: Title 32 Technician Use of Compensatory Time Off while Absent Uniformed Service (TN-10-27)

1. Reference TN Memorandum 10-25, Title 32 Technician Use Compensatory Time Off while on Military Orders, dated 16 September 2010, we are providing interim guidance on the usage of regular compensatory time while Absent Uniform Services (AUS) (Formerly LWOP-US) and guidance on the recent updates to Guide to Personnel Processing Action (GPPA).

2. The National Guard Bureau, Office of Technician Personnel, coordinated with the Office of Personnel Management (OPM) and Department of Defense (DoD) on an exemption to policy for Title 32 NG Technicians from the 5 CFR, section 353.208, Use of Paid Leave During Uniformed Service. This provision prohibits the use of regular compensation time-off (CT) while AUS and the effective date of Standard Form 50 for each action per GPPA, Chapter 15(4). Currently, OPM and DoD are staffing these requests through formal channels.

3. As a means to protect our technician community from experiencing any negative impacts from the recent CFR provision, you may use the following interim guidance until OPM and DoD, along with NGB, publish more definitive guidance:

a. Should a Federal Technician receive orders for military services, he/she is permitted to use up any accrued regular compensatory time prior to the effective date of the SF 50 for the AUS personnel actions.

b. If the technician chooses to use the compensatory time, the effective date of the SF 50 for AUS is delayed beyond the orders' directed start date, as per GPPA, to allow processing of the member's CT time-card code in the Time and Attendance system. The CT is consecutively and exclusively utilized without the intermixing of other paid leave during this delay period. Once the technician's CT is exhausted, the SF 50 for AUS is processed; and the technician remains in AUS status throughout the duration of the orders.

NGB-J1-TN

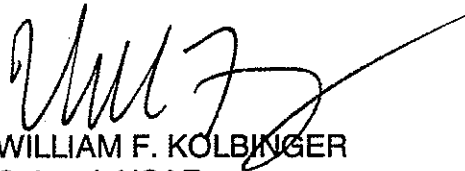
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c. If the technician chooses to not use his/her earned compensatory time, the AUS effective date is the same date of the military order, as outlined in the GPPA, and the compensatory time is held without forfeit should the technician's AUS exceed the 26th pay period in which the compensatory time was earned.

d. It is the responsibility of the supervisor to submit a completed Standard Form 52, indicating the technician's intentions to use regular compensatory time. Per the GPPA, if he/she decides to not use the earned compensatory time, the SF 50 is effective the same day as the military order.

4. If a technician already forfeited compensatory time due to the previous policy, he/she will need to contact their HRO-EBS members for guidance. The Benefit Specialists will process the member's entire packet of information on the loss such as, the orders, compensatory time off earned, the retirement date, and any other pertinent data to NGB, Office of Technician Personnel for continued review and guidance.

5. The point of contact for this memorandum is Ms. Brenda Decruise at 703.607.1458 (DSN: 327) or email Brenda.decruise@us.army.mil.



WILLIAM F. KOLBINGER
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Chief, Office of Technician Personnel
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