



**HAWAII NATIONAL GUARD
HUMAN RESOURCES OFFICE**



BULLETIN

NUMBER 19-07

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UTILIZATION OF MILITARY LEAVE WHILE PERFORMING NATIONAL GUARD DUTY (TITLE 32 DUAL STATUS TECHNICIANS)

1. The National Defense Authorization Act Fiscal Year 2017 (NDAA FY17) became effective on 23 December 2016. Section 513 of the Act effects all Hawaii National Guard Technicians currently performing military duty on National Guard orders: (a) Title 32 Full-time National Guard Duty (FTNGD) commonly known as Active Guard Reserve (AGR), (b) One Time Occasional Tour (OTOT), (c) Active Duty Operational Support (ADOS) over 180 days.

2. Dual Status Technicians performing the above listed military duty on National Guard orders are no longer eligible to use (receive pay for) accrued military leave. Dual Status Technicians on orders for a period of 180 consecutive days or more performing AGR duty (organizing, administering, recruiting, instructing, or training do not receive military leave. AGR duty can be Title 10, they must meet the definition of AGR duty per the references below:

a. In accordance with Air National Guard Instruction (ANGI) 36-101, Active Guard Reserve (ARC) Airmen on AGR duty to support the National Guard and Reserve, who are paid from the Reserve Personnel Appropriations of a military department. This includes all personnel of the National Guard and Reserve Forces serving on active duty under Sections 10301, 10211, 12301(d), 12310, 10502, 10505 and 10506, 10305, or 12402 of 10 USC; or 32 USC 502(f) of 32 USC (in order to organize, administer, recruit, instruct, or train Airmen of the Reserve components. For the purpose of this Instruction, the term AGR refers to AGR Airmen of the ANG in Full-Time National Guard Duty (FTNGD) under Title 32 USC Section 502(f) for 180 days or more; or an Airman serving on an ANG Statutory Tour under Title 10 USC Section 12310. Reference Title 10 USC Section 101(d)(6) for legal definition of AGR.

b. Army Regulation (AR) 135-18, The Active Guard Reserve Program, paragraph 3-1(b)(2): Officers and enlisted personnel ordered to active duty in an AGR status Under 10 USC section 12301(d) are attached to positions at all levels related to organizing, administering, recruiting, instructing, or training the RCs of the Army. These soldiers serve in an Federal status on Active Duty. Paragraph 3-1(d): ARNGUS Soldiers serving on an AGR tour, under the provisions of 32 USC section 502(f)(2), are In positions related to organizing, administering, recruiting, instructing, or training the ARNGUS. These personnel serve in a State status on FTNGD.

3. Dual Status Technicians in Absent Uniformed Service (AUS) status during periods of military service (Active and National Guard) will continue to accrue 120 hours of military leave each year and may carry over up to 240 hours. Technicians will be able to use accrued military leave upon return to a Technician employment status.

4. Dual Status Technicians performing military duty on National Guard orders were authorized to receive annual payments for their 120 hours of accrued military leave prior to 23 December 2016. These payments were valid and no further action is required. Technicians performing military duty on National Guard orders subsequent to the pay period ending 24 December 2016 are not eligible to receive pay for military leave is unlawful and will not be permitted. The only way to utilize accrued military leave is to return to a Technician employment status IAW the Uniformed Services Employment Reemployment Act (which provides cumulative restoration rights for five years).

5. This bulletin does **NOT** apply to Title 5 employees.

6. Point of contact for this bulletin is the HRO Benefits Section, (808) 672-1231.