



## Ohio National Guard Federal Employee Benefits Bulletin

<b>Bulletin Number:</b> OH-18	<b>Date:</b> 22 December 2022
<b>Applicability:</b> National Guard (NG) Technicians (T5 and T32)	<b>Subject:</b> National Guard Technicians Performing Active Guard Reserve (AGR) Duty

**Background:** The National Defense Authorization Act for Fiscal Year (NDAA) 2017, section 513, amended section 709(g) of Title 32 U.S.C. to state that section 6323(a)(1) of 5 U.S.C. no longer applies to a Technician who is performing AGR duty. Leave authorized under section 6323(a)(1) accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. This form a leave is commonly known as “Military Leave.” The NDAA removed this form of leave for our National Guard Technicians who are preforming AGR duty.

**Definition and Use:** Qualifying AGR duty includes Active Duty performed by a member of a reserve component of the Army or Air Force, or Full-Time National Guard Duty (FTNGD) performed by a member of the National Guard pursuant to an order to full-time National Guard duty, for a period of 180 consecutive days or more for the purpose of organizing, administering, recruiting, instructing, or training the reserve components. This also applies to long term FTNGD for 180 days or more.

**Implementation and Procedural Guidance:** A Technician who is performing AGR duty (T10 or T32) is no longer eligible for the military leave statute in 5 U.S.C. 6323(a)(1) which requires the HRO to take action. The HRO will process an action in the Defense Civilian Personnel Data System (DCPDS) to remove the Technician’s ability to accumulate and use military leave. HRO will submit a REMEDY Help Desk ticket to the Defense Finance and Accounting Service (DFAS) to remove the Technician’s military leave balance from the Technician’s record.

If the Technician receives military orders placing the Technician in a status which make 5 USC section 6323(a)(1) applicable to the Technician, then HRO will process an action to make the Technician eligible for military leave. The Technician must provide a copy of the qualifying order to HRO before HRO will process this action and submit a REMEDY Help Desk ticket. This action will allow the Technician to accumulate 120 hours of military leave for the qualifying FY. Technicians who are not eligible for military leave are not able to retain, carryover, or have a military leave balance restored from a previous period of military leave eligibility. Technicians must report all changes to their military orders to the HRO for review.

The prohibition against military leave in 32 USC 709(g) does not impact members performing FTNGD for Operational Support (FTNGD-OS) or FTNGD for Counter Drug (FTNGD-CD). This change does not impact Title 5 NG Employees performing AGR Duty.

**References:**

- a. National Defense Authorization Act for Fiscal Year 2017, Section 513.
- b. Title 5 U.S.C. Section 6323(a)(1).
- c. Title 10 U.S.C. Section 101(d)(6).

For any other questions or concerns regarding any of the information listed above or on any Technician Benefits, please contact the Benefits email distro at:

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