



*West Virginia National Guard
Human Resources Office
Bulletin*



Bulletin Number: 17-01

Date: 25 January 2017

**Applicability: National Guard (NG) Technicians on Qualifying
Active Guard Reserve (AGR) Orders**

FY 2017 Military Leave Changes for Technicians on AGR Orders

Subject: Military Leave and Law Changes for FY 2017

References: National Defense Authorization Act for Fiscal Year 2017 – Report 114-840
5 United States Code (USC) Section 6323 (a)(1)
10 United States Code Section (d)(6)

Effective Date: 24 December 2016

Summary: Technicians on qualifying AGR orders of 180 days or more are no longer eligible for 15 days of Military Leave in accordance with 5 USC 623 (a)(1).

Use / Definition:

Qualifying AGR duty includes Active Duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps, or full-time National Guard duty 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 Full Time National Guard Duty (FTNGD) for 180 days or more.

Procedural Guidance:

Retroactive payment of military leave is not appropriate unless request was received in the Human Resource Office prior to 24 December 2016. All military leave requests should be coordinated through both the Human Resource Offices and the appropriate finance office to ensure applicability with current law and regulation.

Restoration to Technician Employment:

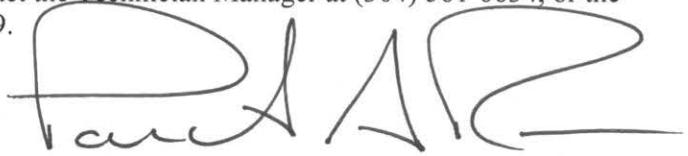
If a technician on a qualifying AGR order restores to technician employment within the time frame afforded by USERRA law, military leave may be restored, but not to exceed a total of 240 hours in accordance with applicable leave laws and regulations.

Exceptions:

The following duty statuses may still be authorized 15 days military leave:

- Duty performed as a member of the Reserve Forces Policy Board under section 10301 of Title 10
- Duty performed as a property and fiscal officer under section 708 of Title 32
- Duty performed for the purpose of interdiction and counter-drug activities funded under section 112 of Title 32
- Duty performed as a general or flag officer
- Service as a State director of the Selective Services System IAW the Military Selective Service Act

For questions concerning the above, please contact the Technician Manager at (304) 561-6634, or the Employee Relations Specialist at (304) 561-6429.

A handwritten signature in black ink, appearing to read 'Patrick A. Reese', with a stylized, sweeping flourish at the end.

PATRICK A. REESE
LTC, AR, WVARNG
Human Resource Officer