MEMORANDUM FOR THE ADJUTANTS GENERAL AND THE COMMANDING
GENERAL, DISTRICT OF COLUMBIA

SUBJECT: Use of Title 5 Personnel in Response to State Emergencies or Disaster
Declarations

References: (a) 10 U.S.C. §10508, National Guard Bureau: general provisions
(b) Office of the Assistant Secretary of Defense Memorandum, “Guidance to
Convert Dual Status and Non-Dual Status Military Technician Positions,”
20 April 2017
(c) CNGB Memorandum, “Delegation of Signature Authority for Chief of the
National Guard Bureau 1400 Series Issuances,” 26 July 2019
(d) CNGB Memorandum, “Designation of The Adjutants General to Appoint,
Employ, and Administer National Guard Employees,” 16 February 2017

1. All Title 5 personnel performing duty in the non-federalized National Guard are deemed
essential personnel, in accordance with references (a) through (c). The Adjutants General
and the Commanding General, District of Columbia, are authorized to use Title 5 personnel
assigned to their respective jurisdictions, except for those performing Inspector General duty,
in preparation for, and in response to, a State emergency or disaster declaration for up to 14
calendar days regardless of their prescribed Federal duties and responsibilities. Requests for
approval to use any Title 5 personnel in excess of 14 days must be submitted to NGB J1 in
advance of the expiration of the 14-day time period and will include name, duty title, and
justification for continued use.

2. Title 5 personnel may be temporarily assigned to perform any work considered necessary
or required to be performed during the period of State emergency or disaster declaration
without regard to the employee’s grade, level, or title. The employee must have the necessary
knowledge and skills however, to perform the assigned work. Failure or refusal to perform
assigned work may be a basis for disciplinary action.

3. All use of Title 5 personnel in support of a State emergency or disaster declaration must be
tracked daily by the State Human Resource Office/J1 and reported to NGB J1. This does not
apply to those Title 5 personnel who are working within their prescribed duties and
responsibilities and whose support to a State emergency or disaster declaration is incidental
and does not interfere with their Federal duties and responsibilities.

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[Signature]
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