

TECHNICIAN PERSONNEL REGULATION
No. 990-2

HEADQUARTERS
DEPARTMENTS OF THE ARMY AND AIR FORCE
Washington, DC 20310 9 July 1984

TECHNICIAN PERSONNEL REGULATION 990-2

HOURS OF DUTY, PAY, AND LEAVE

This regulation covers determining rates of basic pay, pay adjustments for supervisors, within-grade increases, quality increases, grade and pay retention provisions, compensatory time, night pay, holiday pay, Sunday pay, premium pay for air defense technicians, severance pay, and hazard differential pay.

1. The following supplements to FPM Supplement 990-2 are enclosed.

- | | |
|------------|------------|
| a. B531.S2 | e. B536.S3 |
| b. B531.S3 | f. B550.S1 |
| c. B531.S4 | g. B550.S7 |
| d. B531.S5 | h. B550.S9 |

2. File this transmittal sheet in front of the publication for reference purposes.

Users of this publication are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to NGB-TN, 5600 Columbia Pike, Falls Church, Virginia 22041.

BY ORDER OF THE SECRETARIES OF THE ARMY AND THE AIR FORCE:

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(Each SPMO)

*Supersedes TPM 500 (page 1 of 531.2; pages 1 and 2 of 531.3; page 1 of 531.4; pages 1 thru 4 of 550.1; page 1 of 550.3; page 1 of 550.7; page 1 of 550.9; page 1 of 550.10; pages 1 and 2 of 550.11); TPS 990-2 (page 1 of B531.S2 and page 1 of B531.S4); TPRB 536-1, undated, and TPMB 550-1, 9 August 1979.

9 July 1984

TPR 990-2
B531.S2

SUBCHAPTER S2. DETERMINING RATE OF BASIC PAY

S2-3. NEW APPOINTMENTS

b. Regulation. Requests for superior qualification appointments must be submitted to NGB-TN. Reference TPR 300(338.6) for procedures.

S2-4. POSITION OR APPOINTMENT CHANGES

a. General rule. Each State will develop a written policy establishing how the maximum payable rate rule will be used in those instances where administrative discretion is permitted. Factors to be considered are overall qualifications of the individual, equity among technicians in similar positions, and the impact on the morale of other technicians in the unit. Pending revision of FPM Supplement 990-2, Book 531, the new formula for computing the maximum payable rate is contained in 5 CFR 531.203(c). (Refer to FPM Supplement 532-1, subchapters S8-3c and S8-3e, for the highest previous rate rule for Federal Wage System (FWS) technicians).

S2-5. PROMOTIONS

c(ADDED). When a technician on pay retention is promoted, the technician is entitled to either: (1) a two-step increase added to the maximum step of the technician's grade, or (2) the technician's retained rate of basic pay, whichever is higher. A technician on grade retention is entitled to have the retained grade treated as the technician's grade for promotion purposes. For General Schedule (GS) technicians who are promoted to the FWS, refer to FPM Supplement 532-1, subchapter S8-3d.

S2-7. GENERAL PAY-FIXING GUIDES

h(ADDED). Movement from FWS to GS. Upon movement from an FWS position, a technician's rate of basic pay may be set in the GS grade at any rate from step one up to the maximum payable rate according to the State's established policy (see paragraph S2-4 above), unless grade or pay retention benefits apply. Pending revision of FPM Chapter 531 and FPM Supplement 990-2, Book 531, the new formula for computing the maximum payable rate is contained in 5 CFR subsection 531.203(c). If a technician is entitled to grade and pay retention, the rate of basic pay is set under the provisions of FPM Supplement 990-2 Book 536.

9 July 1984

TPR 990-2
B531.S3

SUBCHAPTER S3. PAY ADJUSTMENTS FOR SUPERVISORS

S3-2. GENERAL

c(ADDED). Relative rate ranges and other factors. A rate range is the first to the tenth step on the General Schedule and the first to the fifth step on a FWS schedule. Relative rate ranges mean the relationship between the existing FWS schedule and the GS rate ranges. When reviewing a request for a supervisory pay adjustment, consideration should be given as to how future rates will be affected by GS pay increases, FWS schedule pay increases, within grade increases (WGI), promotions, etc. Generally, a supervisory pay adjustment would be proper if (1) it will take longer than 1 year for the GS supervisor's pay to overtake the subordinate's FWS pay; and (2) the requirements in paragraph 3-3 below are met.

S3-3. REQUIREMENTS

a. Responsibility for supervision. Before approving a pay adjustment for a GS supervisor, the support personnel management office (SPMO) must determine that the supervision meets the criteria stated in paragraph S3-3c (1-6) of the basic FPM subchapter. In addition, the GS supervisor's official position description must be reviewed to ensure that both administrative and technical supervisory responsibilities have been assigned by management and that these responsibilities are clearly defined in the position description. Supervision over technical aspects of the work is dependent on the skills involved in that type of work. Pay adjustments can be made based on wage supervisor's rates, but it is expected that this would not be common, especially when the wage grade technician is a general foreman. A GS technician is not entitled to a supervisory pay adjustment if the GS technician only provides administrative supervision over a wage technician who performs specialized work without technical direction.

S3-4. ADJUSTMENT OF RATES

a. Regulation. A pay adjustment constitutes an equivalent increase; therefore, the GS supervisor begins a new waiting period for his/her next WGI on the effective date of the pay adjustment. If the wage technician, whose rate of pay was the basis for the supervisory pay adjustment, leaves and is replaced by a technician earning a lower rate, the pay adjustment may not be withdrawn from the GS supervisor as long as he/she continues to supervise wage technician(s).

S3-5(ADDED). PROPER WORK ASSIGNMENTS

Good management practices dictate that program managers avoid making or continuing work assignments of a supervisory nature that are not in accordance with a technician's official position description. Work assignments will be made in such a manner as to avoid situations where a GS technician supervises wage technicians who receive higher rates of basic pay. When the SPMO determines that supervisory responsibilities have been given that are not in the technician's official position description, the SPMO must: (1) advise local management to withdraw the additional duties; and (2) request clarification from NGB-TN as to the appropriateness of the additional supervisory responsibilities.

9 July 1984

TPR 990-2
B531.S4

SUBCHAPTER S4. WITHIN-GRADE INCREASES

S4-4. CREDITABLE SERVICE

a. General. Military service performed under authority of sections 502f, 503, 504, and 505 of title 32, U.S.C., or active duty performed under title 10, U.S.C., is creditable when it interrupts other creditable service.

S4-8. ACCEPTABLE LEVEL OF COMPETENCE

a. Linkage of acceptable level of the competence determination with performance appraisal system. Refer to TPM 430 to ensure that the requirements of this subchapter are met.

9 July 1984

TPR 990-2
B531.S5

SUBCHAPTER S5. QUALITY STEP INCREASES

S5-2. INTRODUCTION

Quality step increases will be administered and controlled IAW TPR 451, National Guard Incentive Awards Program.

9 July 1984

TPR 990-2
B536.S3

SUBCHAPTER S3. ACTIONS COVERED

S3-1. GRADE RETENTION

b. Optional with agency.

(1)(a)(ADDED). By memorandum dated 18 May 1981, as amended, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) extended grade retention in the following situations:

1 A technician who receives a reduction in force notice proposing a change to lower grade or separation accepts a lower graded position at the same or another DOD activity. If the position is not at a grade lower than the one which has been offered, grade retention will be granted. If the position accepted is at a lower grade than one offered, grade retention may be granted, provided management determines that placement in the position is in the Government's interest.

2 A technician in an activity undergoing realignment or reduction in force who would not be affected personally requests a change to lower grade. If management determines that the technician's change to lower grade would result in placement in a more suitable position for that technician and would lessen the impact of the reduction in force on other technicians, grade retention will be granted.

(b)(ADDED). Requests for extending grade retention in circumstances not covered above must be fully documented and submitted to NGB-TN for review. If approved, these requests will be forwarded to the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) for consideration on an individual case basis.

S3-2. PAY RETENTION

b. Optional with agency.

(1)(ADDED). By memorandum dated 18 May 1981, as amended, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) extended pay retention in the following situations:

(a) When a technician would otherwise be granted grade retention under 3-1a(1) and (2), but does not meet the time requirements as specified in 5 U.S.C. 5362.

(b) When a technician declines an offer to transfer with the function to a location outside the commuting area or is identified with such function but receives no offer to transfer and is placed in a lower graded position at the losing activity.

(c) When a technician accepts a lower graded position offered by management for nondisciplinary reasons of ill health under criteria similar to those used in meeting the responsibilities for selective placement in lieu of disability retirement, as described in FPM Chapter 306, subchapter 9.

(2)(ADDED). The National Guard Bureau has authorized pay retention for technicians in the following situations:

(a) FWS technicians who apply and are selected for quality assurance specialist positions and production controller positions that are in comm-electronic maintenance (FC 2600) or the maintenance staff (FCs 211X and 212X) at Air National Guard installations, provided there is a pay disparity between the GS and FWS pay systems. The SPMO must analyze the GS and FWS pay scales to determine whether the pay disparity impacts on the recruitment for these positions. Once the decision is made that there is an adverse effect on recruiting efforts, the position is designated as "hard to fill", and the pay retention entitlement is specified in the vacancy announcement.

(b) Officer personnel terminated due to the Reserve Officer Personnel Act (ROPA) who are qualified for appointment to an enlisted or competitive position.

(c) A technician who is restored to a lower graded position following an AGR tour. Pay retention applies only when the restoration occurs IAW FPM 353.

(3)(ADDED). Requests for extending pay retention in other circumstances must be fully documented and submitted to NGB-TN for review. Optional pay retention will be extended, provided the general intent of the pay retention provisions are met and the request results from personnel actions initiated by management to further the National Guard mission.

9 July 1984

TPR 990-2
B550.S1

SUBCHAPTER S1. PREMIUM PAY

S1-2. COVERAGE

e(ADDED). Premium pay during periods of training. To determine a technician's premium pay entitlements while assigned to training in a technician duty status, refer to FPM Chapter 410, subchapter 5.

1-3. OVERTIME PAY

a. Authorization. National Guard technicians are not entitled to overtime pay for overtime work. If overtime work, is required, the technician is entitled to compensatory time off equal to the time spent in regular or irregular overtime work, subject to management controls (32 USC 709(g)(2)).

b. Overtime work.

(4)(ADDED). Time in training status. Time spent by National Guard technicians in a student status outside regular working hours is considered as hours of work, provided the time spent in training is at the direction of the NGB, and the purpose of the training is to improve the technician's performance. This would include class preparation time and classes held during weekends as long as such work is directed by the training facility. Technician training conducted at the National Guard Professional Education Center is covered by this regulation.

c. Overtime pay. This subparagraph is not applicable to National Guard technicians.

d. Compensatory time off.

(1) Law. P.L. 90-486 provides that compensatory time off will be granted to technicians for the amount of time spent in regular or irregular overtime work, subject to management controls. Each State will have written procedures to control the authorization of overtime work. These procedures will ensure that, except in emergency situations, the overtime work is ordered and approved in advance, and in writing. (Special procedures should be developed locally for handling emergency situations). The approving official must be at least one level higher than the first line supervisor, unless the second line supervisor is the State Adjutant General or is physically located at another activity. In these instances, the approving official is the first line supervisor. As much as possible, work schedules and planning will be used to avoid the need for overtime work.

(2) Regulation. Subparagraphs (a) and (b) do not apply to National Guard technicians. Subparagraph (c) concerning time limitations applies. Compensatory time must be taken within 4 pay periods from the pay period in which it was earned. Positive steps will be taken by supervisors and technicians to ensure that accrued compensatory time is scheduled for use to avoid forfeiture. Compensatory time will be taken before annual leave, except in those instances where annual leave would be forfeited. If a technician forfeits compensatory time, the supervisor must provide a written explanation. The explanation will be forwarded to the individual designated by the Adjutant General as the decisionmaking official for restoration of compensatory time. If management fails to schedule the compensatory time or if exigencies of service beyond the control of local management cause forfeiture, the compensatory time will be restored on a one time basis for 4 pay periods. The term "exigencies of service" is defined to mean events such as aircraft conversions, operational readiness inspections, illness, weather, or any other event when scheduling is beyond the control of local management. Failure on the part of the technician to request the compensatory time will not be grounds for restoration, unless there are reasons beyond the technician's control which cause such failure.

S1-4. NIGHT PAY

a. Authorization.

(4)(ADDED). Exclusion. Technicians are not entitled to night pay for periods of overtime work. (Comptroller General decision B-172031, 9 June 1971, unpublished).

d(ADDED). Entitlements. Night differential is payable in multiples of 15 minutes for all hours worked on an established tour of duty between 6 p.m. and 6 a.m.; meal time is not included.

e(ADDED). Recordkeeping. Recording eligibility for night differential. Night differentials will be paid on the basis of time and attendance reports. Salary changes due to night differentials will be brought to the technician's attention through leave and earning statements. When an SF 50 is otherwise required for an authorized personnel action, the remarks section may be used to authorize or rescind payment of night differential; however, an SF 50 is not required solely for this purpose.

f(ADDED). Exemptions. Technicians serving on an intermittent basis have no regularly scheduled tour of duty and are ineligible to receive night differentials. Technicians serving on an intermittent basis who are temporarily assigned to a regularly scheduled tour of duty that includes night work are eligible to receive night differential (33 Comptroller General 4).

S1-5. HOLIDAY PAY

a. Authorization. Technicians are not entitled to holiday pay for periods of overtime work. (Comptroller General decision B-172031, 9 June 1971, unpublished).

e(ADDED). Premium pay for holiday work.

(1) Full-time technicians receive their rate of basic pay for holidays that they are not required to work. Part-time technicians will receive their regular pay for holidays falling on their regularly scheduled workdays. When the activity is closed on a Friday or Monday because of a holiday falling on a Saturday or Sunday, such closed days are not considered holidays in determining holiday benefits for part-time technicians, but these technicians may be excused without charge to leave for such days. Technicians hired on an intermittent basis receive no compensation, unless actual work or authorized travel is performed.

(2) If a full-time technician works on a holiday falling on one of his/her regular workdays or on a holiday falling on the day designated as the "in lieu of holiday," the technician will be paid at twice the regular rate for not more than 8 hours of such work. A part-time technician who works on an "in lieu of holiday" will only receive his/her basic rate of pay for that day. If a technician works on a holiday falling outside his/her workdays, the technician is allowed compensatory time off for all hours worked. A technician who works on a holiday is credited with a minimum of 2 hours of work. If the technician is recalled to work two or more times, the technician is credited with at least 2 hours for each period up to a total of 8 hours.

(3) Technicians normally eligible for basic pay for a holiday when no work is required will not be paid when: (a) The technician fails to report for duty after being directly notified that the technician's services would be required on the holiday (unless excused by the supervisor), or (b) the holiday falls within a period of nonpay status.

(4) When a technician is in a pay status the day immediately preceding or succeeding a holiday, the technician is entitled to regular pay for the holiday, regardless of whether the technician is in an authorized leave-with-pay status or in an absent-without-leave status. (56 Comptroller General 393)

(5) On a holiday when no work is performed, a permanent part-time GS technician is eligible for basic pay for the number of hours he/she was otherwise scheduled to work. A GS technician on a temporary appointment may also be paid for a holiday not worked. A technician on an intermittent appointment may not be paid for a holiday not worked, unless he/she is scheduled for a 40-hour workweek. (See FPM Supplement 532-1, paragraph S8-4d, for regulations governing FWS technicians).

f(ADDED). Holiday pay. Holiday pay is payable in multiples of 15 minutes.

S1-10. PAY FOR SUNDAY WORK

a. Authorization. Technicians are not entitled to Sunday pay for periods of overtime work. (Comptroller General decision B-172031, 9 June 1971, unpublished).

S1-11(ADDED). PREMIUM PAY FOR AIR DEFENSE TECHNICIANS

Computation of exception rates. The following procedures apply for computing the exception rates provided for Army National Guard and Air National Guard air defense technicians, as provided in section 709(g) of title 32, U.S.C.

(1) Working hours at air defense activities are normally dictated by alert requirements and equipment stability. To compensate technicians performing operational duties at air defense activities for unusual

tours of duty, irregular duty, additional duty (over 80 hours per pay period), and work on days that are normally nonwork days, additional compensation in the form of annual premium pay may be paid. This premium pay will be computed as a percentage of the basic rate of annual pay for the position and paid biweekly on a pro rata basis. The total amount of premium pay will not exceed 12 percent of GS-10 step 1 on the current General Schedule. The percentage of annual premium pay will be determined according to the following schedule:

(a) Eight percent. Technician's tour of duty is 100 to 123 hours per pay period. The duty includes a moderate amount of overtime, night, holiday or Sunday work, and standby duty and the technician is subject to frequent recall.

(b) Twelve percent. Technician's tour of duty is 124 or more hours per pay period. The duty includes considerable amounts of overtime, night, holiday or Sunday work, and standby duty, usually on a rotating shift schedule, and the technician is subject to frequent recall.

(2) Tours that do not involve continuous work, but do require technicians to remain on duty performing work as the need arises, (e.g., technicians assigned to security duty, alert crew, or 24-hour station duty tour) will be credited with 2 hours work for each 3 hours spent onsite and 1 hour of standby time for each 3 hours spent onsite.

(3) Premium pay will not be paid if either of the following conditions exist for 10 or more days in a pay period:

(a) Technician has not received a security clearance. NOTE: The term "not received" is defined to mean that the unit does not have a certificate of clearance on file.

(b) Technician's security clearance is suspended.

(4) A technician may continue to receive premium pay on an annual basis under this authority:

(a) For a period of not more than 10 consecutive prescribed workdays on temporary assignment to perform other duties for which conditions do not warrant payment of premium pay on an annual basis, and for a total of not more than 30 workdays in a calendar year while on such a temporary assignment.

(b) For an aggregate period of not more than 60 prescribed workdays on temporary assignment in technician status or paid leave status to a formally approved program for advance training duty directly related to duties for which premium pay on an annual basis is payable. A technician may not continue to receive annual premium pay under this paragraph for more than 60 days in a calendar year.

(5) Annual premium pay is compensation in lieu of night, Sunday, holiday, environmental differential/hazardous duty pay, compensatory time, or any other type of premium or differential pay.

(6) The maximum percentage of annual premium pay that can be authorized to any air defense technician is 12 percent. This annual premium pay is paid under the authority of section 709(g) of title 32, U.S.C., rather than section 5545(c)(1) of title 5. Annual premium pay is not considered as part of a technician's rate of basic pay for retirement, life insurance, and severance pay purposes.

9 July 1984

TPR 990-2
B550.S7

SUBCHAPTER S7. SEVERANCE PAY

S7-3. COVERAGE

b. Employees.

(2) Exclusions. A technician who, at the time of separation, is eligible for an immediate annuity from a State retirement system or an annuity based on Federal military service under any law providing retired pay for members or former members is not eligible to receive severance pay.

S7-4. BASIC ENTITLEMENT

f. Separation through selection out (National Guard Technicians) Those technicians who are separated from their technician positions due to elimination under ROPA or other selective retention programs are considered to be involuntarily separated. Separation due to loss of military membership for cause bars entitlement to severance pay.

g(ADDED). Failure to accept reenlistment. The failure to accept an enlisted technician's reenlistment application is an involuntary separation for severance pay purposes, except when it can be reasonably established and documented that failure to accept the application is for reason of misconduct, delinquency, or inefficiency.

h(ADDED). Voluntary resignation or failure to reenlist. Voluntary resignation or failure to reenlist on the part of the technician is a bar to severance pay.

i(ADDED). Separation due to loss of military membership for failure to comply with the weight control program bars a technician's entitlement to severance pay.

j(ADDED). Separation of a technician from an "enlisted only" position when he/she accepts a commission. The application for a commission is considered a voluntary action. Therefore, an enlisted technician who applies for and receives a commission as an officer in the National Guard and who is terminated due to the "enlisted only" appointment requirements of his/her position is not entitled to severance pay.

9 July 1984

TPR 990-2
B550.S9

SUBCHAPTER S9. PAY FOR IRREGULAR OR INTERMITTENT DUTY INVOLVING
PHYSICAL HARDSHIP OR HAZARD

S9-6. PAYMENT OF HAZARD DIFFERENTIAL

c(ADDED). Payment of hazard differential is authorized to technicians only while they are in pay status. (Overtime which is worked for compensatory time off is not a paid status for this purpose). Technicians who are paid annual premium pay are excluded from payment of hazard differential (Comptroller General decision B-172031, 9 June 1971, unpublished)

TECHNICIAN PERSONNEL REGULATION
NO. 990-2

HEADQUARTERS
DEPARTMENTS OF THE ARMY AND THE AIR FORCE
Washington, DC 20310-2500 26 Dec 1985

TECHNICIAN PERSONNEL REGULATION 990-2

This regulation contains the National Guard Bureau regulatory requirements concerning annual and sick leave, military leave, excused absence, and law enforcement leave.

1. The following supplements to FPM Supplement 990-2 are enclosed:

- | | |
|------------|-------------|
| a. B610.S3 | d. B630.S9 |
| b. B630.S3 | e. B630.S11 |
| c. B630.S4 | f. B630.S14 |

2. File this change sheet in front of the publication for reference purposes.

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26 December 1985

C1
TPR 990-2
B610.S3

*SUBCHAPTER S3. ADMINISTRATIVE DISMISSALS
OF EMPLOYEES

S3-1. GENERAL AUTHORITY

c(ADDED). Closing of National Guard activity. The closing of a National Guard activity for brief periods, in accordance with the provisions contained in this subchapter, is within the administrative authority of the State adjutants general. This authority will be used sparingly and only for short periods of time, normally not to exceed 3 consecutive workdays for any single period of excused absence. This authority may be delegated. Closing of activities or early release of technicians in the Washington, DC metropolitan area will be as prescribed by Department of Defense instructions.*

26 December 1985

C1
TPR 990-2
B630.S3

*S3-5. MAXIMUM ACCUMULATION

e(ADDED). Restoration of forfeited annual leave.

(1) Public Law 93-181, 14 December 1973, provides for the restoration of annual leave forfeited due to administrative error, sickness, or exigencies of the public business. Office of Personnel Management regulations require the designation of an agency official to make the determination that an exigency was of such importance that scheduled annual leave could not be used. This authority is delegated to the State adjutants general and may not be delegated further.

(2) Failure to use annual leave due to extended active duty is not considered an "exigency of the public business" for purposes of restoring leave to a special account. Therefore, technicians with a leave balance in excess of 240 hours should be advised to use such leave to avoid forfeiture. In these cases, technicians could use any annual leave in excess of 240 hours before using military leave. This is an authorized exception to S9-6.*

26 December 1985

C1
TPR 990-2
B630.S4

*SUBCHAPTER S4. SICK LEAVE

S4-3. ADVANCING SICK LEAVE

c(ADDED). Conditions for advancing sick leave. Sick leave may be advanced to a technician not to exceed 30 days at any one time subject to the following conditions:

- (1) Request for advancement of sick leave will be supported by a medical certificate;
- (2) All available accumulated sick leave will be exhausted before advancement;
- (3) Annual leave that would otherwise be forfeited is used; and
- (4) There is reasonable assurance that the technician will return to duty to earn and repay advance credits.*

26 December 1985

C1
TPR 990-2
B630.S9

*SUBCHAPTER S9. MILITARY LEAVE

S9-2. LEGAL BASIS

a. Basic statute. Effective 1 October 1980, Public Law 96-431 amended section 6323 of title 5, U.S.C. to provide accrual of military leave on a fiscal year basis; carry-over of unused military leave for up to a maximum of 15 additional days; and entitlement to military leave for part-time employees. Part-time technicians are only entitled to a prorated share of military leave based on the number of hours in the regularly scheduled workweek. Full-time technicians have the potential of 30 days military leave during a fiscal year. (See FPM Letter 630-30, 23 April 1982, for application of the various provisions of Public Law 96-431).

S9-6. GRANTING MILITARY LEAVE

f(ADDED). Conditions for granting military leave. An eligible technician is granted any military leave that is available whenever ordered to active duty or active duty for training. Annual leave, leave without pay, or compensatory time off may not be granted for such military duty as long as the technician has military leave available, unless such military duty would result in forfeiture of annual leave in excess of 240 hours. However, a technician may be granted a partial day of annual leave, leave without pay, or compensatory time off at the beginning or end of a period of absence for military duty to avoid being charged a full day of military leave for just a partial day's absence from technician duties (52 CG 471). The technician, however, may not take annual leave, leave without pay, or compensatory time off solely to avoid the charging of nonworkdays against the allowable days of military leave.

g(ADDED). Chargeable on a calendar-day basis. No charge is made for non-workdays at the beginning and end of a period of absence on active military duty. However, all intervening nonworkdays falling within the period of absence for military duty must be charged to military leave, provided the technician is under military orders on the nonworkdays.*

1 March 1990

C2
TPR 990-2
B630.S3

3-5. MAXIMUM ACCUMULATION

e(ADDED). Restoration of forfeited annual leave.

(1) Public Law 93-181, 14 December 1973, provides for the restoration of annual leave forfeited due to administrative error, sickness, or exigencies of the public business. Before annual leave may be restored under section 6304 of Title 5 U.S.C., a determination must be made that an exigency of the public business was of such importance that it prohibited a technician from using scheduled leave.

(2) The authority for making the determination that an exigency was of such importance that scheduled annual leave could not be taken, may be delegated by the Adjutant General to those management officials who are responsible for the overall administration of their organization. No manager may be delegated authority to approve an exigency if his/her leave would be affected by the decision i.e., the Air Commander who happens to be a technician must cancel all scheduled leave due to mission requirements. Since the Commander's leave would be affected by this decision, the authority to approve the exigency must be approved by his/her superior.

(3) Annual leave forfeited because of exigencies of the public business or sickness may be restored only when the leave was scheduled in advance. Technicians with leave in excess of 240 hours who are ordered to extended active duty near the end of the leave year should be advised to use the excess leave first to avoid forfeiture.

TECHNICIAN PERSONNEL REGULATION
NO. 990-2

HEADQUARTERS
DEPARTMENTS OF THE ARMY AND THE AIR FORCE
Washington, DC 20310-2500 1 March 1990

TECHNICIAN PERSONNEL REGULATION 990-2

This regulation contains the National Guard Bureau regulatory requirements concerning annual and sick leave, excused absence and law enforcement leave.

TPR 990-2, 26 December 1985, is changed as follows:

1. Remove old pages and insert new pages as follows:

Remove

S3-5
S9

insert

S3-5

2. File this change sheet in front of the publication for reference purposes.

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BY ORDER OF THE SECRETARIES OF THE ARMY AND THE AIR FORCE

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26 December 1985

C1
TPR 990-2
B630-S14

*SUBCHAPTER S14(ADDED). LAW ENFORCEMENT LEAVE

S14-1. INTRODUCTION

a. General. This additional leave is authorized without loss or reduction of leave to which otherwise entitled for the purpose of providing aid to enforce the law (5 USC 6323 (c)). Based on congressional intent, the statute also includes situations where the Guard does not actually perform "law enforcement" duties while assisting civil authorities. For example:

(1) Participation in rescue or protective work in connection with fires, floods, or other natural phenomena.

(2) Dropping feed to cattle during a blizzard.

(3) Providing support services during a strike.

(4) Assisting State officials during refugee processing.

b. Coverage. This subchapter covers National Guard technicians who, for the purpose of providing military aid to enforce the law or assisting civil authorities, perform--

(1) Federal service under sections 331, 332, 333, 3500 or 8500 of Title 10 or other provisions of law, as applicable, or;

(2) Full-time military service for the State, Puerto Rico, the Virgin Islands, or the District of Columbia.

S14-2. LEGAL BASIS

a. Entitlement. Each National Guard technician serving under a permanent or indefinite status appointment who is a member of the National Guard is entitled to law enforcement leave for not more than 22 workdays in a calendar year for the reasons described in S14-1a above. Excused absence may not be granted for performing such duty.

S14-3. CREDITING AMOUNTS OF PAY RECEIVED

Pay for military service under the provisions of this subchapter may not be less than the pay due a technician as his/her regular civilian pay for the same period of time. Military pay and allowances received (other than travel, transportation, or per diem allowance) shall be credited against the technician's civilian pay and, if less than the civilian pay, the technician shall be paid the difference. If military pay exceeds civilian pay, no civilian pay will be made, nor will a refund of the excess be required.*

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*SUBCHAPTER S11. EXCUSED ABSENCE

S11-5. ADMINISTRATIVE DISCRETION

a. General

(1)(ADDED). The authority to grant excused absence to technicians is within the administrative discretion of the State adjutant general or designee. In addition to the more common situations listed, technicians may also be authorized excused absence from regular duty assignments for brief periods without charge to leave to perform acts or services in situations where the Adjutant General or delegated official has made a determination that support of the activity would benefit the National Guard.

e. Attending conference or convention. For the purpose of this paragraph, Federal service includes the National Guard.

g(ADDED). Participation in funerals. Excused absence may be granted to technicians, including temporary technicians, for up to 4 hours in any one day while performing in State active duty status as pallbearers or as members of firing squads in funeral ceremonies for members or former members of the Armed Forces, including the National Guard.

h(ADDED). Civil activities. Technicians may be excused for short periods to participate in civil activities the Federal Government is interested in encouraging. Before granting excused absence, it should be determined that such participation is in the best interest of the Federal Government (including the National Guard). These periods will be limited to no more than a combined total of 3 workdays during a calendar year. Official civil activities may include but are not limited to inaugurals, dedication of public buildings and projects, ceremonies for officially invited governmental visitors, and the convening of legislative bodies.

(NOTE) Technicians should be advised that if they suffer injury or death as a result of State active duty, they are not eligible for employee's compensation benefits under the Federal Employee's Compensation Act. State active duty does not constitute performance of official technician duties. Coverage under the Federal Employee's Compensation Act for injuries incurred while on excused absence in other situations will be determined on a case-by-case basis by the Department of Labor.*