



IDAHO NATIONAL GUARD
JOINT FORCE HEADQUARTERS
HUMAN RESOURCE OFFICE
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BOISE, IDAHO 83705-8112



NGID-HRO

27 March 2025

MEMORANDUM FOR Idaho National Guard Federal Employees

SUBJECT: HR Policy Letter 008; Federal Employee Military Leave

1. References:

- a. 5 U.S.C. 6323, 28 October 2004, *Military Leave: Reserves and National Guard members, and certain members of the Space Force*
- b. 10 U.S.C. 101, Section (d)(6), 5 October 1994, *Definitions, Duty Status*
- c. 32 U.S.C. 328, Section (a). 23 December 2022, *Active Guard and Reserve Duty: Governor's Authority*
- d. 32 U.S.C. 502, 17 October 2006, *Required drills and field exercises*
- e. National Defense Authorization Act (NDAA), Section 513, 23 December 2016, *Military Personnel Policy*
- f. CNGBI 1400.25 vol 630, 23 April 2021, *National Guard Technician and Civilian Personnel Absence and Leave Program*

2. Per reference a, all Idaho Army and Air National Guard Federal Technicians serving on (1) Full time National Guard Duty (FTNGD) as an Active Guard Reserve (AGR) member, (2) One-Time Occasional Tour (OTOT), or (3) Active Duty Operational Support (ADOS) tours, for a period of 180 consecutive days or more (either through the original order or as amended), are **not eligible** to use Federal Technician Military Leave.

3. Active Guard and Reserve duty is defined in reference c as "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".

4. Exceptions to this law include:

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- a. Duty performed as a property and fiscal officer under section 708 of title 32.
 - b. Duty performed for the purpose of interdiction and counter-drug activities for which funds have been provided under section 112 of title 32.
 - c. Duty performed under Title 10 U.S.C 12301(d) for purposes other than organizing, administering, recruiting, instructing, or training the reserve components.
5. Military leave eligibility examples are listed in the attachment in accordance with reference f.
6. POC – Supervisory Human Resource Specialist, (208) 272-3341.

Encl:
Military Leave Eligibility Examples

JAMES W. HICKS
COL, GS, IDNG
Director, Human Resource Office

Military Leave Eligibility Examples

1. A member is on a statutory tour with NGB or another guard or reserve unit under 10 U.S.C. 12301(d) for **less than** 180 days: **ELIGIBLE** to use military leave.
2. A member is on a statutory tour with NGB or another guard or reserve unit under 10 U.S.C. 12301(d) for **more than** 180 days: **INELIGIBLE** to use military leave.
3. A member is on a contingency deployment (10 U.S.C. 12301(d) for any amount of time: **ELIGIBLE** to use military leave.
4. A member is on Title 10 or Title 32 ADOS tour for **more than** 180 days for the purposes of organizing, administering, recruiting, instructing, or training the reserve components: **INELIGIBLE** to use military leave.
5. A member is on Title 10 or Title 32 ADOS tour for **less than** 180 days for the purposes of organizing, administering, recruiting, instructing, or training the reserve components: **ELIGIBLE** to use military leave.
6. A member is placed on an AGR order as defined in paragraph 2, and then receives and amendment to that order:
 - a. Original order is **less than** 180 days: **ELIGIBLE** to use military leave.
 - b. Original order is amended, and length of tour is now **180 days or greater**: **INELIGIBLE** to use military leave. On the date of the amendment, member is **no longer** eligible to use the military leave for the duration of that order.
 - c. Original order is **greater than** 180 days: **INELIGIBLE** to use military leave.
 - d. Original order is amended, and length of tour is now **less than** 180 days: **ELIGIBLE** to use military leave. On the date of the amendment, member is eligible to use the military leave for the duration of that order. The member could use military leave for the remainder of the order and/or retroactively change their timecard to use the military leave.
7. A member is on an ADOS tour for interdiction and counter-drug activities: **ELIGIBLE** to use military leave.