



**IDAHO NATIONAL GUARD  
JOINT FORCE HEADQUARTERS  
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J1/HR

1 January 2014

MEMORANDUM FOR Supervisors of Federal Technicians

SUBJECT: Policy Letter HR 14-001, Technician Termination for Loss of Military Membership

1. This policy letter supersedes HR Policy, 11-008, dated 3 August 2012. Federal law requires dual-status technicians employed pursuant to 32 U.S.C. 709(a) to maintain membership in the National Guard as a condition of continued employment, and requires prompt termination from dual-status employment upon loss of membership in the Army or Air National Guard. The one exception to the requirement for prompt termination upon loss of military membership is in pending disability retirement claims. Under this circumstance, a technician who is ready, willing and able to work, but who has lost military membership may be retained until OPM's adjudication of the disability retirement is received by the HRO. Upon HRO's receipt of OPM's initial decision the retirement date will be effective no later than the end of the pay period in which the HRO receives the initial OPM decision.
2. Federal law also requires that a technician be notified, in writing, of his/her termination at least 30 calendar days before the termination date, unless serving under a temporary appointment, serving a trial or probationary period, or has voluntarily ceased to be a member of the National Guard. When loss of military membership occurs unbeknownst to the technician chain of command, the technician's entitlement to the 30-day notice prevails.
3. Consequently, as termination from technician employment should normally coincide with separation from the military, technicians must keep their supervisors apprised of any pending change to their military status. Supervisors and managers should notify HRO as far in advance as possible of technicians who are pending loss of military membership, to ensure the technician receives his/her 30-day notice. Supervisors and managers are also encouraged to submit requests to backfill pending losses 30-60 days prior to the actual loss. Timely submission of such requests will allow the announcement and selection process to occur prior to the projected loss, minimizing or eliminating the time the position will be vacant.
4. Under exceptional circumstances, the TAG may approve extensions up to 30 days beyond loss of military membership. Extension requests must be fully justified and forwarded through the HRO to the TAG.

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