



IDAHO NATIONAL GUARD
JOINT FORCE HEADQUARTERS
HUMAN RESOURCE OFFICE
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NGID-HRO

10 May 2024

MEMORANDUM FOR Supervisors of and Federal Employees of the Idaho National Guard

SUBJECT: HR Policy Letter 009; Presidential Excused Absence for Federal Employees Returning from Active Duty

1. References.

a. Office of Personnel Management, CPM 2008-21, 16 December 2008, Minimum Service Requirement to Receive 5 Days of Excused Absence for Employees Returning from Active Military Duty

b. CNGBI 1400.25 Vol 630, 23 April 2021, *National Guard Technician and Civilian Personnel Absence and Leave Program*

2. This memorandum provides clarification and processing instructions concerning the eligibility for the 40 hours of Presidential Leave.

3. The Office of Personnel Management (OPM) in reference (a) clarified that Federal employees are provided 5 days of excused absence each time a federal employee returns from active duty related to Overseas Contingency Operations (OCO) formerly GWOT. Executive Order 13223 applies to all employees called to active duty in support of the OCO, regardless of whether they are deployed overseas or stateside. National Guard Bureau (NGB) in reference (b) has further defined this to include any other current or future military operations deemed to be part of the OCO or any other subsequently established military operations. Federal Employees who deploy in support of these operations are entitled to five workdays of excused absence without charge to leave.

4. OPM has defined the minimum service requirements for entitlement to this leave as 40 hours of leave for Federal employees who have been on active duty OCO tours of 42 consecutive days per 12-month period. The continuous excused absence must be granted as soon as the employee reports back for duty or notifies the agency of his or her intent to return to civilian duty, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). The excused absence may not be stockpiled for use at a later date. The 12-month period of use begins on the first day of excused absence and ends 365 days later. The intent of the President's policy is to grant the 40 hours of paid time off to employees to aid in their readjustment to civilian

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SUBJECT: Expiration of USERRA Guidance

life. The employee is not allowed to use Presidential Leave while in a military duty status or state active duty. The commencement of the excused absence represents a return to federal civilian employment. The employee will be obligated to report for work at the end of the absence. If the employee reaches their 40 hours of Presidential Leave and there is still time remaining in their duty day, they will either need to use their own leave or report to work for the duration of their duty day.

5. Supervisors must provide the following to HRO for each returning employee:

a. A completed SF52, Return to Duty, with the employee's return to duty date following active military service. This date may be during terminal leave or after the military order end date.

b. Timekeepers will use code "LV "for administrative leave.

6. This policy supersedes HR Policy Letter 20-003.

7. POC – Supervisory Human Resource Specialist, (208) 272-3341.

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