NATIONAL GUARD BUREAU
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31 May 2013

MEMORANDUM FOR ALL NATIONAL GUARD HUMAN RESOURCES OFFICERS

Subject: Time-Off Awards and Excused Absence During Uniformed Service (TN-13-06)

Reference: NGB-J1-TN Memorandum 2 December 2011, subject: Use of Time-Off Awards and Excused Absence during Uniformed Service (TN 11-43)

1. Effective immediately, the referenced memo is rescinded and the following guidance is in effect.

2. While time-off awards are not specifically addressed at 5 CFR 353.208, "Use of paid time off during uniformed service", the use of a time-off award when absent to perform uniformed service is permissible.

3. On behalf of the National Guard, the Defense Civilian Personnel Advisory Service (DCPAS) requested an opinion from the Office of Personnel Management (OPM) regarding the appropriateness of employees using time-off awards while performing uniformed service.

4. The reply stated use of a time-off award is permissible for employees while they perform military service. The reasoning for the OPM opinion rests on the following:

(a) The only Government-wide restriction that OPM has set on time-off awards is that they cannot be converted to cash.

(b) The authorizing statute at 5 U.S.C. 4502(e) does not place any restrictions on what an employee may do when he or she is provided "time off from duty". Therefore, we see no statutory reasons employees should not be able to use a time off award while performing uniformed service.

(c) At 72 Federal Register 12033 (March 15, 2007), the reason we cited for including unused earned compensatory time off under 5 CFR 353.208 is as follows:

"We believe it would be appropriate to allow an employee to use earned compensatory time off for travel under 5 CFR part 550, subpart N, while performing uniformed service because an employee may not receive payment

for unused earned compensatory time off for travel (See 5 U.S.C. 5550b(b) and 5 CFR 550.1408.). We have revised 5 CFR 353.208 to permit an employee to use earned compensatory time off for travel under 5 CFR part 550, subpart N, to perform uniformed service."

(d) Following that logic, since time-off awards also cannot be converted to cash, we feel that it would be permissible for employees also to be able to use them while performing uniformed service.

5. This change will be reflected in the publication of Chief National Guard Bureau Instruction (CNGBI) 1404.51 anticipated for release before the end of the year.

6. Point of contact is Ms. Brenda Decruise, Chief, Benefits and Entitlements Branch, NG-J1-TN; 703-607-1478.

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