HUMAN RESOURCES OFFICE
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION

Number: 04-29 | 7 June 2004

UPDATE

POLICY REGARDING ACTIVE GUARD RESERVE PERSONNEL & MILITARY TECHNICIANS IN SUPPORT OF STATE ACTIVE DUTY (SAD)

NO EXPIRATION DATE

All other TAAI's issued for this subject are hereby revoked.

The following policies pertain to the use of California National Guard Active Guard Reserve (AGR) personnel and Military Technicians in State Active Duty situations, emergency or otherwise.

1. **ARMY AGR PERSONNEL**: Reference NGB-ARH-S Policy Memo 04-014. Effective immediately, this policy updates NGR 600-5, Chapter 3-3. Title 32 ARNGUS AGR Soldiers, with approval of The Adjutant General, may **support** SAD missions, **in AGR status**, when one of the following conditions exists:

a. The Governor declares a State of Emergency.

b. The Governor activates the AGR Soldiers modified table of organization and equipment (MTOE) or table of distribution and allowance (TDA) unit of assignment.

c. ARNG equipment or property is loaned or leased in support of a SAD mission and personnel are required to transport, operate, maintain or secure the equipment.

2. Title 32 ARNGUS AGR Soldiers supporting SAD missions must comply with the following:

a. AGR Soldiers must remain in AGR status.

b. AGR Soldiers may support SAD missions for no greater than 89 consecutive days or no greater than 89 total days during a single SAD mission.

c. AGR Officers supporting SAD missions greater than 59 total days are required to obtain a Letter input from the SAD mission supervisor for his/her Rater for completion of his/her DA Form 67-9, Officer Evaluation Report (OER), IAW AR 623-105, Table 3-2.

d. AGR Soldiers must provide support within the capacity of the para/lin[e] of his/her MTOE/TDA unit of assignment.

e. AGR Soldiers serving a command or leadership assignment under NGR 600-5, Para 4-3 may support SAD missions in the command or leadership position for the duration of the mission.

f. AGR Soldiers will not take or be charged annual leave while supporting SAD missions.

g. AGR Soldiers will not have SAD orders for supporting a SAD mission.

h. AGR Soldiers are not eligible to receive SAD payment for supporting a SAD mission while in an AGR status.

i. Submit requests for approval to support an SAD mission to CAJS-HR-AGR, Attn: MAJ Merritt, Box 37, 9800 Goethe Rd, Sacramento CA 95827.

3. **AIR AGR PERSONNEL:** Reference Memorandum dated 2 Oct 2002, FROM: ANG/DP, Subject: Active Guard/Reserve (AGR) performing State Active Duty

a. All references to allow AGR to perform SAD in ANGI 36-101 were deleted with the rewrite dated 3 May 2002.

b. There is currently no authority in law for AGR to perform SAD, not even when they are in a leave status. Therefore, **the use of Air AGR on SAD is prohibited at this time.**

4. **TECHNICIAN PERSONNEL (ARMY & AIR)**

a. Technicians should not be ordered to SAD when their duties fall within their position description. If the technician elects to remain in technician status for services required by SAD after completion of the normal workday or weekend, compensatory time is appropriate and in accordance with TPR 990-2. Technicians working on a holiday are entitled to holiday pay.

b. Technicians who are ordered to SAD during their regular work schedule must elect annual leave, leave without pay (LWOP), or compensatory time off.

c. Technicians who are ordered to SAD that is performed in its entirety outside of their technician duty hours need not take leave or report earnings from that SAD to technician pay.

d. Law Enforcement Leave (LEL) is authorized without loss or reduction of leave for the purpose of providing support of civil authorities to enforce the law or aid in the protection of life and property under 5 U.S.C. 6323 (c). Further guidance on LEL is provided under TAAI 04-04.

e. Military leave, excused absence and administrative leave are not authorized while performing SAD.

5. If you need additional information for Air and Army technician, Air AGR, contact Captain Ewing at CAGNET 6-3402, DSN 466-3402 or 916.854.3402. For additional information on Army AGR soldiers, contact Major Merritt at CAGNET 6-3403, DSN 466-3403 or 916.854.3403.

FOR THE ADJUTANT GENERAL:

LAWRENCE D. COOPER
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DISTRUBUTION:
ARMY: TA
AIR: TA