



CHIEF NATIONAL GUARD BUREAU NOTICE

NGB-J1
DISTRIBUTION: A

CNGBN 1403
18 July 2018

TECHNICIAN PERSONNEL AND NG TITLE 5 EMPLOYEE INTERIM POST CONVERSION BENEFITS AND ENTITLEMENTS GUIDANCE

References: Enclosure A.

1. Purpose. This notice provides post conversion interim guidance for benefits and entitlement for National Guard (NG) employees in the States, Territories, and District of Columbia in accordance with (IAW) references a through j.
2. Cancellation. None.
3. Applicability. This notice applies to personnel performing essential human resource functions required for personnel management of NG Title 5 and Title 32 employees in the States, Territories, and District of Columbia.
4. Background. Employee benefits and entitlements, to include health insurance, life insurance, leave balances, and Thrift Savings Plans (TSP) have remained as originally elected unless an employee had a qualifying life event immediately prior to the 01 October 2017 conversion date, IAW reference c. Employees have continued to use the automated Employee Benefits Information System (EBIS), which allows users to review general and personal benefits information, and to calculate their own retirement estimates. EBIS also allows employees to make benefits elections for Federal Employees Health Benefits (FEHB), Federal Employees Group Life Insurance (FEGLI), and TSP.
5. Action or Procedure.
 - a. Director of Manpower and Personnel (NGB-J1). The Director of NGB-J1 will issue NG Human Resources Management policy for personnel in the States, Territories, and District of Columbia.
 - b. The Chief of the NGB-J1 Technician Personnel Division (NGB-J1-TN). The Chief of NGB-J1-TN will provide authoritative and clarifying guidance regarding the execution of policy for NG personnel in the States, Territories, and

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District of Columbia. Management of these employees will be IAW the rules and limitations outlined in references i and j.

c. Human Resources Officers (HROs). HROs will follow National Guard Bureau guidance for post-conversion benefits and entitlements. Prior to converting dual status technician incumbents, HROs should identify and review each dual status technician's electronic official personnel record, and consult with the applicable Army NG and Air NG military human resources personnel on the following:

(1) Involuntary Loss of Civilian Employment/Military Membership "Not for Cause."

(a) Selected for Non-retention (Qualitative Retention Board/Selective Retention Board).

(b) Mandatory Separation Date/Mandatory Removal Date.

(c) Medical to include: NG Special Provision Disability, failure to meet military weight/fitness standards, line of duty, Office of Workers' Compensation Program Rolls.

(d) Medical – Office of Personnel Management, Regular Disability.

(e) Maximum age requirement.

(f) Denial of reenlistment.

(2) Involuntary Loss of Civilian Employment "For Cause."

(a) Failure to maintain a State driver's license.

(b) Failure to maintain a security clearance.

(c) Physical inability to perform duties safely.

(d) Failure to pass drug/alcohol testing.

(e) Pending civilian adverse action.

(f) Failure to restore to after five years of uniformed service.

(3) Non-Pay Status.

(a) Uniformed Services Employment, Reemployment Rights Act (USERRA) – Absent Uniformed Services.

- (b) USERRA – Separation Uniformed Services.
- (c) Leave Without Pay-Personal.
- (d) Family Medical Leave Act.
- (e) Absent Without Leave.

d. Benefits/Retirements Counseling. Advise converting dual status technicians of how changes in their civilian/military status will affect their eligibility to receive benefits, such as health and life insurance, retirement, and other Federal benefits.

(1) HROs should advise technicians of their options for civilian retirement, or conversion to NG Title 5 if the reason the dual status technician will involuntarily lose military membership is “Not For Cause.”

(2) HROs should advise the technician of their options for civilian retirement, conversion to NG Title 5, or issue the technician their 30 day notice of separation from civilian employment if the reason the dual status technician will involuntarily lose military membership is “For Cause.”

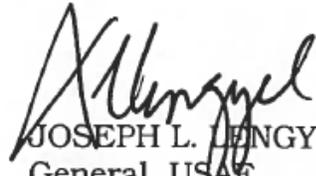
e. Employees in a Non-Pay Status. HROs should advise converting employees on the effects of long term non-pay status and their USERRA rights, and determine the employee’s intent to return to duty.

f. Leave and Earnings Statement (LES). All converting employees are encouraged to retain a copy of their last LES to ensure their pre-conversion leave balances transfer to their post-conversion account.

g. The Army Benefits Center – Civilian, NG Branch (ABC-C, NG Branch). Post conversion, ABC-C NG Branch will continue to provide employee advisory services and process employee benefits and entitlement transactions for all NG employees in the States, Territories, and District of Columbia. ABC-C, NG Branch services include: FEHB, FEGLI, TSP, Military Deposits, Civil Service Retirement System and Federal Employees Retirement System Retirements, and Survivorship/Death Claim Processing.

6. Releasability. This notice is approved for public release; distribution is unlimited. Copies are available through <http://www.ngbpdc.ngb.army.mil>.

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature, unless cancelled earlier.



JOSEPH L. JENGYEL
General, USAF
Chief National Guard Bureau

Enclosures:

A -- References

ENCLOSURE A

REFERENCES

- a. CNGB Instruction 1400.25A, 10 October 2017, “National Guard Technician Personnel Program”
- b. Title 10 United States Code (U.S.C.), Section 10217, “Non-Dual Status Technicians”
- c. Public Law (P.L.) 114-328, 23 December 2016, “National Defense Authorization Act 2017”
- d. P.L. 114-92, § 1053, 25 November 2015, “The National Defense Authorization Act for 2016”
- e. 32 U.S.C., § 709, “Technicians: Employment, Use, Status”
- f. CNGB TAG Delegation Memorandum, 16 February 2017, “Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- g. E-mail: OSD OUSD P-R (US), 29 September 2017, “Title 32 Conversion Policy Issue”
- h. Office Assistant Secretary of Defense Memorandum, 20 April 2017, “Guidance to Convert Dual Status and Non-Dual Status Military Technician Positions”
- i. 5 U.S.C., § 2103, 2105m, and 3101, “Government Organization and Employees”
- j. 5 Code of Federal Regulations, “Administrative Personnel”