Department of Military and Veterans Affairs
Regulation 612

Personnel

Colorado National Guard
STATE ACTIVE DUTY

Department of Military & Veterans Affairs
Office of the Adjutant General
Centennial, Colorado 80112
DMVA Regulation 612
Published 1 Sept 2010
Effective 1 Oct 2010

UNCLASSIFIED

SUMMARY OF CHANGES

- Replaces previous edition dated 1 July 2006, 1 December 2009, and 1 March 2010.
- Adds Chapter 5, Logistics
- Adds Appendices P, O

Effective: 1 Sept 2010

STATE ACTIVE DUTY – Colorado National Guard

By Order of the Governor:

H. MICHAEL EDWARDS, Maj. Gen., COANG
The Adjutant General

History: This supersedes 1 July 2006 edition and the 1 October 2009 draft, and the 1 December 2009 edition, and 1 March 2010 edition.

Summary: This regulation provides guidance, policy and procedure for Colorado National Guard serving on State Active Duty.

Applicability: This regulation applies to all members of the Colorado National Guard serving on State Active Duty, whether for disaster, support to local law enforcement, training or any other reason ordered by authority of the Governor.

Proponent: Deputy Director, Department of Military & Veterans Affairs and Joint Staff Headquarters.

Supplementation: Not authorized.

Suggested Improvements: Users should send comments to Joint Staff ATTN: J1 or Deputy Director, DMVA.

Distribution and Restrictions: Unlimited. Local reproduction authorized. Electronic distribution authorized.

STATE OF COLORADO
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
6848 SOUTH REVERE PARKWAY, CENTENNIAL, COLORADO 80112-6709

STATE ACTIVE DUTY and STATE ACTIVE DUTY for TRAINING

Table of Contents

		Paragraph		Page(s)
CHAPTER 1 **General Provisions**				
Purpose		1-1		1
Exception		1-2		1
References		1-3		1
General		1-4		1
Eligibility		1-5		1
Required Status		1-6		2
Law Enforcement		1-7		2
CHAPTER 2 **Entitlements**				
General		2-1		2
Pay		2-2		3
Pay Cycles		2-3		4
Leave		2-4		4
Travel		2-5		5
CHAPTER 3 **Benefits**				
General		3-1		5
Workers' Compensation		3-2		5
Legal Protections		3-3		7
Legal Jurisdiction		3-4		8
CHAPTER 4 **Extended State Active Duty (Longer than Thirty 30 Days)**				
General		4-1		8
Administration		4-2		8
Documentation		4-3		9
Health, Life, Dental		4-4		10
Retirement Benefits		4-5		10
Leave, Authorized Absences		4-6		11
Civil Relief		4-5		13
Standard of Conduct		4-6		13
Legal Jurisdiction		4-7		13
Complaint Process/EEO Policy		4-8		14

Table of Contents (Cont'd) **CHAPTER 5 Logistics Support**				**Page(s)**
General		5-1		16
State Procurement Card		5-2		16
Guidelines for Use of the State Procurement Card		5-3		17
Purchase Orders		5-4		18
Supplies		5-5		18
Maintenance		5-6		19
Transportation		5-7		19
Uniform		5-8		19

APPENDICES				
References		A		21
State Active Duty Pay Flow Chart		B		26
Unit Instructions for Completing PERSTAT ADMIN DATA SHEET		C		27
PERSTAT ADMIN DATA SHEET		D		28
Military Pay Section Instructions for Completing PERSTAT SHEET		E		29
PERSTAT ADMIN DATA SHEET		F		30
Instructions for Completing State of Colorado Travel Expense Form		G		31
SAMPLE Colorado Travel Expense Form		H		32
Permanent Orders (Sample)		I		33
Questions and Answers on State Activation from Your JAG		J		37
Comparison of States – State Active Duty, Title 32, Title 10		K		40
DA Form 31 – Request and Authority for Leave		L		41
WH-380-E Certification of Health Care Provider		M		42
Evaluation Report		N		43
Extended SAD Timecard		O		47
Glossary of Terms		P		49

CHAPTER 1 GENERAL PROVISIONS

1-1. Purpose

This regulation prescribes the entitlements, responsibilities and procedures for members of the Colorado National Guard who are called to State Active Duty (SAD) by order of the governor.

1-2. Exception

With the exception of legal protections and provisions provided by Colorado law, this regulation does not apply to State Active Duty funded under Title 32 U.S. Code.

1-3. References

See Appendix A.

1-4. General

a. As commander in chief of the National Guard, the governor may order the National Guard to State Active Duty for the defense or relief of the state, the enforcement of its laws, and the protection of life and property in the state.

b. The governor may also order the National Guard to State Active Duty in anticipation of or in response to emergencies or disasters, to include the implementation of the Emergency Management Assistance Compact.

c. The governor may also call the National Guard to State Active Duty for their training for appropriate missions. By Executive Order, the governor has delegated this authority to the Adjutant General.

d. When Called to State Active Duty, members of the National Guard become unclassified temporary state employees. As such, pay and benefits are administered by the Department of Military and Veterans Affairs (DMVA). Chapters 2 and 3 establish benefits for service during a period of 30 days or less.

e. When engaged in State Active Duty for more than 30 days, members become eligible for additional state benefits contained in Chapter 4 but are still considered unclassified temporary state employees.

1-5. Eligibility.

a. All traditional members of the Colorado National Guard, both Army National Guard and Air Force National Guard, are eligible for SAD. However certain units may have Memorandums of Agreement with various federal agencies preventing the state activation of these units or their members due to the priority mission of those units or personnel.

b. Active Guard Reserve Program members are not eligible for SAD but are still subject to the orders of the Governor of the State of Colorado in their current status and may perform necessary duties incident to SAD.

c. Certain employment statuses of members (such as technician or ADSW) may affect a member's immediate eligibility for SAD.

1-6. Required Status

a. Fulltime supervisors and Commanders are responsible for ensuring all members are in the appropriate status for SAD. Primary attention will be paid to ensuring a member's status is consistent with the proper purpose and use of the appropriation for each member.

b. Members who are also technicians do not have to take leave to perform duties incident to SAD unless the duties are inconsistent with their MOS/AFSC skill set or the duties interfere with their normal technician duties AND the duty extends beyond 72hrs.

c. AGRs may perform duties incident to SAD without taking leave but may not be placed on SAD. These duties must be consistent with their assigned M-day/ Fulltime position or not exceed 72 hrs in duration.

d. Members on Active Duty for Special Work (ADSW) orders are not required to be in a leave status to perform duties incident to SAD, as long as those duties are consistent with the duties for which they were brought on to ADSW orders and do not interfere with their normally assigned duties.

e. Traditional members will not perform SAD while on Inactive Duty for Training (IDT) status. Members will take Leave Without Pay (LWOP) from SAD to perform IDT.

f. Traditional members will not perform SAD while on Annual Training (AT). Only members on Extended State Active Duty are authorized up to 15 days of SAD while attending AT or military training in lieu of AT.

g. If the member is a State employee, the employee must use annual military leave, annual leave or LWOP.

1-7. Law Enforcement

a. While in State Active Duty, members may not perform law enforcement activities under the specific direction of a duly sworn law enforcement officer of the State of Colorado without an Executive Order.

b. In order to engage in autonomous law enforcement operations for the State of Colorado, the Executive Order calling the National Guard to State Active Duty must so specify. (CRS 16-2.5-144).

c. Absent the law enforcement specification above, members in State Active Duty have only those law enforcement powers that ordinary citizens possess.

CHAPTER 2 ENTITLEMENTS

2-1. General

a. The following sections provide details of entitlements and general guidelines detailing when such entitlements will be paid to members serving on State Active Duty (SAD) for the State of Colorado. According to the Colorado Revised Statutes (CRS 28-3-904), the intent is to provide a member on SAD, the same entitlements that Federal Active Duty would provide. For the purposes of SAD, entitlements will only encompass base pay, subsistence, housing, flight pay (if member is engaged

on SAD as part of a flight crew), and annual leave. The intent of the statute does not cover any other incentive, bonus, or skill pay.

2-2. Pay

a. Payroll System. Paychecks will be issued by the State of Colorado through its payroll system.

b. SAD Orders will:

1) Be issued for each individual member participating in the SAD event.

2) Cite the appropriate Governor's Executive Order Number for the specific requirement for which the individual is ordered to SAD.

3) Be for a period of time with a beginning date and ending date both within the same Federal Fiscal Year (FFY.) Contingency-related SAD orders (i.e. orders under 30 days) will include only those days required to address the contingency and will not include any non-duty days unless specifically coordinated with the program manager.

4) If associated with extended SAD, specifically cite the federal appropriation and Cooperative Agreement Appendix which will fund the obligation.

5) Specifically cite the federal Program Manager for the Appendix and the Program Manager for the federal appropriation if they are different.

6) Be authorized by The Adjutant General.

7) Will not be extended beyond the FFY. If the requirement exists for service immediately before and after the end/start of the FFY, a new order will be published citing the appropriate FFY information from above.

c. Pay Rate. State law requires that pay will not be less than that to which a member is entitled under federal service.

1) A member's SAD pay will be calculated based on the total of prorated daily values for the specific entitlement mentioned above, as determined from the current federal military pay and allowance tables and based on the member's federal grade and in service as indicated by the member's Pay Entry Basic Date (PEBD) determined by the USPFO.

2) Prorated daily values for each member will be established by determining the total of the member's annualized federal entitlements (base pay, subsistence, flight pay, and housing entitlements) and then dividing by the number of days in that Federal Fiscal Year. This value will be that specific member's SAD daily pay rate. The member will receive one day's worth of SAD pay, at this rate, for the number of days outlined on his orders. (Example pay calculation: (annual base pay salary + annual subsistence + annual housing + annual flight pay)/either 365 (or 366 if a leap year)= SAD daily pay rate for the individual.)

3) Pay rates will be recalculated and established based on the effective date of any changes that would ordinarily cause a change to that member's federal entitlements. This includes but is not limited to annual pay raises, promotions, reductions, marital/ dependent status, and years of service.

d. State and federal tax are withheld based on W-4 information supplied by the member or member's unit to the DMVA. If no W-4 is received, deductions will be set to the withholding rate for a single person with no deductions for dependents.

e. Medicare, social security or PERA will not be deducted if under SAD Orders for emergency purposes, regardless of the length of the order.

f. Medicare and PERA will be deducted if under SAD Orders for non-emergency purposes after 30 days of consecutive service. (See Chapter 4).

g. Housing allowance is authorized at the federal rate (BAH 1 or 2) as determined from the intended length of orders and applicable pay grade when housing is not provided.

h. Subsistence allowance is paid when meals are not provided.

i. When specifically authorized by the J3 or Program Manager for individual travel, per diem is reimbursed to members if meals and quarters are not provided—Colorado State per diem rates will apply.

j. Members who are Active Guard/Reserve (AGRs) are not authorized SAD pay regardless of status.

k. Federal technicians in a paid status are not authorized SAD pay unless they are in a military leave or Leave without Pay status.

2-3. Pay Cycles

a. The pay cycle ends every other Friday. Paychecks are mailed the Friday following the end of the pay cycle based on the state pay calendar. The exception is the June payroll. All pay earned in June is combined and paid on 1 or 2 July each year.

b. The DMVA payroll section will disburse pay to each member every 14 days based on the current Colorado State pay calendar and the member's accrued duty days as of the payroll cut-off date. The payroll cut-off date is the Thursday immediately following the end of the standard two-week pay period. Thus, members should expect their first pay approximately 14 days after the first pay cycle ends and their final pay, 14 days after the last pay cycle ends based on the dates of their orders.

c. Checks are mailed to the address provided by the service member. (No pay can be made unless DMVA Human Resources is provided name, address, birth date, SSN, pay rate, dates worked, and orders.)

2-4. Leave

Members are eligible for leave only after 30 days of consecutive duty and will accrue beginning with their first day of duty. (See Chapter 4 for exceptions after 30 days.)

2-5. Travel

a. The intent of this paragraph is to support individual travel requirements. Group travel in support of a SAD contingency is best supported under the Logistics Chapter of this regulation and utilizes the State Active Duty Procurement Credit Card.

b. Travel reimbursement becomes an entitlement under one of two conditions:

1) When the member is ordered to SAD and travels greater than 50 miles from their residence to the initial duty location.

a) Only the distance over 50 miles will be reimbursed and only one round trip per SAD order is authorized. Daily commuting expenses will not be reimbursed.

b) If a member resides outside of Colorado, the commander will determine if that member is absolutely necessary for the mission in order to avoid incurring excessive travel costs.

2) When the member is ordered to SAD and specifically authorized by the J3 (for SAD requirements) or specific Program Managers (for Appendix-related requirements) as necessary.

c. All travel will be conducted on a reimbursable basis under the current, annually adjusted, State of Colorado Travel Rates and Rules. Receipts are required for all items requiring reimbursement including meals. Meals will be reimbursed based on ACTUAL cost basis not to exceed rates established under the current State of Colorado Travel Rates and Rules.

d. All travel requiring a commercial airline ticket will be arranged thru the DMVA's contracted travel provider.

e. All travel will be coordinated with the DMVA Accounting Services office at least 15 days in advance for non-emergency travel and as soon as possible for emergency travel.

CHAPTER 3 BENEFITS

3-1. General

Members serving on State Active Duty are considered non-classified temporary State employees with respect to the State of Colorado personnel procedures and are entitled to worker's compensation, disability pay, and death benefits. After 30 continuous days of service, they become eligible for leave, State health, life, dental, and State retirement benefits under Chapter 4.

3-2. Worker's Compensation

The Worker's Compensation Act outlined in the Colorado Revised Statutes will be followed in all cases.

a. National Guardsmen called to State Active Duty by the Governor are covered under the state's Worker's Compensation Insurance. Both the member and the member's chain of command will follow these procedures.

b. Covered injuries are defined as injuries to the person directly related to the duty assignment that would not or could not have occurred unless the individual had been on State Active Duty. Common illnesses such as flu, colds, stomach irritations, problems with teeth (unless as a direct result of an

injury sustained to the face while performing a covered duty), and the like, are **not** considered a worker's compensation eligible event.

c. CONCENTRA or Health One are the designated providers for all covered individuals for work-related injuries. Treatment by any other health-care provider may not be covered by the insurance carrier, except in the case of a life or limb-threatening emergency. In such cases the individual should be taken to the nearest emergency room able to treat the injury. If the injury occurs outside the Denver Metro area, consult the Select Net provider directory which has been provided to supervisors/ commanders or at www.Pinnacol.com.

d. Procedures:

1) Injuries will be reported immediately (in accordance with the procedures below and in **no** case later than four days after the incident) through the member's chain of command and to DMVA Human Resources office (720) 250-1520. Injuries reported after that date may not be covered.

2) At the time the report is made, a brief written statement will be obtained from the injured party or supervisor as to how the accident occurred and what injury was sustained. If the nature of the injury is such that a statement cannot be made immediately, it should be obtained as soon as possible.

3) The supervisor will call the nearest Concentra or Health One facility (or other designated provider) to advise that an individual is coming in to have the nature and extent of the injury ascertained, and for any necessary treatment. Be certain that the facility knows this is potentially covered under the State of Colorado Worker's Compensation (not under federal).

4) The supervisor or designee will verbally report the accident to the State Human Resource Office (DMVA) within 24 hours and file a First Report of Injury form (available at www.dmva.state.co.us) within 5 days. It is the supervisor's responsibility to obtain, complete and sign a First Report of Injury form, based on the statements made by the injured party (and any witness(es).) The First Report of Injury form should be forwarded to the DMVA state Human Resources office to arrive within no later than five (5) calendar days of the occurrence. It may be faxed to 720-250-1529.

5) The State Human Resource Office will file The First Report of Injury with the proper authority no later than ten (10) calendar days of the occurrence of the accident. There may be substantial fines for untimely reporting of work-related accidents. The accident must be reported immediately if the injury was fatal.

6) The employee should obtain a work status form from the physician at Concentra or Health One facility indicating the date of return to work or duty and any limitations and then provide it to the supervisor, or State Human Resource Office. (The information provided on this form will serve the requirements of a military medical profile for the purposes of determining the member's duty status and limitations.)

7) Subsequent treatment must be provided at the Concentra or Select Net facility or the facility to which the injured party was referred (P.T., surgery, etc.).

8) Prescriptions, if any, will be paid by the insurance carrier directly. If the pharmacy requires immediate payment, any receipts should be kept and then forwarded to the insurance carrier for reimbursement after the claim number is received.

9) The supervisor will also follow necessary procedures to document the injury in preparation for completing a federal Line of Duty investigation.

e. Pay Status: If a state-activated Guardsman not on extended SAD seeks treatment as prescribed above on the day of the duty-related injury, he/she will be considered as having been on duty that full day for pay purposes. The Guardsman will return to duty if so directed by the doctor. If the Guardsman is unable to return to duty due to the injury based on the physician's recommendation, he/she will be placed in a non-pay status (leave status if applicable) beginning the day following the injury until able to return to duty or until the expiration of his/her orders, whichever is first. If the injury extends beyond **14** calendar days, the Guardsman will be paid by the Worker's Compensation insurance carrier (currently Pinnacol) at the rate of 2/3rds of their pre-disability wage.

f. Vehicle Accident: If the injury involves a motor vehicle, accident reports must be provided to the State Human Resource Office (FAX: 720-250-1529) and to the Colorado National Guard Safety Office.

g. Disability: If disabled in the line of duty, after the first three days state insurance will provide worker's compensation payments at the maximum rate allowed until maximum medical improvement is reached (66 2/3% of combined civilian and military weekly pay up to a prescribed maximum of $743.41 {Maximum may change annually}).

h. Death Benefits: Spouse receives 66 2/3% of combined civilian and military weekly pay up to a maximum of $753.41 a week (maximum may change annually) for life or until remarried. Burial costs up to $7,000 are reimbursed.

i. Education: If a member is permanently disabled or dies on State Active Duty, dependents are authorized free tuition, room, board at state institutions of higher education. The dependent must be accepted for enrollment and maintain a GPA of at least 2.5. This benefit is limited to a bachelor's degree to be completed within six years from date of first enrollment.

3-3. Legal Protections (Also See Appendix J)

a. Members serving on SAD for emergencies have reemployment rights and benefits with their private sector employer IAW CRS 28-3-610.5.

b. Members serving with the DMVA on SAD for non-emergencies longer than 30 consecutive days, and are activated and/or deployed, are not covered by CRS 28-3-610.5. However, upon return from active duty the member will have preference for rehire as long as the member notified the state HRO office in writing of their intent to return. A letter of intent to return and a copy of mobilization orders must be presented to the state HRO office prior to deployment. The member must revalidate in writing their intent to return, within 15 days of return to home station. All reasonable efforts will be made to notify the member in writing when the next position becomes available.

c. Members serving on SAD have personal liability protection for following a lawful order in performance of duty IAW CRS 28-3-501.

d. Defense Counsel will be provided by the CONG JAG if lawsuits result from performance of duty.

3-4. Legal Jurisdiction

Members serving on SAD are under the jurisdiction of the Chain of Command (Colorado Code of Military Justice) and DMVA (Colorado state employee statues) under a concurrent jurisdiction. Members are expected to behave ethically, in a manner that is consistent with what is generally considered to be right or moral.

CHAPTER 4
EXTENDED STATE ACTIVE DUTY (LONGER THAN 30 DAYS)

4-1. General (C.R.S. 24-50-603(7))

a. It is imperative that all instances of extended State Active Duty be fully and programmatically resourced, primarily in regards to fiscal requirements, but also from an organizational perspective.

b. After a member has been engaged in State Active Duty for a period of **more than thirty (30) <u>consecutive</u> days**, he will be eligible to enroll in any benefit plan created for employees of the state, C.R.S. 28-3-904, in addition to those outlined in Chapters 1-3 above.

c. Extended State Active Duty may result from:

1) An extremely rare situation resulting in an emergency use of the CONG in SAD for more than 30 days in response to a contingency. This situation may occur specifically for the State of Colorado or may develop as result of an Emergency Management Assistance Compact (EMAC) with another state in need.

2) An intent from the National Guard Bureau to resource a solution for a specific non-emergency documented requirement

.

a) This type of Extended State Active Duty must be authorized via an appendix to the NGB Cooperative Agreement with the CONG. The language in the appendix will dictate specific requirements for the use of the accompanying funding.

b) There are currently two requirements resourced in this manner: Force Protection (Apx 3) and Anti-Terrorism Force Protection Program Management (Apx 10).

d. All instances of extended SAD will be approved by the TAG in advance and coordinated with the Deputy Director and Controller of the DMVA.

4-2. Administration.

a. Every instance of extended SAD will be managed as a separate, funded program. A program manager will be specifically designated to execute all aspects of the program requiring extended SAD and to administer all needs of the personnel assigned.

b. The DMVA is not resourced nor structured to accommodate the added workload requirements of extended SAD. Program managers will ensure the manning structure and resourcing of their program minimize, if not eliminate, any and all resource drain upon the DMVA. This specifically includes providing and manning appropriate leadership, administrative, and logistical structure to properly support the mission requirement.

c. The DMVA will bear no monetary cost for any SAD program.

d. Program manager is responsible for:

1) Coordinate with their counterparts at the NGB to ensure sufficient fund for all aspects of the program requirements. The amount is determined by the Consolidated Personnel Plan that reimburses the DMVA for administrative costs related to the program requirement.

2) Ensure all document are properly prepared for payroll and other program documents for submission to either the DMVA or other agencies. Determining the appropriate scheduling of program personnel to properly service program requirements including length of duty day and duty week. SAD is a 24/7 obligation, under no circumstances should the duty week encompass less than a standard 40 hour work week, excluding the appropriate federal holidays and training observed, that are consistent with the program requirements.

3) Serves as the leave approval authority for their programs.

4) Submit all program financial transactions to the DMVA and the USPFO as required.

5) Continually refine the accuracy of program finances by reconciling all program expenses with the DMVA and USPFO as required.

4-3. Documentation

a. The SAD program documents will be maintained in inspectable manner at all time. Program documentation consists of:

1) Payroll records with individual member detail for 3 years.

2) Individual signed timecards for 3 years. These timecards will only be used to document duty days and duty time and are intended to support any future documentation requirements necessary to substantiate duty attendance of an individual. Both the individual member and program manager will sign the time card.

3) All detailed records of program financial transactions for 3 years.

4) Maintain a spreadsheet by fiscal year, for the current federal FY plus two years in arrears detailing all program costs, spending authority, and detailed payroll and equipment costs. The spreadsheet for the current federal FY will include both actual and projected values for the same items. The projected figures must include all known costs that will be incurred for the remainder of the federal FY.

5) Leave control log for the current federal FY and two year in arrears.

6) All signed leave requests for the current federal FY and two years arrears.

7) An individual leave plan for the current federal FY for each member in the program and past members for 2 years.

b. The following paperwork will be maintained in the DMVA, Human Resources Office for each individual member

1) SAD orders

2) Members benefit elections

3) Discipline paperwork (counseling statements)

4) Initial performance reviews will be administered with-in the first 30 days, and each yearly anniversary. These will also be maintained with DMVA, HRO. See Appendix

5) Safety reports

6) Workman's compensation documentation

7) Archived financial paperwork for past years.

4-4. Health, Life, Dental

a. The member has thirty-one (31) days after becoming eligible to make an election under the State of Colorado Health, Life, Dental, Disability, Flexible Spending Plan programs in effect at the time.

b. The selected insurance will become effective on the first of the month following eligibility/enrollment. (E.g. an eligibility date of April 1 will make the effective coverage date May 1. An activation date of April 15 will make the effective coverage date June 1.)

c. If a member is covered at the time of hire under insurance (such as Tri-Care), he or she can elect to enroll in the state's plan when that coverage ceases. Such election for state benefits **must** be made within thirty-one (31) days of cessation of (Tri-Care) coverage and documentation to support the conclusion of Tri-Care will be required.

d. The DMVA State Human Resource Office will provide all necessary instructions and explanations as to what options are available and the cost, as well as how to enroll on-line. Phone 720-250-1520.

e. It is the responsibility of the member to enroll on-line in the State's Benefit solver system within the appropriate time frame.

f. The member will be responsible for the "employee" share of the cost of any elections made. The premiums will be automatically deducted from the member's pay.

g. The member's coverage will cease at such time as SAD Orders terminate, and the member will be responsible for the final month's premiums which will be automatically deducted from final pay.

4-5. Retirement Benefits (C.R.S. 28-3-904)

a. The member will enroll in one of the State's retirement programs in place at the time of eligibility.

b. The specific selection of retirement program must be made within sixty days after the member first becomes eligible. If no selection is made, the retirement option will default to PERA Defined Benefit Plan.

c. Contribution to the member's retirement account will be deducted from the bi-weekly pay at the rate of eight (8%) percent, or such rate as is applicable at the time of enrollment.

d. Withdrawal, roll over or maintenance of an existing PERA account will be in accordance with the Plan regulations in place at the time the member's SAD terminates.

4-6. Leave, Authorized Absences.

a. General. SAD member on orders for longer than 30 consecutive days are authorized two (2) types of leave, Annual Leave and Military Training Leave. Leave types must be requested on the DA form 31. The Program Manager will approve these requests.

b. Military Training Leave. Members on extended SAD orders are authorized three weeks (or 12 paid days assuming a 4-day, 10-hour schedule) of military leave in addition to their annual leave per Federal Fiscal year (October through September). Employees will not lose their State benefits during their military training leave.

c. Annual leave is accrued at the rate of two days per month (assuming a 4-day, 10-hour schedule) totaling 24 days per year.

1) Accrued leave must be taken during a SAD order period. All leave must be taken in the federal Fiscal Year (FFY) in which it is earned. Accrued leave will not be carried over across federal FYs. If leave is to be paid, it may only occur at the end of the federal FY or at the end of an individual's orders. All leave paid will be subject to normal withholding.

2) When the orders for extended SAD terminate, <u>any unused accrued leave will be paid up to four days (assuming a 4-day, 10-hour schedule) at the conclusion of the federal FY in which the leave was earned or at the end of an individual's orders for a maximum of four years</u>. If an extended SAD member has received an unused leave payout for four years, regardless of the amount of payout, future years' unused leave will be forfeited and the employee will be ineligible for payout, unless it is documented that extended SAD member was not provided the opportunity to utilize leave time for non-personal reasons. The program manager will provide every opportunity for extended SAD members to utilize leave time in conjunction with personal needs to ensure that leave is not forfeited.

4) Advanced leave or payout of leave is not authorized.

5) Leave may be requested in increments of 2.5 hours per day (assuming a 4-day, 10-hour schedule) or quarter day.

6) Altering a work schedule to minimize use of accrued leave is allowed in extenuating circumstances to accommodate a new SAD member who has not accrued enough leave to cover an emergency situation or to provide for a reasonable accommodation. This must be completed on form NGB 46-14 and in no circumstance may disrupt the operation.

d. Leave Without Pay (LWOP). LWOP is generally used only after other applicable paid leaves are exhausted. Leave without pay is granted for situations that involve Family Medical Leave, Military Training Leave, mandatory or voluntary furlough, short-term disability, and/or a bona fide urgent need that is approved in advance. Leave without pay outside of these five situations is generally considered a disruption to the continuity of operations and will be approved at the discretion of the Program Manager and the DMVA HRO will be notified.

1) All Unit Training Assembly (UTA) or Inactive Duty Training (IDT) status will be performed in a leave without pay status from SAD based on the member's unit of assignment drill schedule.

2) All military training in excess of the 12 days (assuming a 4-day, 10-hour work schedule) or 15 days (if a 5-day, 8-hour schedule) as allowed by state law will be performed in a leave without pay status from SAD.

3) Members are responsible to submit payment to the DMVA, Accounting Services office by certified check to cover the total costs of employee benefits (the employer AND the employee portions) that are not covered by accrued pay during a pay cycle. Should payment not be received, benefits will lapse and the member will have to reenroll during the next open enrollment period.

e. Sick Leave. There is no sick leave entitlement.

1) Individuals unable to report for duty because of personal illness will report to the Program Manager the nature and extent of their illness NLT one hour after their scheduled report time. The Program Manager will place the SAD member on annual leave.

2) All extended SAD members with illnesses extending more than three consecutive days will report to competent medical authority for treatment and evaluation regarding return to duty status. A Fitness to Return Certification form (available on www.dmva.state.co.us website under Human Resources, Benefits) must be completed by the medical authority and returned to the Program Manager prior to SAD member's ability to return to work a copy will be forwarded to the DMVA HRO.

3) Extended SAD members may use their accrued leave for doctor and dental appointments for themselves or their family members. As doctor and dental appointments are generally scheduled in advance, SAD members must also request use of leave in advance of the appointment. If little or no notice is provided, leave could be denied and extended SAD members would need to reschedule their appointment.

f. Family Medical Leave Act (FMLA) This type of leave covers Family, Military, and Maternity job-protected leaves (described below) of absence of 13 weeks. To be eligible for FMLA leave, an employee must have been employed for at least 12 months by the employer and for at least 1,250 hours of service with the employer during the 12 months preceding the leave. An eligible employee shall be entitled to a total of 13 workweeks of leave during a [single] 12-month period. Extended SAD members may use accrued leave. After all accrued leave has been utilized; the member will be placed in a leave without pay status. Member must supply a WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition (PDF).

1) Maternity Leave. Eligible employees can use accrued leave for absences due to the birth of the employee's son or daughter and to care for the newborn child; or for placement of a son or daughter with the employee for adoption or foster care.

2) Family leave. Eligible employees can use accrued leave in order to care for a son, daughter, spouse, or parent with a serious health condition. Member must supply a WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition. (Appendix N).

3) Military Family Leave. Eligible employees may use accrued leave and leave-without-pay for a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency military operation to address qualifying exigencies such

as arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This provision also allows special leave entitlements that permit eligible employees to take up to 26 weeks of leave to care for a covered service member who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform duties, or undergoing medical treatment and recuperation/therapy, or is on a temporary disability retired list.

g. Bereavement Leave. State employees may gain permission from their supervisor for up to seven duty days (equivalent to one week) of funeral leave and is dependent upon relationship, travel requirements, etc. This is a paid status. Once approved funeral leave is exhausted, annual leave may be requested.

h. Jury Duty. Upon proper documentation and notification to the Program Manager, Jury Duty is an authorized paid absence from SAD.

i. Physical Fitness. TAG permits duty time to engage in physical fitness endeavors that reflects commitment toward employee physical fitness and overall health. Extended SAD members may be allowed up to three (3) hours per week to engage in physical fitness activities during work time, provided supervisor approval is gained in advance and work load/coverage allows. This time may be used throughout the course of a week in increments of no more than one hour, including changing clothes, showering, etc. Engaging in the activity outside the work site is not permitted and cannot occur at the beginning or end of a work shift. Activities include walking, running, strength building, use of available exercise equipment, etc. It does not include team sports, games (such as basketball, volleyball, etc.) or to attend off-site activities at private fitness clubs and organized programs, or to deviate from work, socializing with others, extending lunch hours or breaks, to leave work early, or to engage in a non-fitness activity. This voluntary activity is a privilege and not a right and only applicable if work load/coverage permits and Program Manager and supervisor approval is gained. The member is not covered for fitness related injuries under workman compensation.

4-5. Civil Relief

After 30 days of consecutive State Active Duty for an emergency, a member cannot be evicted, tried or subject to civil proceeding until he is released from State Active Duty. This provision of civil relief does not apply to members engaged in extended active duty for nonemergency purposes. Also see Appendix A References.

4-6. Standard of Conduct

All SAD members are required to maintain high standards of honesty and integrity and to conduct business in an ethical manner. Members are required to perform their assigned duties conscientiously and always conduct themselves in a manner that reflects credit on the National Guard. If conduct is in violation of any statute, regulation, or other proper authority, individuals will be held accountable. Violation of any standard of conduct may be the basis for disciplinary action. SAD members will receive an annual Standards of Conduct briefing sponsored by your DMVA/HRO. It is not the intent of this publication to list every restriction or requirement imposed by law, regulation or other proper authorities

4-7. Legal Jurisdiction

Concurrent Jurisdiction – State (DMVA/HRO)and JFHQ-CO (Colorado Code of Military Justice) share authority over the SAD member under a concurrent jurisdiction, either may be first responders or prosecute any offenses.

4-8. Complaint Process/EEO Policy

a. Although handling complaints through the chain of command is strongly encouraged, this is not the only means for resolving an issue. First line supervisors when possible should be given an opportunity to resolve work related issues and complaints.

b. If the member files a complaint with the chain of command, the DJS will determine acceptance, dismissal, or referral of the complaint. The DJS has 15 working days to conduct an inquiry and attempt to resolve the allegations of individual.

c. The following are frequently used activities with a brief description of each that could be used by the individual member:

1) DMVA Human Recourse Office: The department or support systems responsible for personnel sourcing and hiring, applicant tracking, skills development and tracking, benefits administration and compliance with associated government regulations

2) Equal Opportunity Adviser (EOA): The EOA is trained to receive, process, and conduct inquiries into complaints of discrimination and sexual harassment.

3) Chaplain: The chaplain is the subject matter expert on addressing issues concerning religious discrimination or accommodation.

4) Staff Judge Advocate (SJA): The SJA serves as an advisor and may receive complaints about discrimination in legal proceedings.

5) Inspector General (IG): The IG's office is the principal agency for receiving and investigating complaints about command environment and leadership. The timelines and procedures outlined in this lesson plan do not apply to complaints filed with the IG. Complaints filed with the IG will be processed outside of EO channels in accordance with applicable regulations.

d. The fair, equitable, and non-discriminatory treatment of all service members and employees of JFHQ-CO improves morale and productivity, fosters unit cohesion and readiness, and increases the effectiveness of the service member. It is the policy of JFHQ-CO to provide equal opportunity for State Active Duty applicants and members. SMs will not be subjected to discrimination because of ancestry, color, religious creed, denial of family and medical care leave, marital status, national origin, race, religion, sex, or reprisal for having engaged in a protected equal opportunity activity.

e. Joint Force Headquarters has established and operates a State Discrimination Complaint System designed to reflect the policies stated herein and to provide a just and effective avenue of redress. Personnel who believe that they have been subjected to discrimination will be permitted to participate in the complaint process.

f. The service member will not be discouraged from participation due to fear of reprisals. Any complainant who alleges reprisal for having engaged in a protected Equal Opportunity activity, i.e., for having filed a complaint of discrimination, for preparing to file a complaint of discrimination, for having testified as a witness in a discrimination complaint, investigation, for informing officials within the chain of command of perceived discrimination, or any other protected communication related to equal opportunity matters must be advised that he/she may file such a complaint through DMVA/HRO and/or the Inspector General channels.

g. Reprisal against an individual for having engaged in a protected Equal Opportunity activity is prohibited regardless of whether the protected activity pertained to the civilian or the military program.

h. The chain of command will be the primary channel for resolving discrimination complaints. Individuals will be encouraged to use command channels for redress of grievances. Allegations of discrimination will be referred for processing by the lowest appropriate command/directorate level in accordance with this directive. This provides the commander/director an opportunity to assist the complainant, inquire into the issues and allegations, take corrective action, and to attempt to resolve the complaint, where possible

i. All SAD personnel are entitled to serve in an environment free from sexual harassment. Sexual harassment is a form of discrimination and will not be tolerated. Allegations of sexual harassment will be given prompt attention and resolved as expeditiously as possible. Such instances will be documented in the individual's official personnel file and cause for termination.

j. DMVA and JFHQ-CO are committed to ensuring victims of sexual assault are protected, treated with dignity and respect, and provided support, advocacy and care. The policies also strongly supports effective command awareness and prevention programs, as well as law enforcement and criminal justice procedures that enable persons to be held accountable for their actions, which includes appropriate criminal dispositions for sexual assault. To achieve these dual objectives, DMVA/JFHQ-CO's policy prefers complete reporting of sexual assaults to activate both victims' services and accountability actions. However, recognizing a mandate of complete reporting may represent a barrier for victims to access services when the victim desires no command or law enforcement involvement, there is a need to provide an option for confidential restricted reporting.

1) Unrestricted Reporting. A Service member who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his or her allegation should use existing reporting channels (e.g., chain of command, law enforcement, or report the incident to the SARC). When notified of a reported sexual assault, the SARC will immediately assign a VA.

2) Restricted Reporting. Restricted reporting allows a sexual assault victim to confidentially disclose the details of his or her assault to specified individuals and receive medical treatment and counseling, without triggering the official investigative process. Service members who are sexually assaulted and desire restricted reporting under this policy may only report the assault to the SARC, VA, or *healthcare provider*. However, consistent with current policy, they may also report the assault to a chaplain. Although a report to a chaplain is not a restricted report under this policy or the provisions of this Directive, it is a communication that may be protected under the Military Rules of Evidence (MROE) or applicable statutes and regulations. The restricted reporting process does not affect any privilege recognized under the MROE. This Directive and its policy on restricted reporting is in addition to the current protections afforded privileged communications with a chaplain, and does not alter or affect

those protections.

CHAPTER 5
LOGISTICS SUPPORT

5-1. General

a. Each CONG armory is supplied with a SAD Credit Card in order to purchase goods on the civilian market to support DSCA missions based off the rules and guidelines. It is imperative that JFHQ-JOC receive and track proper documentation from the MSC's and their subordinate commands to properly activate, battle track the location, and purchases on all SAD Credit Cards When ordered to State Active Duty, logistics support becomes the primary responsibility of the Department of Military and Veterans Affairs. Since DMVA does not maintain an inventory of equipment and supplies and has very limited capability for services, the normal means of support will be commercial purchase using a State Procurement Card (if less than $5,000) or a procurement action (if $5,000 or more). Where specific items of federal equipment or supply are required, they will be obtained through J-4/G-4 channels. The State will reimburse the United State Property and Fiscal Officer for these items.

b. **Concept of Operations.** The following document and training are required in order to track and utilize the SAD Credit Card in support of DSCA missions. The documents listed below will be administered and tracked by the JOC and are required documents

5-2. State Procurement Card

The purpose of issuing a State Procurement Card to activated National Guard members is to expedite purchase of services and commodities necessary to support the mission. The issued Procurement Card is to be used ONLY for the purchase of goods and services required during the time of State Activated Duty and MUST directly benefit the mission.

a. State Procurement Cards are issued to individuals by the JOC, with guidance from the Procurement Section, DMVA (720) 250-1540). The State Procurement Card is a Master Card issued by JP Morgan Chase. The State of Colorado has entered into a contract with JP Morgan Chase Bank to issue a Master Card for the purchase of goods and services for the use and benefit of the Department of Military and Veterans Affairs.

b. Inactive cards are maintained in unit safes' throughout the State as designated by J3. They can be activated upon request from the J3 or J4 for State Active Duty emergencies.

c. The Procurement Card is tax exempt. The Tax Exempt number is imprinted on the front of the card. A Tax ID Certificate is available for each card holder to present to merchants that require further validation of tax exempt status.

d. Accountability and proper use of the cards is the responsibility of each member who is issued a card. No cards will be issued without a signature. Cards will be sub-hand receipted down to the user. If misused, the card holder/ users are personally responsible for the misuse.

e. The receipt for each purchase must be retained and returned through the JOC to DMVA Procurement. Failure to provide a receipt will result in a charge to the card holder.

f. Electronic controls will be established for each individual card/card holder. These controls are set and monitored by the Procurement Card Manager. Controls can be changed if required. Electronic controls will be established for the use of the card in the following categories:

1) Dollar amount per transaction
2) Dollar amount per cycle (a cycle is 30 days)
3) Number of transactions per cycle
4) Number of transactions per day
5) Merchant Category Code limits (this limits what types of goods and/or services you are allowed to buy)
6) Daily spending limit

5-3. Guidelines for Use of the State Procurement Card

a. Unit responsibilities

1) Request and sign for the appropriate number of cards to support the mission. When convoy travel is involved, units need to ensure that there are sufficient cards to support all march units and serials. If the mission involves employment of small teams that will act independently, each team should have a card.

2) Select responsible individuals to use the card and complete a Letter of Appointment. (FTUS OIC/NCOIC completes form and sends to JFHQ-CO JOC) (Completed upon receipt of SAD Credit Card).

3) Ensure that the individuals sign for the cards and understand permitted uses

4) Ensure that original receipts for all purchases made with the card are forwarded to the JOC when mission is complete , that the summary of charges sheet is filled out and that the cards, receipts and summary sheets are returned to JOC within two days of mission completion.

b. Individual Responsibilities

1) Have a SAD Credit Card Holder Agreement on file. (FTUS OIC/NCOIC completes form and sends to JFHQ-CO JOC) (Completed upon receipt of SAD Credit Card).

2) Completed the SAD Credit Card Training Presentation and Fax the certificate of training to the JOC. (Completed upon receipt of SAD Credit Card).

3) Evaluating the propriety of expenses requires exercising mature and informed judgment. Individuals authorized to use the cards are required to sign for them after reviewing the rules for use. All purchases will follow the guidance provided in paragraph 5-5

4) All **original** receipts are to be submitted to the unit with an attached summary sheet itemizing all charges.

5) In case of any “lost” original receipts, a “lost receipt form” will be completed and submitted by the card holder.

6) A lost or misplaced card will be immediately reported to the bank at (800) 316- 6056, the JOC and DMVA Procurement Card Manager of the Contracting Unit of the Department of Military and Veterans Affairs at (720) 250-1540. The individual is liable for all charges until the lost or stolen card is reported to the bank.

7) The card holder to whom the Procurement Card was assigned will not give the card to another person to make charges against that card.

8) If the card holder procures goods by phone, a packing slip or receipt which shows the full amount of the purchase must be provided.

9) When receiving a credit for a return or incorrectly charged item, a copy of the credit must be provided. The summary sheet is to show the reason for the return or credit.

10) If the card is declined, contact the DMVA Procurement Card Manager.

11) To dispute any charges, contact the Procurement Card Manager. A dispute exists when a Card holder determines that a charge is improper or inaccurate. Some examples of transactions that should be disputed include:

a) Unauthorized charges.
b) Unrecognized charges.
c) Differences between the amount authorized and the amount charged.
d) Duplicate charges.
e) Failure to receive goods.
f) Returned goods that were not credited.

12) A State Procurement Card is **NEVER** used for:

a) Airline travel
b) Cash advance
c) Snacks, newspapers, magazines, entertainment, or alcohol.
d) Purchases over $4,999.00. A Purchase Order is required.

13) Individual cardholders will follow the guidance provided in paragraph 5-5.

5-4. Purchase Orders

A purchase order is required for purchases over $4,999.00. Purchase Orders are prepared by the Purchasing Agents of the Procurement section ((720) 250-1541) upon receipt of a Purchase Requisition. The Purchasing Agents will provide the Purchase Requisition form and assist in completing the form.

5-5. Supplies

a. Subsistence. Class I Meals will normally be provided as Meals Ready to Eat (REMs), by contracting, or by purchase with credit card. Meals consumed must be accounted for with a standard ration signature sheet. If meals are purchased for a group using a state credit file, a signature sheet for those consuming the meal must be submitted along with the original vendor receipt for the meal. Individuals may not claim per diem expense for meals purchased with the credit card. The signature sheet for each meal must be returned through the JOC to logistic channels for DMVA accounting.

b. Clothing. Class II Normally provided by individual or unit. Specialized mission essential items may be requested through the JOC for coordination from DMVA Procurement.

c. POL- Class III Bulk POL will normally be provided by units. It is reimbursed through the use of the standard DOD mileage rate for each type vehicle. If there is no access to unit fuel, then the State procurement card may be used. Each receipt must indicate type vehicle (HMETT, HUMMV etc.) and bumper number.

d. Fortification and Barrier Materials-Class IV normally not needed. Contact the JOC for coordination with DMVA Procurement if required.

e. Ammunition. Class V. Will be issued on order of the Governor. DMVA will reimburse for rounds used.

f. Personal Comfort Items. Class VI Alcohol not allowed. Other comfort items can be purchased only with prior authority from the JOC with coordination from DMVA Procurement.

g. Major End Items Class VII. N/A

h. Medical-Class VIII. N/A

i. Repair Parts, Class IX Normally provided by unit. Cost is billed to DMVA and paid upon receipt of invoices from J4/G4.

j. Miscellaneous Supplies- Class X. Contact J4/G4 or DMVA Procurement.

5-6. Maintenance.

Maintenance of military equipment will be a unit function. Units will normally be deployed with a maintenance contact team to support vehicles and equipment. Costs for repair parts beyond normal wear and tear may be reimbursed separately. Copies of invoices/parts cost documentation must be presented to G4 for consolidation and forwarding to DMVA

5-7. Transportation

Transportation will normally be with organic unit vehicles. The State reimburses the USPFO for the use of these vehicles in accordance with rates provided by DOD. These rates are broken down into several categories, one of which is fuel. Rates are based on hours or miles as appropriate.

a. If unit vehicles are used, the unit must capture and report to G-4 the following information: Bumper number, Vehicle type, Mileage or hours out, Mileage or hours in, and any damage or extraordinary wear and tear**.**

b. If buses or commercial haul is needed, contact DMVA Procurement Office at (720) 250-1540.

c. If air travel is required at State expense, airfare is charged to the Corporate Travel Card. Coordinate air travel reservations with the Purchasing and Contracting Unit.

d. If car rental is required at State expense, coordinate with DMVA Procurement office.

e. Individuals on extended SAD are not authorized use of GSA vehicles. GSA vehicles are authorized for SAD use for contingency-related SAD.

5-8 Uniform.

a. SAD will be performed in the standard federal military service uniforms provided in an individual's clothing issue and will be maintained to the same high military standards as federal service.

b. Uniform replacement. When the uniforms become worn out and need replacing, individuals will coordinate with their unit of assignment since the preponderance of wear and tear occurred while in federal military service. If SAD is determined to be the proximate cause of the need to replace a uniform, coordination must be made with the Deputy Director, DMVA.

APPENDIX A
REFERENCES

1. Colorado Constitution, Article II, Section 22
Military Subject to Civil Power – Quartering of Troops

2. Colorado Constitution, Article IV, Section 5
Governor as Commander in Chief of Militia

3. Colorado Revised Statutes 28-3.1-102
Definitions

4. AR 600-8-10 Leave and Passes

5. AFI 36-3003

28-3.1-102. Definitions.

Statute text

As used in this article, unless the context otherwise requires:

(1) "Accuser" means any person who signs and swears to charges, any person who directs that charges be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

(2) "Active state duty" means all duty authorized under the constitution and laws of the state of Colorado and all training authorized under title 32 of the United States code.

(3) "Code" means the Colorado code of military justice.

(4) "Commanding officer" includes only a commissioned officer.

(5) "Commissioned officer" means a person who holds the rank of not less than Warrant Officer One.

(6) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being or a successor in command.

(7) "Enlisted member" means any person who is serving in an enlisted grade.

(8) "Grade" means a step or degree in a graduated scale of office or military rank that is established by law or regulation.

(9) "Hostile force" means any person or group of persons acting in violation of the law or opposing the military force in the carrying out of its missions, including but not limited to saboteurs, rioters, and looters.

(10) "Judge advocate" means any commissioned officer who is certified by the state judge advocate general.

(11) "Legal officer" means any commissioned officer of the state military forces designated to perform legal duties of a command.

(12) "Military" or "military forces" refers to any or all of the state military forces.

(13) "Military court" means a court-martial, a court of inquiry, or a provost court.

(14) "Military judge" means an official of general and special courts-martial detailed in accordance with section 28-3.1-210.

(15) "Officer" means a commissioned or warrant officer.

(16) "Officer candidate" means a cadet of the state officer candidate school.

(17) "President" means the member of the court highest in grade and rank.

(18) "Rank" means order of precedence among members of the state military forces.

(19) "State judge advocate general" means the judge advocate general of the state military forces, appointed pursuant to section 28-3.1-106, who is responsible for supervising the administration of military justice in the state military forces and performing such other legal duties as may be required by the adjutant general.

(20) "State military forces" means the National Guard of this state, as defined in section 28-3-101 (12), and any other militia or military forces organized under the laws of the state.

(21) "Superior commissioned officer" means a commissioned officer superior in rank of command.

4. Colorado Revised Statutes 28-3-104
Commander in Chief – Staff

28-3-104. Commander in chief - staff.

Statute text

The governor shall be the commander in chief of the military forces except so much thereof as may be in the actual service of the United States and may employ the same for the defense or relief of the state, the enforcement of its laws, the protection of life and property therein, and the implementation of the Emergency Management Assistance Compact; for service in a national special security event or in situations involving imminent danger of emergency or disaster; and for the training of the military forces for all appropriate state missions. He or she shall make and publish regulations not inconsistent with law and enforce the provisions of this article. He or she may appoint a staff, consisting of an adjutant general as chief of staff and such other officers as he or she deems necessary if all such officers are federally recognized officers in their respective ranks in the National Guard of the state.

5. Colorado Revised Statutes 28-3-904
Pay and Allowances

28-3-904. Pay and allowances.
Statute text

Every member of the military forces not salaried as such shall receive from the state, while engaged in any service ordered by the governor, pay and allowances at the rate paid or allowed by law to members of similar rank and length of service in the regular Army or regular Air Force of the United States, as the case may be, but no such member shall receive less than twenty dollars per day. Subject to available appropriations, after a member of the military forces has been engaged in service pursuant to this section for a period of more than thirty consecutive days, the member shall be eligible to enroll in any benefit plan created for employees of the state, including but not limited to state employee group benefits pursuant to part 6 of Article 50 of Title 24, C.R.S., and the public employees' retirement association created pursuant to Article 51 of Title 24, C.R.S.

6. Colorado Revised Statutes 24-32, Part 21
Office of Disaster Emergency Services

7. Colorado Revised Statutes Title 28, Article 3.1
Colorado Code of Military Justice

8. Colorado Revised Statutes 28-3-801
Disability and Death Benefits

9. Colorado Revised Statutes 28-3-602
Public Employees, Extended Military Leave

28-3-602. Public employees - extended military leave.
Statute text

If any such officer or employee is required by proper authority to continue in such military service beyond the time for which leave with pay is allowed, he or she is entitled to leave of absence from his or her public office or employment without pay for all such additional service with right of reinstatement thereafter upon the same conditions as provided in section 28-3-604 for reinstatement after active service in time of war or other emergency.

10. Colorado Revised Statutes 28-3-610 et seq.
Private Employees – Benefits Retained

28-3-610. Private employees - benefits retained.
Statute text

Such absence for military training will in no way affect the employee's right to receive normal vacation, sick leave, bonus, advancement, and other advantages of his or her employment normally to be anticipated in his or her particular position.

28-3-610.5. Private employees - state service - reemployment rights - benefits retained.
Statute text

(1) A private employee who is a duly qualified member of the Colorado National Guard who leaves or who is absent from his or her employment, regardless of the length of such absence, in order to engage in active service for state purposes pursuant to section 28-3-104:

(a) Is entitled to the reemployment rights for members described in section 28-3-609, so long as such member otherwise meets the requirements of section 28-3-609; and

(b) Retains his or her right to the employee benefits described in section 28-3-610.

28-3-611. Employer's noncompliance - actions.
Statute text

Any employer violating any of the provisions of this part 6 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars. In addition, the employee may bring an action at law for damages and reasonable attorney fees for such noncompliance or apply to the district court for such equitable relief and reasonable attorney fees as are just and proper under the circumstances.

28-3-612. Federal law - rights - applicability.
Statute text

Nothing in this article shall be construed as restricting or abrogating any right available to any officer or enlisted person of the military forces of the state under the federal "Uniformed Services Employment and Reemployment Rights Act", 38 U.S.C. sec. 4301 et seq.

11. Colorado Revised Statutes 28-3-501 et seq.
Non liability for Official Acts

28-3-501. Non-liability for official acts.
Statute text

The commanding officer of any of the military forces engaged in the suppression of an insurrection, the dispersion of a mob, or the enforcement of the laws shall exercise his or her discretion as to the propriety of firing upon or otherwise attacking any mob or other unlawful assembly; and, if he or she exercises his or her honest judgment thereon, he or she shall not be liable in either a civil or a criminal action for any act done while on such duty. No officer or enlisted person shall be held liable in either a civil or criminal action for any act done under lawful orders and in the performance of his or her duty.

28-3-502. Actions against military personnel - defense counsel.
Statute text

If a suit or proceeding is commenced in any court by any person against any officer of the military forces for any act done by such officer in his or her official capacity in the discharge of any duty under this article, or against any enlisted person acting under the authority or order of any such officer, or by virtue of any warrant issued by him or her pursuant to law, it is the duty of the governor, upon the recommendation of the attorney general, to appoint counsel to defend such person. The cost and expenses of any such defense shall be paid out of the military fund.

28-3-503. Actions against military personnel - cost bond.
Statute text

Any person bringing an action or proceeding against a military officer of the state for any act done in the course of his or her official duty or against any person acting under the order or authority of such officer shall give security for the costs, disbursements, and reasonable attorney fees incurred by the state or defendant in defending the same in the same manner and subject to the same regulations, so far as applicable, as in the case of a nonresident plaintiff, and, if the plaintiff fails to recover, such attorney fees may be taxed with the costs and disbursements and judgment therefore entered against him or her and his or her sureties on the bond.

12. Colorado Revised Statutes 28-3-1401
Colorado State Military Service Civil Relief Act

28-3-1401. Colorado State Military Service Civil Relief Act
Statute text

This part 14 shall be known and may be cited as the "Colorado State Military Service Civil Relief Act of 2002".

13. Colorado Revised Statutes 16-2.5-144
Colorado National Guardsman

16-2.5-144. Colorado National Guardsman
Statute text

A Colorado National Guardsman is a peace officer while acting under call of the governor in cases of emergency or civil disorder. His or her authority shall be limited to the period of call-up specified by the governor and shall be exercised only if the executive order of the governor calling the National Guard to state duty specifies that enforcement of the laws of the State of Colorado is a purpose for the call-up.

APPENDIX B

State Active Duty Synchronization Matrix (By Phase)

Element	Planning	Deployment	Employment	Redeployment	Reset
J-3	Identify SAD Event Provide Cost Estimate for SAD to Pgm Mgr Issue Warning Order	Task Units if Approved/Funded Provide SAD Approval Documents to J-1, DMVA	Monitor Fund Expenditure and Adjust Operations as needed	Monitor Final Reporting	Conduct AAR for SAD
J-1	Provide Reporting Format to Units (Annex C-H)	Provide Reporting Format to Units (Annex C-H)	Verify/Consolidate Admin & SAD (QC) Worksheets from Units Update CDR/J-3/J-8(USPFO) to Determine Expenditure Rate	Publish Individual Orders Provide SAD Payroll Packet to DMVA & J-3 ***(TAG Auth. Ltr, SAD PERSTAT, Ind. Orders, W-4?)***	Track State Payroll against SAD Worksheet
Unit	Receives Warning Order	Receives Tasking Order Alert Soldiers Complete Admin& SAD Worksheets Forward Admin & SAD Worksheets to J-1	Update Admin & SAD Worksheets IAW Reporting Timelines	Finalize Admin & SAD Worksheets IAW Reporting Timelines Send Final Reports to J-1	Report Individual Soldier SAD Discrepancies to J-1
USPFO/ J-8	Assist J-3 with Cost Estimate as needed. J-8 Determine Fund Site Data?	Monitor Fund Expenditure Rate (Burn Rate) Brief JTF CDR as needed	Monitor Fund Expenditure Rate (Burn Rate) Brief JTF CDR as needed	Pay Branch Completes Pay Data Sheet for each Soldier & Provides to J-1	Fix Discrepancies to ICW J-1
DMVA	Coordinate with Governs office for Executive Order		**Enters Personnel into State Personnel System Using Admin Sheet**	Enters Pay Data into State Payroll	State Cuts and Mails Checks to Soldiers Fix Discrepancies ICW J-1

APPENDIX C

UNIT INSTRUCTIONS FOR COMPLETING

PERSTAT ADMIN DATA SHEET

BLOCK ON FORM	REQUIRED ENTRY
Rank	Military Grade of Service member
NAME (Last, First MI)	Must be complete
SSN	Social Security Number of Service member
Unit	Military unit of assignment, regardless of SAD Performance
Marital Status	M - for Married S – for Single
# Dependents	Number of legal, documented dependents of service member
Check Mailing Address	*This is where the check will be sent* Ensure zip code and street address are complete, include Apt # etc.
Status	Enter normal pay category of individual, ADSW, AGR, Tech, M-Day
Support Status	What purpose was performed during SAD (mission, staff, training)
Birth Date	Month, date, year ire., 12/29/84 is December 29, 1984
Start Date	Date state active duty begins
End Date	Date state active duty ends
Total Days	Will always be at least 1 day
Unit Activation POC	Unit representative responsible for form completion. (Unit LNO)
Phone	Phone number where unit activation POC can be reached

APPENDIX D

RANK	NAME (LAST, FIRST, MI)	SSN	UNIT	MARITAL STATUS S/M	#DEP	CHECK MAILIANG ADDRESS (STREET ADDRESS/CITY/STATE/ZIP/ HOME PHONE	STATUS (M-DAY, AGR, TECH, ADSW)	SUPPORT STATUS STAFF OR MISSION SUPPORT	BIRTH DATE	START DATE	END DATE	TOTAL DAYS
SGT	Example, Lyle M.	123-45-6789	JFHQ-LC	M	2	123 Easy St. Aurora, Co 80112	ADSW	Staff	12/29/63	18-Mar-03	19-Mar-03	2
						Unit Activation POC:			Phone			
	1 certify that all the statements made on this form are true to the best of my knowledge and are made in good faith. _____											
	**Receipt required											

APPENDIX E

MILITARY PAY SECTION

INSTRUCTIONS FOR COMPLETING PERSTAT PAY DATA SHEET

Please note: There are only 4 required data entry fields. The remaining fields self populate.

Do Not manipulate the data fields. Only input the fields as requested below.

BLOCK ON FORM	REQUIRED ENTRY
$Daily Base Pay	Based on service members grade
$Daily Qtrs	BAH 1 rate for pay grade
$ Daily Subset dependents	Subsistence rate based on grade and
$Daily IP	All incentive pays authorized to service member based on current military qualifications and assignment (monthly rate divided by 30)

APPENDIX F

State Active Duty Pay Data sheet

NAME (FIRST, LAST MI)	$ DAILY BASE PAY	TOTAL HOURS	HOURLY	$ TOTAL BASE PAY	$DAILY QRTS	$ TOTAL QRTS	$DAILY SUBST	$ TOTAL SUBST	$DAILY IP	$ TOTAL IP	TOTAL QTR, SUB, IP	$ GRAND TOTAL	
Example, Lyle M.													
**Receipt Required													

APPENDIX G

INSTRUCTIONS FOR COMPLETING

STATE OF COLORADO TRAVEL EXPENSE FORM

BLOCK ON FORM	REQUIRED ENTRY
Department	Military and Veterans Affairs
Division or Agency	National Guard State Active Duty
Month Year	Date, month, year of duty performance (i.e., 18-20 March 2003)
Travel to Reporting	Only complete if distance is greater than 50 miles from residence location, otherwise, leave blank
Meals and Lodging	When authorized by the JOC
Miscellaneous Expense Total: $X.xx	If authorized, Displacement Allowance, ($5.00 x # days authorized) Cell phone calls (see attached sheet) $X.xx (dollar amount due) Attach phone bill with authorized calls highlighted
Payee Signature	Sign with payroll signature
Date	Date of submission
Social Security Number	Submitter's SSN
Payee Print	Print Name of Submitter
Mail Address	Address where check will be sent
Fiscal Officer	Signed by State Employee Only
Supervisor	Designated Unit/Event Commander
Approving Authority	JOC/J3 Representative

APPENDIX H

SAMPLE STATE OF COLORADO TRAVEL EXPENSE

DEPARTMENT	DIVISION OR AGENCY – OAA/OBA	MONTH YEAR
Military and Veterans Affairs	National Guard State Active Duty	April 2008

	TRAVEL				MILEAGE			MEALS and LODGING					
Date	FROM	TO	Time Depart	Time Arrival	No. Miles	Rate Per Mile	Total	Bkst.	Lunch	Dinner	Lodging	Total	Total Reimbur Items
8-Apr-08	Lamar	Pueblo	0800	1100	122	0.50	$56.12	Meals	Provide			$0.00	$56.12
11-Apr-08	Pueblo	Lamar	1700	1900	122	0.50	$56.12					$0.00	$56.12
						0.50	$0.00					$0.00	$0.00
12-Apr-08	Lamar	Denver	0700	1130	211	0.50	$97.06		$11.23	$17.80	$119.00	$148.03	$245.09
13-Apr-08	Revere	Den Armory	1000	1100	26	0.50	$11.96			$39.00		$39.00	$50.96
14-Apr-08	Revere	Lamar	1700	2200	211	0.50	$97.06	$7.23	$9.63	$11.56		$28.42	$125.48
						0.50	$0.00					$0.00	$0.00
						0.50	$0.00					$0.00	$0.00
						0.50	$0.00					$0.00	$0.00
						0.50	$0.00					$0.00	$0.00
						0.50	$0.00					$0.00	$0.00
TOTALS					718	0.50	$330.28	$7.23	$20.86	$68.36	$238.00	$334.45	$664.73

MISCELLANEOUS EXPENSE: Personal Cell Phone used for 11 calls (Invoice attached)	$9.32
PURPOSE OF TRIP: State Active Duty in Pueblo and Denver Meals and Lodging provided in Pueblo: no means or lodging in Denver; Per diem for 13-Apr-no	LESS TRAVEL ADVANCE
	TOTAL $674.05

PERSONS AND AGENCIES CONTACTED:

"1 certify that the statements in the above schedule are true and just in all respects: that payment of the amounts claimed herein has not and will not be reimbursed to me from any other source; that travel performed for which reimbursement is claimed was performed by me on State business and that no claims are included for expenses of a personal or political nature or for any other expenses not authorized by the Fiscal Rules; and that 1 actually incurred or paid the operating expenses of the motor vehicle for which reimbursement is claimed on a mileage bas s."

PAYEE SIGNATURE	DATE 15 Apr 2008	SOCIAL SECURITY NUMBER N/A
PAYEE PRINT	MAIL ADDRESS 74 1st Avenue	
Joseph E. Sixpack		

Reimbursement will by paid State warrant if not checked N/A **PLEASE PAY BY ELECTRONIC FUNDS TRANSFER**

RECOMMENDED FOR APPROVAL

FISCAL OFFICER	SUPERVISOR	APPROVING AUTHORITY

ACRONYM	FUND	AGENCY ID	ORG	APPR	PROGRAM	OBJ	-SUB	B/S	GBL	RPTG	PROJECT	AMOUNT
Shaded areas to be completed by the DMA Accounting Office											TOTAL	0.00

APPENDIX I

DEPARTMENTS OF THE ARMY AND AIR FORCE
STATE OF COLORADO
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
6848 S. REVERE PARKWAY
CENTENNIAL, CO 80112-6703

PERMANENT ORDERS J3-**3 digit Julian date-001** **DD MMM YYYY**

LAST, FIRST M., **SSN**, **RANK**, **UNIT, CITY, CO ZIP**

By order of the Governor, you are ordered into state active duty for training for the Adjutant General, State of Colorado, for the period indicated unless sooner relieved or extended by proper authority.

Authority: Executive Order D 007 06, Governor's Office of Colorado
Report Date: **DDMMMYY**
Period: **DDMMMYY- DDMMMYY**
Purpose: ANTI-TERRORISM PROGRAM MANAGER (Funding through Appendix 10, VTER, POC is LTC Harriman 720-250-1264)
Additional Instructions: Pending Available Funding
Scty cl: SEC
Format: 801

BY ORDER OF THE GOVERNOR:

\\\

JOINT FORCE HEADQUARTERS
STATE OF COLORADO
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
6848 S. REVERE PARKWAY
CENTENNIAL, CO 80112-6703

PERMANENT ORDERS J3-**3digit Julian date-001** **DD MMM YYYY**

LAST, FIRST MI, SSN, Rank, UNIT, CITY, CO ZIP

By order of the Governor, you are ordered into state active duty for training for the Adjutant General, State of Colorado, for the period indicated unless sooner relieved or extended by proper authority.

Authority: Executive Order D 024 07 dated 26 September 2007, Governor of the State of Colorado
Report Date: **DD Month YYYY**
Period: **20 Month YYYY– DD Month YYYY**
Purpose: Force protection Guards (Funding through Appendix 3, QPSM, POC Betty Blazer 720-250-1382)
Additional Instructions: Pending Available Funds
Scty Cl: SEC
Format: 801

BY ORDER OF THE GOVERNOR:

\\\

DEPARTMENTS OF THE ARMY AND AIR FORCE
STATE OF COLORADO
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
6848 S. REVERE PARKWAY
CENTENNIAL, CO 80112-6703

PERMANENT ORDERS J3-071-001 11 March 2008

LAST, FIRST M., **SSN**, **RANK**, **UNIT, CITY, CO ZIP**

By order of the Governor, you are ordered into state active duty for training for the Adjutant General, State of Colorado, for the period indicated unless sooner relieved or extended by proper authority.

Authority: Executive Order D 005 04, Governor's Office of Colorado
Report Date: **DDMMMYY**
Period: **DDMMMYY - DDMMYYY**
Purpose: CIAC Analysts (Funding through Grant, POC is LTC Harriman 720-250-1264)
Additional Instructions: Pending Available Funding
Scty cl: NO CLR
Format: 801

BY ORDER OF THE GOVERNOR:

\\\

DEPARTMENTS OF THE ARMY AND AIR FORCE
STATE OF COLORADO
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
6848 S. REVERE PARKWAY
CENTENNIAL, CO 80112-6703

PERMANENT ORDERS J3-219-01 6 AUGUST 2004

Doe, John 123-45-6789, SGT 140th LRS, BUCKLEY AFB, CO 80011

By order of the Governor, you are ordered into state active duty for training for the Adjutant General, State of Colorado, for the period indicated unless sooner relieved or extended by proper authority.

Authority: Executive Order D 005 04, Governor's Office of Colorado
Report Date: 7 August 2004
Period: 7 Aug 2004
Purpose: Strategic National Stockpile Exercise (Funding through State HSEEP. POC is Stuart Pike at 303-273-1827
Additional Instructions: None
Format: 801

BY ORDER OF THE GOVERNOR:

\\\

APPENDIX J

Questions and Answers on State Activation from Your JAG

1. Q. Some units and individuals from the Colorado Guard have been placed on "State active duty." What does this mean?

A. State activation is the process by which the Governor, as Commander in Chief of the Colorado National Guard, calls his troops to perform a mission within the State of Colorado. When this happens, those soldiers and airmen who are called fall under a different set of rules than when they perform their normal military duties.

2. Q. How can the Governor be Commander in Chief? Isn't the President the Commander in Chief of the military?

A. Recall that National Guard members wear "two hats" and perform two types of mission — federal and state. When performing federal missions, we are under the President of the United States as Commander in Chief. **When performing a State mission, the chain of command flows from the Governor, through The Adjutant General, and down through the units.**

3. Q. What laws apply to military members in Federal vs. State status?

A. In a federal activation, military members are called to duty under Title 10, United States Code. In a State activation, only State Guard members can be called, and they are governed by the laws of their state. **Colorado Guard members called to State Active duty are governed by Colorado Revised Statues, (CRS).**

4. Q. How do I know which laws apply to me?

A. **Your military orders specify the type of duty you are performing,** whether it is under Title 10 United States Code, (USC), Title 32, (USC), or State Active Duty. The type of orders you are on at any moment absolutely controls all legal and jurisdiction aspects of your status. Read your orders. They will determine which laws apply to you.

5. Q. How does state activation affect my military pay?

A. Colorado law provides that **members called to state duty receive exactly the same pay and pay benefit** entitlements that they would receive at the same rank and number of years that they would receive if in the active Army or regular Air Force.

6. Q. What happens to members who are injured on state active duty?

A. Colorado Law (CRS 28-3-801), provides that members on **state active duty who are disabled or die as a result of state active duty are entitled to worker's compensation benefits under the State Worker's Compensation Act,** unless similar benefits are payable under federal law. **Activated members are reminded to immediately report all accidents, injuries and incidents through chain of command.**

7. Q. Who pays for property damage accidentally caused by military members in state active duty?

A. It depends, but where the Federal Tort Claims Act provides payment for property damage which occurs as a result of certain types of accidents which are caused by military members in federal duty status, the State of Colorado has a risk management office which reviews claims occurring while in state status. The allowable types of claims and amounts payable are determined by state law.

8. Q. How should soldiers and airmen answer questions from the news media?

A. Soldiers and airmen in uniform who answer media questions may be mistakenly believed to be official spokespeople, even when they are merely expressing personal views. For this reason, news media questions should be referred to the Public Affairs Office, at State Headquarters. This office has professionals who are hired as the official military spokespeople for the Colorado National Guard. They keep up with the latest information and disseminate frequent news releases, describing our various activities.

9. Q. What is the Soldiers and Sailors Civil Relief Act, (SSCRA), and does it apply to State activation?

A. The SSCRA is a federal law that provides rights and protections to certain military members who are called to duty under Title 10 USC. The protections include a stay on civil court actions including foreclosures and reduction in interest rates to 6% simple interest. **The SSCRA absolutely does not apply to state activation.**

10. Q. What is the Uniformed Service members Employment and Re-employment Rights Act, (USERRA), and does it apply to State activation?

A. Similar to the SSCRA, USERRA is a federal law that provides rights and protections to certain military members who are called to duty under Title 10 USC. The protections include the right to be reinstated at their civilian job in a same or similar position following activation. **Although USERRA does not apply to state activation, the laws of Colorado extend similar protections to military members called to state activation under CRS 28-3-610.**

11. **Q.** What is *posse comitatus,* and how does it apply to State activation?

A. *Posse Comitatus* is a Latin phrase roughly translated as "the power of the country." It refers to 18 USC 1385, and it basically says that the Army and Air Force cannot be used to directly enforce domestic law within the United States. Courts have long held that ***Posse Comitatus does not apply to state activation.*** The reason for this is simple. The "Army and Air Force" as used in the statute, are those military members acting under Title 10 USC. There are many reasons why State activation can never be under Title 10, the most obvious being that the Governor of a State has no authority to call troops into federal service. (Incidentally, the only real exception to the restriction of *posse comitatus* would be if the President of the United States declared "martial law," and this would allow federal troops to enforce domestic law within our country.)

12. Q. What is the UCMJ, and how does it apply to State activation?

A. The Uniform Code of Military Justice, (UCMJ), is the Court Martial authority for all federal troops under Title 10 orders. **The UCMJ absolutely does not apply to state activation; however, Colorado Statues provide an equivalent Court Martial authority for military members called to state duty.**

13. Q. What are Rules of Engagement, and how do they apply to State activation?

A. The term "Rules of Engagement," (ROE), loosely refers to any set of rules or standards which apply to military troops called to perform a mission. They can include such things as the Laws of War, Status of Forces agreements, Articles from the Geneva Convention, international treaties, Federal Law, State Law, etc. Rules of Engagement are specifically drafted to establish what military troops are authorized and not authorized to do when encountering combatants, noncombatants and others in performance of a specific mission. The rules cover such things as when and how to engage, when and how to disengage, Use of Force, Use of Deadly Force, and similar topics. **Rules of Engagement for State activation are specifically drafted to meet the specific state.**

APPENDIX K

National Guard Duty Status Comparison			
Authority	CO Constitution	Title 32 USC	Constitution
	CO Revised Statutes	CO Constitution	Title 10 USC
		CO Revised Statutes	
Command and Control	Governor	Governor	President
Mission Tasking	Governor (DEM)	Governor (DEM)	
Who Performs	CONG	CONG	CONG
Missions	Disasters/Emergencies	IDT, AT, State AGR and	ODT, ADT, AGR and other
	Protection Life or Property	Other Federally Recognized	As Assigned
	Enforcement of Laws		
	Defense of State		
	Training for CO Missions		
	EMAC		
Where	Colorado	Colorado	Worldwide
Pay	CO Statutes	Federal Pay & Allow	Federal Pay & Allow
Federal Reimbursement	Maybe	Federal Funds	Federal Funds
Tort Immunity	Limited	Fed Tort Claims Act	Fed Tort Claims Act
Posse Comitatus	N/A	N/A	Applies
Reemployment	Colorado	USERRA	USERRA
Civil Relief	CO SMSCRA	SSCRA	SSCRA
Discipline	CO Code Mil Justice	CO Code Mil Justice	Uniform Code Mil Justice
Federal Retirement Pts	No	Yes	Yes
Medical	Workers Comp	Federal	Federal
Disability	Yes	Federal	Federal
Other Benefits	Limited	Federal	Federal
	Changes after 30 days		
Invol Order to Duty	Yes	Yes	Yes
Vol Order to Duty	Yes	Yes	Yes
VA Benefits Accrual	No	No	Yes
Abbr:			
EMAC = Emergency Management Assistance Compact			
USERRA = Uniformed Service Employment and Reemployment Rights Act			
SSCRA = Soldiers and Sailors Civil Relief Act			
CO SMSCRA = Colorado State Military Service Civil Relief Act: CRS 28-3-1401			
DEM = Division of Emergency Management			

APPENDIX L

REQUEST AND AUTHORITY FOR LEAVE

This form is subject to the Privacy Act of 1974. For use of this form, see AR 600-8-10. The proponent agency is ODCSPER. *(See instructions on reverse.)*

1. CONTROL NUMBER

PART I

2. NAME *(Last, First, Middle Initial)*	3. SSN	4. RANK	5. DATE

6. LEAVE ADDRESS *(Street, City, State, ZIP Code and Phone No.)*	7. TYPE OF LEAVE ☐ ORDINARY ☐ EMERGENCY ☐ PERMISSIVE TDY ☐ OTHER	8. ORGN, STATION, AND PHONE NO.

9. NUMBER DAYS LEAVE				10. DATES	
a. ACCRUED	b. REQUESTED	c. ADVANCED	d. EXCESS	a. FROM	b. TO

11. SIGNATURE OF REQUESTOR	12. SUPERVISOR RECOMMENDATION/SIGNATURE ☐ APPROVAL ☐ DISAPPROVAL	13. SIGNATURE AND TITLE OF APPROVING AUTHORITY

14. DEPARTURE		
a. DATE	b. TIME	c. NAME/TITLE/SIGNATURE OF DEPARTURE AUTHORITY

15. EXTENSION		
a. NUMBER DAYS	b. DATE APPROVED	c. NAME/TITLE/SIGNATURE OF APPROVAL AUTHORITY

16. RETURN		
a. DATE	b. TIME	c. NAME/TITLE/SIGNATURE OF RETURN AUTHORITY

17. REMARKS

Chargeable leave is from _____ to _____

PART II - EMERGENCY LEAVE TRANSPORTATION AND TRAVEL

18. You are authorized to proceed on official travel in connection with emergency leave and upon completion of your leave and travel will return to home station *(or location)* designated by military orders. You are directed to report to the Aerial Port of Embarkation *(APOE)* for onward movement to the authorized international airport designated in your travel documents. All additional travel is chargeable to leave. Do not depart the installation without reservations or tickets for authorized space required transportation. File a no-pay travel voucher with a copy of your travel documents or boarding pass within 5 working days after your return. Submit request for leave extension to your commander. The American Red Cross can assist you in notifying your commander of your request for extension of leave.

19. INSTRUCTIONS FOR SCHEDULING RETURN TRANSPORTATION:

For return military travel reservations in CONUS call the MAC Passenger Reservation Center *(PRC)*:

Should you require other assistance call PAP:

20. DEPARTED UNIT	21. ARRIVED APOD	22. ARRIVED APOE *(return only)*	23. ARRIVED HOME UNIT

24. **PART III - DEPENDENT TRAVEL AUTHORIZATION**

25. ☐ *(Space available or required cash reimbursable)* ☐ ONE WAY ☐ ROUND TRIP

☐ *(Space required)* TRANSPORTATION AUTHORIZED FOR DEPENDENTS LISTED IN BLOCK NO. 25

DEPENDENT INFORMATION

a. DEPENDENTS *(Last name, First, MI)*	b. RELATIONSHIP	c. DATES OF BIRTH *(Children)*	d. PASSPORT NUMBER

PART IV - AUTHENTICATION FOR TRAVEL AUTHORIZATION

26. DESIGNATION AND LOCATION OF HEADQUARTERS	27. ACCOUNTING CITATION

28. DATE ISSUED	29. TRAVEL ORDER NUMBER	30. ORDER AUTHORIZING OFFICIAL *(Title and signature)* OR AUTHENTICATION

DA FORM 31, SEP 93 EDITION OF 1 AUG 75 IS OBSOLETE ORIGINAL 1 USAPPC V4.00

APPENDIX M

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division

OMB Control Number 1215-0181
Expires: XX/XX/XXX

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertification's, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title:_____ Regular work schedule:_____

Employee's essential job functions: _____

_____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address:_____

Type of practice / Medical specialty:_____

Telephone: (_____)_____ Fax:(_____)_____

 CONTINUED ON NEXT PAGE

PART A: MEDICAL FACTS

1. Approximate date condition commenced:_____

Probable duration of condition:_____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
____No ____Yes. If so, dates of admission:

_____

Date(s) you treated the patient for condition:

_____

Will the patient need to have treatment visits at least twice per year due to the condition? ____No ____Yes.

Was medication, other than over-the-counter medication, prescribed? ____No ____Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
____No ____Yes. If so, state the nature of such treatments and expected duration of treatment:

_____

2. Is the medical condition pregnancy? ____No ____Yes. If so, expected delivery date:_____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

   Is the employee unable to perform any of his/her job functions due to the condition: ____No ____Yes.

   If so, identify the job functions the employee is unable to perform:

   _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____

   _____

   _____

   _____

   _____

   _____

   _____

 CONTINUED ON NEXT PAGE

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ____No ____Yes.

   If so, estimate the beginning and ending dates for the period of incapacity:_____.

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ____No ____Yes.

   If so, are the treatments or the reduced number of hours of work medically necessary?
   ____No ____Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____hour(s) per day;_____days per week from_____through_____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ____No ____Yes.

   Is it medically necessary for the employee to be absent from work during the flare-ups?____
   No ____Yes. If so, explain:

   _____

   _____

   Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

   Frequency: _____times per _____ week(s) _____ month(s)

   Duration: _____hours or _____day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER

_____

_____

_____

_____

_____

_____

 CONTINUED ON NEXT PAGE

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

APPENDIX N

EVALUATION REPORT	PRIVACY ACT STATEMENT APPLIES

PART I – ADMINISTRATIVE DATA

a. NAME (Last, First, Middle Initial)	b. SSN	c. RANK	d. DATE OF RANK	e. PMOS/C

f. UNIT, ORG., STATION, ZIP CODE OR APO, MAJOR COMMAND	g. REASON FOR SUBMISSION

g. PERIOD COVERED FROM	THRU	j. RATED MONTHS	k. NON-RATED CODES	l. # OF ENCL	m. RATED NCO CO'Y (Check one and date)		n. PSB INITIAL	o. CMB CODE	p. PSB CODE
YYYY MM	YYYY MM				1. Given to E1-E4	Date			
					2. Given to E5-E9				

The Privacy Act of 1974, 5 USC 552a, provides protection to individuals by ensuring that personal information collected by Federal agencies is limited to that which is legally authorized and necessary and is maintained in a manner which precludes unwarranted intrusions upon individual privacy.

PART II – AUTHENTICATION

a. NAME OF RATER (Last, First, MI)	SSN	SIGNATURE

b. NAME OF REVIEWER (Last, First, Middle Initial)	SIGNATURE	DATE

PART III – DUTY DESCRIPTION *(Rater)*

a. PRINCIPAL DUTY TITLE

c. DAILY DUTIES AND SCOPE *(To include, as appropriate, people, equipment, facilities and dollars)*

d. AREAS OF SPECIAL EMPHASIS

e. APPOINTED DUTIES

f. COUNSELING DATES

	INITIAL	LATER	LATER	LATER

PART IV – VALUES/ATTRIBUTES/SKILLS/ACTIONS *(Rater)*

a. VALUES. Check either "YES" or "NO". *Comments are mandatory for "No" entries; optional for "Yes" entries.*	YES	NO
1. LOYALTY: Bears true faith and allegiance to the U.S. Constitutions, the Army, the unit, and other soldiers		
2. DUTY: Fulfills their obligations.		
3. RESPECT/EO/EEO: Treats people as they should be treated.		
4. SELFLESS-SERVICE: Puts the welfare of the nation, the Army, and subordinates before their own.		
5. HONOR: Lives up to all the Army values.		
6. INTEGRITY: Does what is right – legally and morally.		
7. PERSONAL COURAGE: Faces fear, danger, or adversity (physical and moral).		

Bullet comments

Force Protection Evaluation, OCT 2010

RATED NCO'S NAME (Last, First, Middle Initial)	SSN	THRU DATE

PART IV (Rater) – VALUES/NCO RESPONSIBILITIES	Specific Bullet examples of "EXCELLENCE" or "NEEDS IMPROVEMENT" are mandatory. Specific Bullet examples of "SUCCESS" are optional.
b. COMPETENCE o Duty proficiency; MOS competency o Technical & Tactical; knowledge, skills, and abilities o Sound judgment o Seeking self-improvement; always learning o Accomplishing tasks to the fullest capacity; committed to excellence EXCELLENCE (Exceeds std) ☐ SUCCESS (Meets std) ☐ NEEDS IMPROVEMENT (Some) ☐ (Much) ☐	
c. PHYSICAL FITNESS & MILITARY BEARING o Mental and physical toughness o Endurance and stamina to go the distance o Displaying confidence and enthusiasm; looks like a soldier EXCELLENCE (Exceeds std) ☐ SUCCESS (Meets std) ☐ NEEDS IMPROVEMENT (Some) ☐ (Much) ☐	
d. LEADERSHIP o Mission first o Genuine concern for soldiers o Instilling the spirit to achieve and win o Setting the example; Be, Know, Do EXCELLENCE (Exceeds std) ☐ SUCCESS (Meets std) ☐ NEEDS IMPROVEMENT (Some) ☐ (Much) ☐	
e. TRAINING o Individual and team o Mission focused; performance oriented o Teaching soldiers how; common tasks, duty-related skills o Sharing knowledge and experience to fight, survive and win EXCELLENCE (Exceeds std) ☐ SUCCESS (Meets std) ☐ NEEDS IMPROVEMENT (Some) ☐ (Much) ☐	
f. RESPONSIBILITY & ACCOUNTABILITY o Care and maintenance of equipment/facilities o Soldier and equipment safety o Conservation of supplies and funds o Encouraging Soldiers to learn and grow o Responsible for good, bad, right & wrong EXCELLENCE (Exceeds std) ☐ SUCCESS (Meets std) ☐ NEEDS IMPROVEMENT (Some) ☐ (Much) ☐	

PART V – OVERALL PERFORMANCE AND POTENTIAL	
a. RATER. Overall potential for promotion and/or service in this position of greater responsibility. AMONG THE BEST ☐ FULLY CAPABLE ☐ MARGINAL ☐	e. RATER BULLET COMMENTS

Force Protection Evaluation, OCT 2010

APPENDIX O

CENTENNIAL PAYROLL CARDS

J.F.H.Q / J3/Force Protection

PP #

EMPLOYEE ID	BLK/GRP	ACT UIC	DIST	EMPLOYEE NAME	PLT	PAY PERIOD	SEQ NO
						-	
STD JON:				0700-1730	HRS WORKED: 80.0	EXT:	

	AWS	1 SUN	2 MON	3 TUE	4 WED	5 THUR	6 FRI	7 SAT	8 SUN	9 MON	10 TUE	11 WED	12 THU	13 FRI	14 SAT
TOUR				RG	RG	RG	RG				RG	RG	RG	RG	
TYP/SF1				10 00	10 00	10 00	10 00				10 00	10 00	10 00	10 00	
GRADED ND															

WEEK	DAY	TYPE HOUR	HOURS	JOB ORDER NUMBER	ENV HAZ	LST HR	TMP SFT	NIGHT DIFF	START TIME	END TIME	INIT

REG		OT		COMP		HOL		SUN		2ND		3RD		ND		E/H		LV		NP/LV	

CERTIFICATION: ATTENDANCE AND ABSENCES CERTIFIED CORRECT. OVERTIME APPROVED IN ACCORDANCE WITH EXISTING LAWS AND REGULATIONS FOR NON EXEMPT FLSA. I DID NOT SUFFER OR PERMIT ANY OVERTIME WORK OTHER THAN AS REPORTED FOR THIS PAY PERIOD.

MEMBERS SIGNATURE

PROGRAM MANAGER

APPENDIX P

Glossary of Terms

AGR: Active Guard Reserve (Full time members of the National Guard)
ADSW: Active Duty Special Work
BAH: Basic Allowance for Housing
DEM: Division of Emergency Management, a Division of the Department of Local Affairs
DMVA: Department of Military and Veterans Affairs
EOC: Emergency Operations Center (Used to refer to State EOC located at DEM)
J1: Personnel
J2: Intelligence
J3: Operations
J4: Logistics
J5: Plans
J6: Communications
J7: Exercises
J8: Budget

JOC: Joint Operations Center
MRE: Meal Ready to Eat
MROE: Military Rules of Engagement
MUTA: Multiple Unit Training Assembly (Multiple UTAs joined to form a Weekend Drill)
POL: Petroleum, Oils and Lubricants
Quarters: Domicile
USPFO: United States Property and Fiscal Office
UTA: Unit Training Assembly (Weekend Drill—4 hour period)
SAD: State Active Duty An operational and personnel status in which the members of the National Guard are under the command of the Governor and are being paid with State funds through DMVA