



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1-TCP
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NATIONAL GUARD TECHNICIAN AND CIVILIAN PERSONNEL VOLUNTARY AND NON-DISCIPLINARY ACTIONS PROGRAM

References: See Enclosure D.

1. Purpose.

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction is to establish policy and assign responsibilities for the National Guard (NG) Technician and Civilian Personnel Policy Division (NGB-J1-TCP) in accordance with (IAW) references a through d.

b. Volume. This volume provides policy and assigns responsibilities for voluntary and non-disciplinary actions for NG employees in accordance IAW references e through g.

2. Cancellation. This volume cancels and replaces its previous edition, Chief of the National Guard Bureau (CNGB) Instruction 1400.25, Volume 715, 29 June 2020, "Voluntary and Non-Disciplinary Actions Program."

3. Applicability. This volume:

a. Applies to the NG of the 54 States, Territories, and District of Columbia, hereafter referred to collectively as "States," and to all NG employees. The term "NG employees" throughout this volume is defined IAW references a, b, and c as Title 32 Military Technician (Dual Status) excepted Service employees and Title 5 NG excepted or competitive Service employees within the States.

b. Does not apply to the civilian employees of the Office of the Chief of the National Guard Bureau, National Guard Bureau Joint Staff, Air National Guard Directorate, Army National Guard Directorate, and Directorate of Space Operations.

4. Policy. It is NG policy to provide due process IAW merit systems principles for affected NG employees under this volume. Merit system principles call for holding Federal employees accountable for performance and conduct.

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5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This volume has been substantially revised.
8. Releasability. This volume is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.
9. Effective Date. This volume is effective upon publication and must be revised, reissued, canceled, or certified as current every five years.



ERICK LITTLE
Major General, USA
Director, Manpower and Personnel
National Guard Bureau

Enclosures:

- A -- Responsibilities
- B -- Staff Functions
- C -- Voluntary and Non-Disciplinary Actions
- D -- References
- GL -- Glossary

ENCLOSURE A
RESPONSIBILITIES

1. Manpower and Personnel Directorate (NGB-J1). NGB-J1 will provide the CNGB with oversight of NG human resource technician and civilian employee program development, staffing, and execution of policies, plans, and programs concerning employment.
2. NGB-J1-TCP. NGB-J1-TCP will develop, coordinate, and maintain procedures for voluntary and non-disciplinary actions for NG Technician and Civilian Personnel.
3. The Adjutants General (TAGs) and the Commanding General of the District of Columbia (CG). TAGs and the CG will:
 - a. Establish procedures to ensure due process for affected employees under this regulation.
 - b. Ensure all recommended personnel actions meet statutory, regulatory, and DoD policy guidance. TAG or the CG may delegate responsibility for approving personnel actions to an appropriate official within the NG, including the Human Resource Officer (HRO).
 - c. Advise employees of the right to file an appeal to the Merit Systems Protection Board (MSPB) or to file a grievance.
 - d. Be considered the head of the agency in any administrative action.

ENCLOSURE B

STAFF FUNCTIONS

1. Explanation of Staff Functions. Positions identified below are appointed and administered by TAG or CG. It is understood that TAG and CG maintain authority to assign work to their staff. Therefore, the personnel chosen for the assignment of these functions may be determined by TAG or CG. The below indicate suggested assignments.

2. Human Resources Officer (HRO). HROs:

a. Ensure State programs comply with applicable law, this volume, and negotiated collective bargaining agreements.

b. Facilitate negotiations with local labor organizations regarding supplementary procedures (within the context of procedures and appropriate arrangements) not in conflict with this volume for bargaining unit employees. Inherent military matters are not negotiable.

c. Prepare and issue written furlough notices.

3. Employee Relations Specialists and Labor Relations Specialists. Employee Relations and Labor Relations Specialists:

a. Administer voluntary and non-disciplinary action programs for the HRO and TAG in coordination with the Judge Advocate General (JAG) or servicing legal office where appropriate and IAW local guidance.

b. Prepare and implement local guidance regarding this volume.

c. Provide advice, assistance, and training to commanders, managers, and supervisors on the effective use of and participation in the program.

d. Monitor compliance with law, applicable Code of Federal Regulations (CFR) provisions, other CNGB Instructions, this volume, and all local directives and policies of TAG.

e. Represent or advise TAG (or his or her representative) in cases regarding employee and or labor relations.

f. Notify the exclusive representative (labor organization) of the bargaining unit for appropriate bargaining when new regulations, policies, and local directives that substantially impact working conditions are proposed for implementation. When a change is in conflict with a negotiated collective bargaining agreement, the agreement prevails unless the change is necessary to comply with a statutory change or in order

for management to take necessary actions to carry out its mission in emergency situations.

4. Managers and Supervisors. Managers and supervisors ensure actions taken or proposed on behalf of TAG or CG comply with law, applicable CFR provisions, other CNGB Instructions, this volume, all local directives and policies of TAG or CG, and the collective bargaining agreement, if required. When in doubt consult the Human Resources Office and/or JAG.

ENCLOSURE C

VOLUNTARY AND NON-DISCIPLINARY ACTIONS

1. Resignation. NG employees are free to resign at any time, set the effective date of their resignation, and to have their reason(s) for resigning entered in their official records. Management may ask for a reasonable period of notice to allow for a replacement or work adjustment, but may not set an earlier or later date than the date selected by the employee. Employees should complete a Standard Form (SF) 52, "Request for Personnel Action," which can be provided by the Human Resources Office, through their supervisor, or submit a written and signed resignation request that includes the effective date of resignation and the reason(s) for resigning. If it is not possible for the employee to submit a written resignation, the individual who received the resignation should prepare a memorandum for record to document the request, including the reason(s) for the resignation, the effective date, and the names of any witnesses.

a. Withdrawal of Resignation. Management should normally permit an employee to withdraw a resignation at any time before it becomes effective. Management may decline a request to withdraw a resignation only when it has a valid reason and explains that reason to the employee. Valid reasons may include, but are not limited to, administrative or military disruption and the hiring or commitment to hire a replacement. Avoidance of adverse action proceedings is not a valid reason to decline a request to withdraw a resignation. If an employee's request to withdraw their resignation is denied, management must provide a written explanation of its decision and advise the employee of his or her right to request an appellate review or administrative hearing. (See reference h for a description of both appeal processes.)

b. Involuntary Resignation. If an employee alleges his or her resignation is involuntary; also known as a constructive discharge, the allegation must be reported to the appropriate Human Resources representative. An involuntary resignation filed in a timely manner may be appealed to the MSPB. IAW reference i, once on notice of the alleged involuntary nature of the resignation, the Human Resources representative will inform the employee that he or she may appeal an involuntary resignation to the MSPB no later than 30 days after the date of receipt of resignation or the effective date of resignation, whichever is later. If the employee does not submit an appeal within this time limit, the appeal will be dismissed as untimely unless a good reason for the delay is shown. The MSPB judge provides an opportunity to show why the appeal should not be dismissed as untimely.

(1) If the appellant alleges involuntary resignation, the appropriate Human Resources Office will generally advise the employee whether complaints of involuntary resignation are excluded from the grievance procedure. For example, employees from one bargaining unit may be able to grieve an action under their negotiated grievance procedure while a different bargaining unit within the same State NG may not due to differing language in their agreement. Because of the varying statuses of NG

employment, different types of employees may have different appellate rights available to them within the same State. Similarly, the nature of the allegations may also afford an appellant different rights. Employees are strongly encouraged to seek guidance prior to selecting a forum for appeal.

(2) If the grievance procedure is available, the HRO will advise the employee that:

(a) The complaint may, at the discretion of the employee, be raised either under the grievance procedure or by appeal to the MSPB, but not both.

(b) The employee shall be deemed to have exercised this option at such time as the employee files a timely appeal to the MSPB or a timely written grievance, whichever occurs first.

(c) Filing a grievance will not extend the time limit for filing an appeal with the MSPB.

(d) If a timely written grievance is filed first, the employee may seek MSPB review of the final grievance decision only if the employee claims the involuntary resignation also was due to prohibited discrimination.

(3) Reference h provides guidance on information that must be provided to an employee whose action is subject to MSPB review.

2. Change to Lower Grade. Employees may voluntarily request a change to a lower grade at any time. The request must be in writing, stating the grade desired and the facts and reasons on which the request is based (which can be for personal reasons). The request may be granted if management has need for performance of lower-graded duties within the employee's ability and if arrangement for performance of the employee's higher-graded duties can be made without substantial disruption. The request may be withdrawn at any time before it becomes effective.

a. NG employees who allege that the change to lower grade was involuntary must be provided information on how to appeal that change to the MSPB. Reference h provides information on what must be provided to the employees.

b. If an employee alleges that his or her change to lower grade is involuntary (other than in the context of an agency-initiated adverse action), the allegation must be reported to the HRO. An employee may appeal to the MSPB a change to lower grade claimed by management to be voluntary, but claimed by the employee to be involuntary. As required IAW reference i, the HRO informs the employee that:

(1) He or she may appeal an involuntary change to lower grade to the MSPB not later than 30 days after the effective date of the change or the employee's receipt of the agency decision implementing the change, whichever is later.

(2) If the employee does not submit an appeal within this time limit it may be dismissed as untimely unless a good reason for the delay is shown. An opportunity must be provided to show why the appeal should not be dismissed as untimely. However, the MSPB's jurisdiction is not plenary; it is limited to matters over which it has been given jurisdiction by law, rule, or regulation. When the notice of decision or other documentation contains information indicating that the appellant could appeal a matter to the MSPB, erroneous advice does not serve to confer MSPB jurisdiction upon the MSPB where it does not otherwise exist. Therefore, HROs should provide broad notice of MSPB appeal rights and contest jurisdiction later with the assistance of the JAG.

c. If the employee is covered by a negotiated grievance procedure, the HRO will advise the employee whether a complaint claiming involuntary change to lower grade is excluded from the grievance procedure and, if not, the time period for filing a grievance.

(1) If a negotiated grievance procedure is available for employees and the action is subject to appeal to the MSPB, the HRO should advise the employee that:

(a) The complaint may, at the discretion of the employee, be raised either under the grievance procedure or by appeal to the MSPB but not both.

(b) The employee shall be deemed to have exercised this option at such time as the employee files a timely appeal to the MSPB or a timely written grievance, whichever occurs first.

(c) Filing a grievance will not extend the time limit for filing an appeal with the MSPB.

(d) If a timely written grievance is filed first, the employee may seek MSPB review of the final grievance decision only if the employee claims that the involuntary change was due to prohibited discrimination. The fact that an agency improperly advises an employee of a right of appeal to the MSPB or through the negotiated grievance procedure, which does not, in fact, exist, is insufficient to confer jurisdiction on the Board, an arbitrator, or the Federal Labor Relations Authority. This is true even when the appellate provision is incorporated into a collective bargaining agreement. While the lack of subject matter jurisdiction is never waived, the HRO in conjunction with the JAG should do its best to raise these jurisdictional issues early.

(2) Information about notification requirements regarding rights to appeal to the MSPB can be found in reference h.

d. When a request for a voluntary change to lower grade in lieu of an adverse action is withdrawn, the adverse action will resume. All time periods that were stayed or delayed because of the request for change to lower grade will resume at the point when the request for a voluntary downgrade is withdrawn.

3. Retirement. An employee who is eligible to retire is free to retire at any time and to set the effective date of his or her retirement. The Human Resources Office (normally the Employee Relations Specialist) explains alternatives when an employee qualifies for

more than one type of retirement by providing rights and benefits information. The employee is entitled to apply for the retirement option he or she prefers, unless excluded under section 8456(a)(3) of reference j. The choice may depend on the employee's interest in subsequent Federal reemployment. Use retirement application Standard Form SF 2801, "Application for Immediate Retirement (Civil Service Retirement System)," or Standard Form SF 3107, "Application for Immediate Retirement (Federal Employees Retirement System)," as required.

a. Withdrawal of a Retirement Application. Employees have the right to withdraw an application for retirement before it becomes effective. All requests to withdraw an application for retirement must be in writing, signed, and dated. If an employee's withdrawal request is denied, management must provide a written explanation of its decision and advise the employee of his or her right to an appellate review or an administrative hearing under the terms of an applicable negotiated grievance procedure. Management must establish the validity of its reasons for denying the withdrawal. Management may deny the withdrawal request before its effective date only for legitimate reasons, including, but not limited to, administrative or military disruption, the hiring of a replacement, or a valid commitment to hire a replacement. Avoidance of an adverse action proceeding is not a legitimate reason to deny the withdrawal. Management must communicate the denial and the reasons for the denial to the employee.

b. Retirement Instead of Adverse Action. An employee who has received a written notice of a proposed action and is immediately eligible to retire, may voluntarily retire in lieu of an adverse action. This may require annotation of an action in lieu of involuntary action.

c. Involuntary Retirement. An employee may appeal an involuntary retirement to the MSPB. If an employee alleges that his or her retirement is involuntary, the allegation must be reported to the HRO. IAW reference i, the HRO will inform the employee that he or she may appeal the involuntary retirement to the MSPB no later than 30 days after the effective date of the action, whichever is later. If the employee is covered by a negotiated grievance procedure, the HRO will advise the employee that a grievance concerning retirement is excluded from the procedure. The HRO will provide to the employee the address of the appropriate MSPB office where an appeal should be filed; a copy, or access to a copy, of the MSPB's regulations; and a copy of the MSPB appeal form available at reference k.

4. Abandonment of Position. An employee may be removed for abandonment of position if he or she fails to report to work within a reasonable time (usually 10 calendar days). The agency must:

a. Immediately put the employee into an "absent without leave" (AWOL) status when they are absent and the agency does not know the cause of the absence. It is administratively easy to change AWOL to approved leave, but very difficult to do the opposite.

b. Take steps to contact the employee. Call the employee if the employee's number is known to the supervisor, and send a certified return receipt letter to the last known address notifying the employee that he or she is being coded AWOL and that disciplinary actions may be taken. AWOL in these circumstances may be processed as an adverse action or as Abandonment of Position. The facts and circumstances in conjunction with advice from the HRO and JAG will usually guide management to the best course of action.

c. If an NG employee is absent without leave being approved, it is appropriate that the time be recorded as AWOL. This can later be changed to an approved leave category if the approving authority determines that extenuating circumstances are such that the absence is improperly charged as AWOL. Although AWOL is initially a simple pay code, it may also be charged as an offense for purposes of discipline or adverse action IAW reference h. This offense includes leaving the workstation without permission. If charged as misconduct, the penalty depends on the length and frequency of absences, as well as any mitigating or aggravating factors. Removal may be appropriate for a first or second offense if the absence is prolonged or there are aggravating factors.

d. If the absence is processed as abandonment of position, a supervisor in the employee's supervisory chain will send a proposed action memorandum, "Removal for Abandonment of Position," by certified mail to the employee's last known address.

e. The deciding official may make a final agency decision on the charge of "Abandonment of Position" if no reply is received within 10 calendar days. The deciding official will send the final agency decision memorandum IAW reference h by certified mail to the employee's last known address.

f. If the determination is to process as absent without leave then the action will be processed IAW reference h.

5. Failure to Meet a Condition of Employment (General). Failure to maintain duty or position qualifications such as flying status, a government driver's license, current qualifications as an aircrew member, physical standards required for an aircrew member, revocation of authorization to carry a firearm, or security clearance or any other bona-fide, documented condition of employment, may result in separation. Although conditions leading to these failures may result in their own disciplinary actions, separations under these conditions are not considered disciplinary. When an employee fails to maintain conditions of employment various options may be considered:

a. Reassignment. If another position is readily available at the employee's current grade and pay, that does not require that particular condition of employment and for which the employee is qualified, reassignment to that position should be considered.

b. Reassignment to a Lower Grade. If another position is available at a lower grade or pay, for which the employee is qualified, management may offer reassignment to the

employee if involuntary change to lower grade is proposed, the action is subject to appropriate procedures IAW reference h.

c. Removal. If another position of like grade and pay is not available, or if the employee does not voluntarily request and receive an appointment to another position of lower grade or pay, removal must be proposed. If removal is proposed, the action is subject to appropriate procedures outlined IAW reference h.

6. Failure to Meet a Condition of Employment (Military Technician (Dual Status)). When management becomes aware that a Military Technician (Dual Status) may be considering taking a military position that is incompatible with the military grade required for the civilian position, management should inform the employee that the choice may result in their removal from civilian employment.

a. A Military Technician (Dual Status) who is separated from the NG or ceases to hold the military grade specified by the Service Secretary with jurisdiction over his or her military position will be promptly separated from Military Technician (Dual Status) employment by TAG or CG of the State concerned (see reference b). Military Technician (Dual Status) employees who fail to maintain military membership must be promptly removed from civilian employment, subject to a 30-day notice, and are not subject to the due-process procedures outlined IAW reference h. Normally, Military Technician (Dual Status) employees should receive their 30-day notice well in advance of any upcoming loss of military membership such that the removal from civilian employment coincides with the loss of military membership.

Rules for 30-Day Notice
“Day” means calendar day. A calendar day is the 24-hour period between one midnight and the next.
The 30-day period begins the day after the notification is given directly to the employee or, if mailed, five days after the date mailed as shown on the certified mail return receipt.
The last day of the 30-day period may not be a non-work day.
There is no prohibition against effecting this action 15 December through 03 January.
An employee has the option of waiving the 30-day notice requirement (waivers must be in writing).
Preparation and issuance of the notice is an HRO responsibility.

Table 1. Rules for 30-Day Notice

b. The military aspects of technician employment are paramount to other concerns. A Military Technician (Dual Status) who fails to maintain a compatible military assignment may be reassigned if such a reassignment will result in a satisfying of the compatible military assignment problem and if such a position is available and the employee is qualified for the position. An employee for which no such reassignment is available will receive a proposed removal from their civilian position. An action which

results in a proposed reduction in grade/pay or removal will be subject to the provisions in reference h, unless a removal is due to the Military Technician (Dual Status) employee's loss of military membership. Additionally, grade inversion (a condition in which a Military Technician (Dual Status) employee's military grade exceeds that of their supervisor) is not permitted within the Military Technician (Dual Status) work force structure. For this reason, an employee accepting a military promotion which results in grade inversion or an employee's failure to maintain the military grade required in a position resulting in a grade inversion must result in a required reassignment or removal from the employee's civilian position.

7. Further Restrictions for General Officers in Military Technician (Dual Status) Positions. General officers cannot serve in Dual Status positions unless they meet criteria outlined IAW reference l. No later than 14 days following the date of Federal Recognition of any General Officer who does not meet the criteria outlined in reference l, the employee will be issued a proposed notice of removal from their Military Technician (Dual Status) position. Any action which results in a proposed reduction in grade/pay or removal will be subject to appropriate provisions IAW reference h.

8. Transfer of Function. A transfer of function is subject to reduction in force procedures as outlined IAW references m and n.

9. Decrease in the Hours of Duty for Part-time Employees. Before management can decrease the number of work hours, the part-time employee must be provided with written notification of the decrease. At a minimum, the notification must be given to the employee in advance of the pay period in which the change occurs. The notice must include the reason for the decrease. The notification memorandum must be cleared by the HRO before it is issued. A reduction in scheduled hours for a part-time employee is not subject to adverse action procedures.

10. Management-Directed Reassignment.

a. Management may, based on the efficiency of the Service, reassign an employee to another position at the same grade and pay or move the employee from a position with potential for noncompetitive promotion to a position without that potential. IAW Table 2, there must be a valid reason for a management-directed reassignment.

Valid Reasons for Management-Directed Reassignments
Management needs the technician's expertise or talents elsewhere.
Action is required to prevent an incompatible assignment or grade inversion.
Action is required to eliminate or avoid disruption and conflict where personal disagreements are affecting work relationships.

Table 2. Valid Reasons for Management-Directed Reassignments

b. At a minimum, the notification will explain the reason for the reassignment; the effective date for the action; provide the employee with a reasonable amount of time

(normally five workdays) to accept or reject the reassignment; provide benefits information; explain that if the offer is rejected, the employee may be subject to removal from their position. Management should provide a reasonable notice period. Actions which result in a reduction in grade/pay or removal are subject to the appropriate provisions IAW reference h.

11. Furlough for 30 Days or Fewer (22 Workdays). Management has the authority to furlough any or all of its employees for legitimate reasons IAW reference o. Management must honor all negotiated agreement provisions on furlough procedures. If exceptions to negotiated procedures are required by management's authority to act in an emergency, labor organizations should be informed in advance of the nature and extent of the emergency. Except where actions are taken in response to an emergency, management must provide notifications to employees no later than 24 hours prior to the effective date of the furlough. Furlough notice statements must include the reason for the furlough, the estimated length of the furlough, and a statement that the employee has the right to file an appeal of the furlough with the MSPB. If a State has a policy of review by TAG, the employee may have a right to that review as well.

a. An employee who requests TAG review of the furlough action will submit his or her objections to the HRO. Upon review of the employee's objections, as well as management's need for the furlough, TAG will select the appropriate course of action to pursue.

b. TAG then issues a final decision that summarizes the employee's objections, the review methodology, and includes the reason(s) for the final decision. The employee must be advised of their appeal right to the MSPB. Furloughs in excess of 30 calendar days, or 22 workdays, must be processed IAW references l and m.

12. Forced Leave (Also Known as "Enforced Leave"). The Automated Time Attendance and Production System code for this pay status is "LF." Management has the right to require an employee to leave the worksite when it is determined that the employee is not ready, willing, and able to perform assigned duties or when the employee's continued presence is highly undesirable or presents an immediate threat to Government property or the well-being of the employee, co-workers, or the public. This is known as "Forced Leave." Table 3 lists three examples that illustrate this management right. The examples in the table are not exclusive as other factors may result in management needing to require an employee to leave. Any employee subject to forced leave may also be subject to separate or concurrent disciplinary or adverse actions for the events resulting in forced leave. NOTE: Forced leave is a temporary status to be used only for a short period of time and only until such time as an appropriate status can be determined.

a. Upon resolution of the instant situation, a review will be made to determine an appropriate status for the time involved in the forced leave. Appropriate categories could include all leave for which the employee is eligible if the leave is appropriate as well as, in some cases, AWOL. If it is determined that it is in the interest of the agency, management may consider the use of administrative leave for this time but only after all

other leave categories are appropriately considered. If AWOL is the determined category, management must consult the LRS and/or the JAG to determine any required due process considerations. Not later than the next duty day, the employee is responsible for contacting the supervisor to indicate whether the employee is ready, willing, and able to perform their assigned duties in an orderly and professional manner. If the employee indicates that he or she is ready to return to work, the employee may be allowed to return to the worksite (consult with Human Resources Office and JAG prior to refusing to allow the employee to return). This does not preclude management from proposing adverse action for the underlying misconduct; management has an affirmative duty to propose actions when the underlying misconduct justifies it. As with all disciplinary or adverse actions, prior to taking action, management should contact the HRO and/or the JAG for advice.

b. If the employee indicates that he or she is not ready, willing, or able to return to the worksite, the supervisor should advise the employee that he or she is making a voluntary decision to not return to work and that this decision may be subject to disciplinary or adverse actions. The employee may request to be placed on unscheduled personal accrued leave. If the employee does not request leave, or if management appropriately denies such a request, the employee should be considered AWOL.

c. If the employee fails to contact their supervisor or to report to work on the next scheduled duty day, he or she will be advised they are being considered AWOL and that IAW reference h, further administrative action, including adverse action, could result.

Management Right to Require an Employee to Leave Worksite
1. An employee appears for work in what the supervisor reasonably determines to be an unsafe state based on the employee's physical appearance, conduct, or behavior. Attempts to have the employee explain their condition are unsuccessful. The supervisor determines that the employee's continued presence creates an immediate threat to Government property, the employee, and/or co-workers. The supervisor affords the employee an option of being taken home, to a family physician, or having a family member called. If the employee refuses to choose, or is unable to choose, the supervisor selects the best alternative.
2. An employee is in a rage, disrupting the entire shop (throwing objects, insubordinate, and cursing). Attempts to calm the employee are disregarded. The supervisor determines the employee's continued presence would be highly undesirable.

Table 3. Management Right to Use Forced Leave

13. Adverse Actions. An employee facing an involuntary change to lower grade or removal should seek advice on their options, rights and benefits from the appropriate Human Resources representative. These employees will be provided appropriate due process procedures as outlined in reference h if applicable. Employees who resign instead of adhering to the adverse action process forfeit all adverse action appeal rights unless they subsequently make the claim that the resignation was a constructive discharge. Employees may request to withdraw a resignation before it becomes effective. Requests to withdraw must be in writing and reviewed by the Human Resources Office.

ENCLOSURE D

REFERENCES

PART I. REQUIRED

- a. Chief of the National Guard Bureau Instruction 1400.25A, 11 May 2020, "National Guard Technician and Civilian Personnel"
- b. Title 32 United States Code (U.S.C.) Section 709, "Technicians: Employment, Use, Status"
- c. Department of Defense (DoD) Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- d. Title 10 U.S.C. § 10508, "National Guard Bureau: General Provisions"
- e. 5 Code of Federal Regulations (CFR), § 715.202, "Resignation"
- f. CNGB Memorandum, 16 February 2017, "Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees" [Request Copy from NGB-J1-TCP]
- g. Public Law 114-328, 23 December 2016, "National Defense Authorization Act for Fiscal Year 2017"
- h. CNGB Instruction 1400.25 Vol 752, 29 June 2020, "National Guard Technician and Civilian Personnel Discipline and Adverse Action Program"
- i. 5 CFR, Part 1201, "Practices and Procedures"
- j. Title 5 U.S.C. Chapter 84, "Federal Employees' Retirement System"
- k. U.S. Merit Systems Protection Board website <<http://www.mspb.gov>>, accessed 07 September 2021
- l. CNGB Instruction 1400.25 Volume 303, 11 December 2018, "National Guard Title 32 Dual Status Military Technician Compatibility Program"
- m. 5 CFR, Part 351, "Reduction in Force"
- n. DoD Instruction 1400.25 Volume 351, 24 June 2021, "DoD Civilian Personnel Management System: Reduction in Force"
- o. 5 CFR, Part 752, "Adverse Actions"

PART II. RELATED

- p. 5 CFR, Part 432, "Performance Based Reduction in Grade and Removal Actions"
- q. CNGB Instruction 1400.25, Volume 431, 24 January 2018, "NG Technician Performance Appraisal Program"
- r. Title 5 U.S.C. Chapter 71, "Labor-Management Relations"
- s. 29 CFR Chapter XIV, "Equal Employment Opportunity Commission"
- t. 5 CFR, Part 630, "Absence and Leave"

GLOSSARY

PART I. ACRONYMS

AWOL	Absent without leave
CFR	Code of Federal Regulations
CNGB	Chief of the National Guard Bureau
HRO	Human Resources Officer
IAW	In accordance with
JAG	Judge Advocate General or servicing legal office
MSPB	Merit Systems Protection Board
NG	National Guard
NGB	National Guard Bureau
NGB-J1	Manpower and Personnel Directorate
NGB-J1-TCP	Technician and Civilian Personnel Policy Division
TAG	The Adjutant General

PART II. DEFINITIONS

Accrued Leave -- Leave earned by an employee during the current leave year that is unused at any given time in that leave year.

Accumulated Leave -- Unused leave remaining, to the credit of an employee, at the beginning of a leave year.

Board -- The Merit Systems Protection Board (the Board) is an independent Government agency that operates like a court. The Board is comprised of three members appointed by the President and confirmed by the Senate. The Board was created to ensure that all Federal government agencies follow Federal merit systems practices. The Board does this by adjudicating Federal employee appeals of agency personnel actions, and by conducting special reviews and studies of Federal merit systems.

Earned Compensatory Time Off -- Time off with pay in lieu of overtime pay for irregular or occasional overtime work or, when permitted under State flexible work schedule programs, time off with pay in lieu of overtime pay for regularly scheduled or irregular or occasional overtime work.

Excused Absence (also known as Administrative Leave) -- An administratively authorized absence from duty without loss of pay and without charge to leave.

Leave Year -- The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

NG Employee -- Title 32 Military Technician (Dual Status) excepted service employees and Title 5 National Guard excepted or competitive service employees defined in references a and b.