# Legislation to Increase Military Leave

5 U.S.C. §6323(a) entitles federal employees to 15 days of paid leave, per fiscal year, for use while absent from work performing military duty. This paid leave is for the performance of service authorized under Title 32 (State Status) and Title 10 (Federal Status) statutes.

Congress enacted the military leave statute decades ago. The 15 days of military leave is normally used in for periods of National Guard training i.e., two weeks of annual training, 12 weekends per year and occasional extra duty. Until 9/11, 15 days of military leave had been adequate to cover the majority of days the employee being absent for military duty.

After 9/11 and beginning of the Global War on Terror, operational tempo and training requirements for the National Guard has dramatically increased. The traditional Saturday and Sunday “drill weekend” has morphed into some months being a “Super Drill,” often starting on Thursday and ending on Sunday. The traditional two-week annual training in many cases has been extended for periods of up to three weeks or four weeks. Unfortunately, Congress has not updated the military leave statute to reflect the new reality requiring increased absences from work for military service.

The requirements for increased National Guard support, moreover, fall disproportionately on the federal employees (Technicians) who are employed by and must be members of the National Guards as a condition of employment. Why? Because Guard Commanders realize that assigning extra days of military duty to traditional Guard members working in the private sector may cause strain in the employee/ employer relationship. This strain may affect the willingness for traditional Guard members to reenlist. Commanders, in order to mitigate that risk of impairing that willingness, avoid assigning extra duty to traditional Guard members and instead rely on Guard employees to perform the extra military duty. Another reason to avoid increased utilization of traditional Guardsman is employer support for their continued membership in the Guard and Reserve. The Guard wants to ensure that employer support continues.

Presently the Guards federal civilian employees quickly use their 15 days of military leave and must use vacation and/ or leave without pay to perform at the new “op tempo” since 9/11. Plus duty for COVID support has just exacerbated the problem. The Guards federal civilian employees should not have to utilize vacation or be in be in a non-pay status in order to accomplish normal training periods and short term missions that must be supported.

In order to remedy this situation, we are asking you to introduce or support legislation that will increase military leave authorized under 5 U.S.C. §6323(a) from the current rate of 15 days per fiscal year to 30 days per fiscal year and eliminate the current limitation on carrying over from one fiscal year to another.

Please see proposed amendments to 5 USC §6323(a)(1) below on page 2:

# (Note: Strikethroughs denote deleted language. Red font denotes new language.)

**5 USC §6323: Military leave; Reserves and National Guardsmen**

# §6323. Military leave; Reserves and National Guardsmen

(a)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty, inactive-duty training (as defined in section 101 of title 37), funeral honors duty (as described in section 12503 of title 10 and section 115 of title 32), or engaging in field or coast defense training under sections 502–505 of title 32 as a Reserve of the armed forces or member of the National Guard. Leave under this subsection accrues for an employee or individual at the rate of ~~15~~ 30 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year. ~~until it totals 15 days at the beginning of~~ ~~a fiscal year.~~