



Law Enforcement Leave

STATE ACTIVE DUTY



REFERENCES



- 5 USC 6323(b), Military Leave – Reserves and National Guardsmen
- 5 USC 5519, Crediting Amounts Received for Certain Reserve or National Guard Service
- DoD 7000.14R, DoD FMR Vol 8, Civilian Pay Policy & Procedures
- NG Benefits Guidance for Military Duty in Response to an Emergency
- OPM.GOV



5 USC 6323(b)



- Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave
- 22 workdays = 176 hours

Commonly referred to as “Law Enforcement Leave”



5 USC 5519



- An amount (other than a travel, transportation, or per diem allowance) received by an employee or individual for military service as a member of the Reserve or National Guard for a period for which he is granted military leave under section 6323(b) or (c)...

shall be credited against the pay payable to the employee or individual with respect to his civilian position for that period.

(more info later)...



WHAT DOES THIS MEAN?



**Law Enforcement Leave is not dual compensation leave.
A National Guard Employee is entitled to leave without loss of pay**



NATIONAL GUARD DECISION TABLE



LEL Decision Logic Table	Yes	No	Personnel Action
Is the employee temporary?	Not Eligible	Go to question 2	
Is the employee a member of the NG or Reserves?	Go to question 3	Not Eligible	
Is the employee providing military aid to enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury?	Go to question 4	Not Eligible for LEL	
Is the employee on orders under the authority of 10 USC?	Can use LEL or ML	Go to question 5	ABSENT-US
Is the employee on State Active Duty (SAD) in accordance with State Law?	Can use LEL and not ML	Go to Question 7	LWOP- Personal If not using paid leave
Is the employee on orders under 32 USC 502(f)(2)(a)?	Can use LEL or ML	Not Eligible for LEL	ABSENT-US



LEL BASICS



- 22 workdays (176 hours) of LEL (ATAAPS “LL”) is available for use at the beginning of each CY
- “Use or Lose”
- Does not carryover, advance, pay out, or prorate
- Balance is not printed on LES until used
- Charged on a daily basis



IF YOU EARN LESS ON SAD...



- An employee who earns less while performing military duty and uses LEL will receive the amount of civilian pay they would earn less the military pay earned.



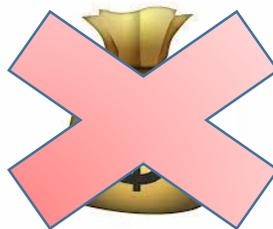
OVERSIMPLIFIED



Paychecks during SAD:

SAD Paycheck

Technician Paycheck



Paychecks after SAD, till offset complete:

SAD earnings get recouped (DEBT)

Technician Paycheck



IF YOU EARN MORE ON SAD...



- An employee who earns more while performing military duty and uses LEL will have their civilian pay recouped in full.



OVERSIMPLIFIED



Paychecks during SAD:

SAD Paycheck

Technician Paycheck



Paychecks after SAD, till offset complete:

Technician earnings get recouped (DEBT)

Technician Paycheck



REPAYMENT



- You will initially earn pay from both SAD and Technician Service
- Collection begins within the next Pay Period Ending (PPE) after SAD is complete and paid to you
- Repayment is due in full!
- 15% disposable pay rule does not apply

If the technician's biweekly pay does not have sufficient funds, DCPS will continue to collect from the subsequent PPE, or beyond, until the LEL offset debt collection is complete



DECISION POINT



- Code “LL” on ATAAPS for entire duration of SAD orders
 - Debt offset will be collected after SAD ends
- Comingle “LL” with other authorized leave types (slide 7)
 - Debt offset will be collected after SAD ends
- Avoid use of “LL” completely

Note: If you decide to go LWOP for more than 30 consecutive days, you will be required to fill out an LWOP 30+ Request Package (see HRO Benefits)



REQUIRED ACTIONS FOR LEL USE



- After SAD ends, submit the following documents to pay office
 - SAD Orders
 - Must contain verbiage “Authorized Law Enforcement Leave (LEL) Reference 5 USC 6323(b).”
 - SAD pay voucher/LES
 - Required for entire period of orders
 - Civilian LES
 - Required for entire period that “LL” code was used
- HIARNG POC: ng.hi.hiarng.list.nghi-uspfo-civ-pay@army.mil
- HIANG POC: <https://usaf.dps.mil/teams/SAFFMCSP/portal/SitePages/Home.aspx>



STATE ACTIVE DUTY (SAD)



- January 5, 2021, Section 4303 of USERRA was amended to cover SAD over 13 days
- Cannot do military deposit for SAD
- Cannot use Military Leave (LM)
- USERRA covers SAD if:
 - State orders for 14 days or more
 - National emergency declared by President
 - In support of major disaster declared by the President



LEAVE AUTHORIZED DURING SAD



- Annual Leave (LA)
- Compensatory Time (CT)
- Official Travel Compensatory Time (CF)
- Time off Award (LY)
- Personal Leave Without Pay (KA) if SAD less than 14 days
- Military Leave Without Pay (KG) if SAD more than 14 days
- Law Enforcement Leave (LL) perm/indef ONLY



Please direct questions about your LEL benefit to the HING-HRO Benefits Team

E-mail: ng.hi.hiarng.mbx.nghi-hro-benefits@mail.mil

Phone: 808-672-1006 (option 3)