



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
JOINT FORCE HEADQUARTERS - VIRGINIA
5901 BEULAH ROAD
SANDSTON, VIRGINIA 23150

REPLY TO
ATTENTION OF:

NGVA-ZA

4 November 2015

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy 15-024, State Active Duty

1. **PURPOSE:** To establish policy and guidance for Commanders participating in State Active Duty (SAD) missions. This regulation applies to the Army and Air Force components and the Virginia Defense Force (VDF).
2. **GENERAL:** Legislative guidance for SAD can be found in the Code of Virginia, Title 44. Responding to SAD is one of DMA'S primary missions, and although we will respond quickly, professionally, and effectively, using DMA is very expensive to the Commonwealth. There is no specific pot of money to pay for state emergencies, so we must be judicious in our use of taxpayer dollars.
3. **POLICY:**
 - a. **Salary:** SAD is a special employment category for the state, not subject to standing Department of Human Resources or DMA personnel policies. Virginia National Guard and Virginia Defense Force (VANG/VDF) members (hereinafter called members) are paid a flat, daily rate equivalent to one day's pay on Annual Training (AT). This daily rate is the combined equivalent of basic pay, housing allowance, subsistence allowance, and special pays (such as flight pay), combined into one flat daily rate. Unlike the Military Pay system with non-taxable allowances, the entire SAD salary payment is taxable. Beginning January 2016, FICA withholding will be eliminated on SAD payments IAW IRS Publication 15 on taxes for "emergency workers". VDF members will receive the same pay as a National Guard member of like grade and years of service.
 - b. **Entitlements:** Members on SAD do not earn leave, compensatory time, or overtime. The flat rate is for an assumed 24 hours of service each calendar day, even if the member is "off shift". Members are not eligible for state sponsored health insurance. State employees may use Military Leave for SAD, which is in addition to the 15 days allotted for federal military duty. Federal employees may also use Military Leave for SAD under the provisions of Title 5, Sect 6323 (b)(2)(A)(ii). Members employed by other entities should consult their HR departments concerning use of Military Leave.
 - c. **Death or injury:** Members killed or injured while on SAD are covered by the Virginia Worker's Compensation Act and Line of Duty Act, with special provisions to match any entitlements that would be received if the member had been injured or killed while on federal active duty. There is no guarantee that members will receive entitlements if

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injured on SAD; that will be determined through an investigation into the accident and any underlying pre-existing conditions.

d. Lodging: Commanders are encouraged to allow members to commute when possible. If driving conditions, shift length, or operational needs preclude commuting, then lodging is authorized. The preference is for no-cost lodging at armories or through supported entities (Emergency Operations Centers, Fire Stations etc.). Contracted lodging must be coordinated through logistics channels to the JFHQ G4 Logistics Operations Center (LOC). Members will double-up in contracted, commercial lodging consistent with gender and rank. Officers, O5/W5 and above, are authorized individual rooms, as are NCOs E8 and E9. Officers (including Warrant Officers), NCOs and junior enlisted personnel will be lodged separately, unless members voluntarily room together (Commander and First Sergeant). Each state contract will have a Contracting Officers Representative (COR) assigned, who will be responsible for certifying receipt of services and maintaining complete by- name room-night occupancy lists for audit purposes. Individuals who are traveling throughout the state and for whom it would not be practical to contract for lodging, may secure lodging on their own (after receiving permission from the G4 LOC), as long as it is within the authorized GSA per diem rates.

e. Meals: Meals are generally provided by others (Operational Rations, Fire Stations, and County EOCs etc.) or contracted through the G4 LOC. Non-commuters are entitled to three meals a day; commuters are entitled to one mid-shift meal. However, if approved by the commander, a commuter can have additional meals provided if required by the mission or length of the duty day. AGRs who are exclusively or predominantly working SAD are entitled to one or more meals depending on shift length and commuting status. Individuals or small groups, for whom it is impractical to contract or issue Operational Rations, may eat on the economy and file for reimbursement on an itemized expense voucher. If the member is in a state travel status, then GSA per diem rates apply. For occasional meals, not in a travel status, members are limited to the per meal GSA rate, not the daily per diem rate. The per diem meal rate includes any taxes and tips. For audit purposes, itemized meals must include an itemized receipt that shows the specific food items purchased (house salad, burger, beverage), not just the credit card receipt. For smaller food establishments that do not have itemized receipts, members must submit a handwritten order form showing the specific food items ordered. For contract meals, CORs must certify receipt of services and provide a headcount sheet to support the number of meals being ordered.

f. Miscellaneous: The itemized expense voucher will be used for personal reimbursement of miscellaneous items such as tolls, batteries, and other items which are not available through the G4 LOC. Receipts must be itemized to show the exact items and quantity purchased.

g. Mileage: Members are entitled to reimbursement for one round trip POV mileage from whatever location they were called to duty to their reporting location. Typically, this will be from their residence/Home of Record (HOR) to their armory, but could be directly from a workplace or to an alternate location, such as the State EOC. Care must be taken

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to provide actual departure locations, not from HOR. This is especially important for personnel whose HOR is out-of-state. A member could have a HOR in Texas, but attends a college in VA and was called up from the college location. Mileage will be at the current IRS rate. The member must have personally driven, or been driven by an immediate family member. Riding with another person does not qualify for the mileage reimbursement.

h. Unauthorized expenses: alcohol, movies/other entertainment and personal items are not reimbursable.

4. OTHER: More specific information about these policies and processes, including appropriate forms, can be found in the Personnel Annex of the All-Hazards OPLAN.

5. Proponent: Department of Military Affairs Director of Fiscal Operations.



TIMOTHY P. WILLIAMS
Major General, VaARNG
The Adjutant General

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