



Charging military leave while performing law enforcement duty

When the National Guard is used for alleviating results of disasters such as floods, earthquakes or hurricanes, the maintenance of law and order is a prime function of the assigned military duties. Such duty is covered by the term “military aid to enforce the law.”

Guidelines for charging military leave:

- The 22 workdays of military leave for law enforcement duty are different from the 15 days of military leave for active duty, active duty training and inactive duty training.
- Employees performing military duty under 5 USC 6323(b) shall not lose their entitlement to regularly scheduled night differential or regular scheduled overtime.
- Military leave authorized by 5 USC 6323(b) is not charged for absences on days when the employee is not regularly scheduled to work.
- In no case will an employee's regularly scheduled workweek be altered solely to increase entitlement to compensation.
- There is no authority to carryover any unused portion of the 22 days to the next calendar year.
- Use OFP code 990-59504 when posting emergency military leave while performing law enforcement duty to your timesheet.

According to the [Office of Personnel Management](#), employees are **not entitled to both their military and civilian pay** during periods of military leave taken under section 5 U.S.C. 6323(b) in support of civil authorities or in the case of a national emergency. They are entitled to the greater of the civilian or military pay, not both.

If you have any questions, you may contact the Austin Payroll Center via Outlook e-mail at [*Military Deployment Program](#) or via Internet e-mail at Military.Deployment.Program@irs.gov.