



Pennsylvania Air National Guard



STATE ACTIVE DUTY (SAD)





Agenda



- State Active Duty (SAD) Authorities and Guidance
- State Active Duty Overview
- Pennsylvania Task Force Overview
- Status Comparisons
- Disability
- Finance
- Reimbursement



SAD Authority and Guidance



Authority:

Title 51 Military Affairs Pa.C.S. § 508
State Active Duty

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=51&div=0&chpt=5>

Pennsylvania Administrative Code of 1929 Section 1415
Special State Duty (Funerals and Community Support Activities)

<http://www.legis.state.pa.us/WU01/LI/LI/US/PDF/1929/0/0175..PDF>

NGB Guidance:

Guidance for use of NG AGR and Technicians for CONUS contingency situations

<https://www.ngbpdc.ngb.army.mil/Portals/27/Publications/special%20documents/2019%20Domestic%20Operations.pdf?ver=2018-12-17-145332-387>

PANG Guidance:

PANG PEAK Plan

https://gko.portal.ng.mil/states/PA/j_staff/J3_5_7/domops/References/AHHSP/default.aspx?RootFolder=%2Fstates%2FPA%2Fj%5Fstaff%2FJ3%5F5%5F7%2Fdomops%2FReferences%2FAHHSP%2FCONPLAN%20PAHSP%2017%2F2020%20PEAK%20PLAN&FolderCTID=0x0120007220BC2335C0D54586ECF7DA86668F7E&View=%7B4A691D64%2D47D1%2D4DF1%2D947C%2D44A66B9237A6%7D





State Active Duty (SAD)

- Full-time duty in the State military forces under an order of the Governor or otherwise issued by authority of law and paid by State funds. The term includes travel to and from such duty for an emergency ordered under section 508 (relating to active duty for emergency) and special State duty ordered.

- Ref: Title 51 Military Affairs Pa.C.S. § 508





State Active Duty (SAD)

- **§ 508. Active duty for emergency.**
- **(a) State duty.**--The Governor may place the Pennsylvania National Guard, or any part thereof, or when unavailable due to call or order into the service of the United States, the Pennsylvania Guard, or any part thereof, on active duty when an emergency in this Commonwealth occurs or is threatened, or when tumult, riot or disaster shall exist or is imminent.
- **(b) Emergency duty under compact.**--The Governor may place the Pennsylvania National Guard or any part thereof on State active duty or, when appropriate, federally funded duty under 32 U.S.C. (relating to National Guard) when the Governor of another state has declared an emergency and has requested the assistance of the Pennsylvania National Guard under the provisions of Chapter 45 (relating to interstate compact) or 35 Pa.C.S. Ch. 76 (relating to emergency management assistance compact).
- Ref: Title 51 Military Affairs Pa.C.S. § 508






How do I get put onto SAD?

SAD Order and Governor Proclamation

Commonwealth of Pennsylvania



Governor's Office
GOVERNOR'S OFFICE
PROCLAMATION OF DISASTER EMERGENCY
January 21, 2016

WHEREAS, a severe winter event is expected to impact the Commonwealth of Pennsylvania, causing dangerous winter weather conditions including snow and ice accumulation; and

WHEREAS, this emergency event has the potential to cause significant adverse impacts upon the population throughout the Commonwealth; and

WHEREAS, this emergency event may prompt affected county and municipal governments to declare local disaster emergencies because of the winter weather conditions; and

WHEREAS, the emergency event is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county and municipal emergency response plans;

NOW THEREFORE, pursuant to the provisions of section §7301(c) of the Emergency Management Services Code, 35 Pa. C.S. Section §7101 *et seq.*, I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event.

FURTHER, I hereby transfer up to \$500,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency, to be augmented as conditions require. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. §516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa. C.S. §516; and

FURTHER, I hereby direct the Pennsylvania Emergency Management Agency to staff the State Emergency Operations Center for the duration of this emergency event and to assign it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

FURTHER, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that she deems necessary, to ensure that all state highways in the areas that may be affected by the emergency event are cleared of snow, debris and any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-

aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of snow, debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

FURTHER, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers in the finding and transporting of fuel, food or other commodities across the state to provide emergency relief during this event, I hereby direct the Department of Transportation to waive any laws or Federal or state regulations related to drivers of commercial vehicles; and


FURTHER, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, 51 Pa.C.S. §508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

FURTHER, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Department, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate, other federal and state highways in the Commonwealth to address this emergency event; and

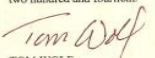
FURTHER, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

FURTHER, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.



GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-first day of January in the year of our Lord two thousand sixteen, and of the Commonwealth the two hundred and fourth.


TOM WOLF
Governor

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
THE ADJUTANT GENERAL
ANNVILLE, PENNSYLVANIA 17003-5002

The Commonwealth of Pennsylvania has ordered individuals to State Active Duty in support of Operation Frozen State commencing February 1, 2011. This mission is anticipated to last through February 4, 2011. National Guard Members throughout the Commonwealth have been ordered to report in support of this mission. Upon completion of the period of State Active Duty unless sooner released or extended by proper authority, these individuals will be released from State Active Duty. An official order by individual will be provided at the completion of the mission. This order will include the individual's name and all dates the individual has performed in support of the mission.

Additional Instructions:

- a. Rations and/or meals will be provided/available.
- b. Government quarters/housing will be provided.
- c. Commercial lodging is not authorized.
- d. Government/Commercial transportation is provided. Transportation to the report site is not provided.
- e. Payroll will be submitted by Office of Administration, DMVA after receipt of Personnel Rosters from individual's unit of assignment.
- f. No Travel advance is authorized.
- g. No mileage is reimbursable.
- h. Variation in travel is not authorized without prior approval from Office of Administration, DMVA.
- i. Order is provided for State Active Duty verification and will not be used for payroll processing.

For Internal Use:
Authority: 51 Pa.C.S. § 508
Acct. Code: 1005311000-1324020036
Commonwealth of Pennsylvania, Governor's
Office, Proclamation of Disaster Emergency
dated February 1, 2011

BY ORDER OF THE GOVERNOR:

//
 // HQ PAARNG //
 // OFFICIAL //
 //
 XXXXXXXX
 XXXXXXXXXX
 Director of the Joint Staff

DISTRIBUTION:
JEOC-Command
JEOC-Personnel

Governor Proclamation → PANG SAD Order





Pennsylvania Task Force Overview

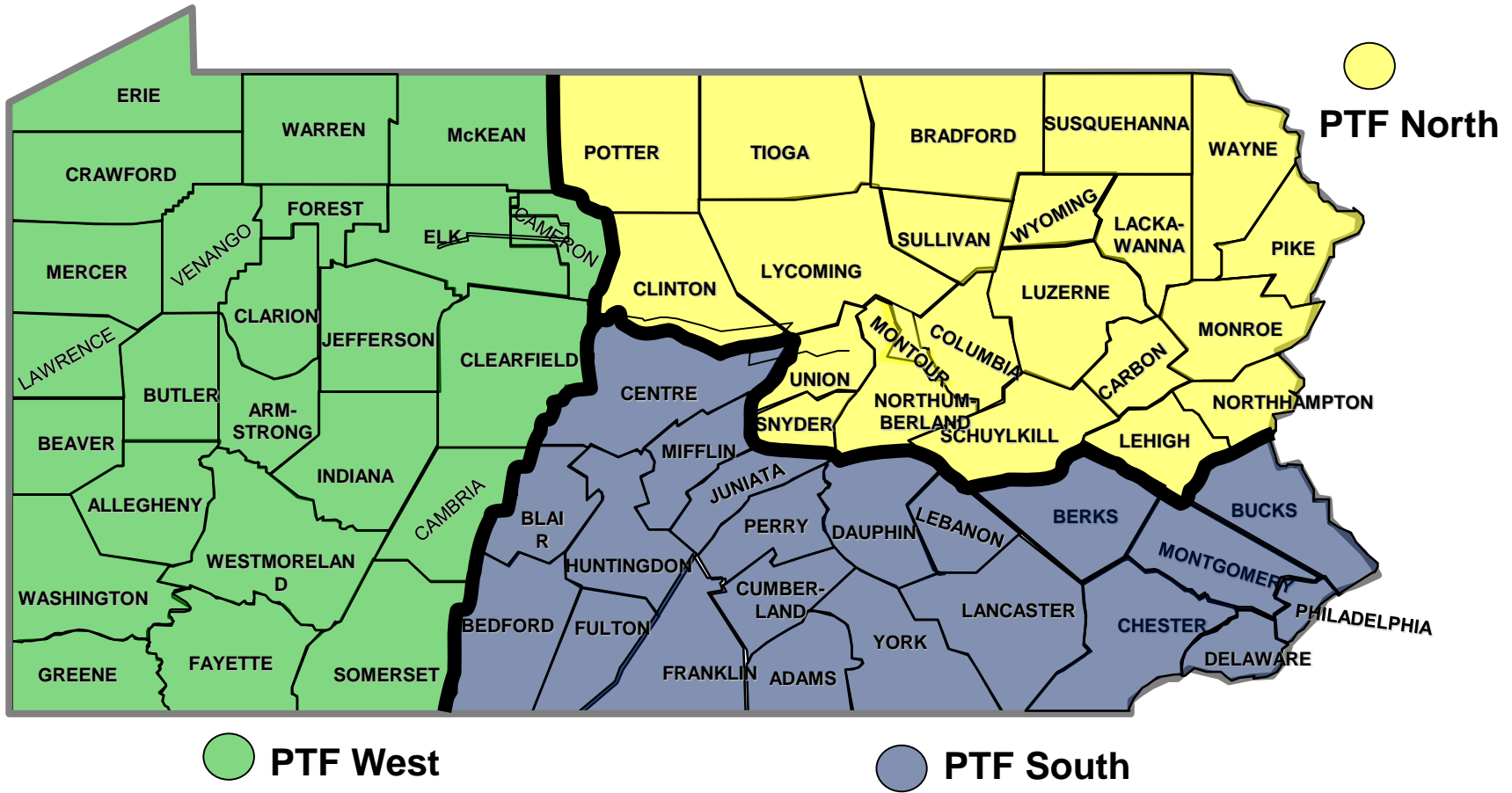


- During a State Declared Emergency:
 - The PANG remains under control of the Governor as the Commander in Chief and follows their orders and direction.
- Upon entering SAD, the TAG maintains command and control of the PANG at all times and uses the PANG Joint Operations Center (JOC) to accomplish that responsibility.
- The JOC will validate and assign missions, coordinate resources, and communicate with Pennsylvania Task Force Commanders (PTF CDR) in their execution of assigned missions.
- Ref: PEAK Plan, Annex J





Pennsylvania Task Force Overview



Ref: PEAK Plan



Pennsylvania Task Force Overview



- Current / future PTF / TF Commanders and Deputy Commanders will be identified as follows unless otherwise directed by TAGPA:
 - PTF West Commander - 2nd IBCT Commander
 - PTF West Deputy Commander - 171st MSG Commander
 - PTF North Commander - 55th MEB Commander
 - PTF North Deputy Commander - 193rd RSG Commander
 - PTF South Commander - 56th SBCT Commander
 - PTF South Deputy Commander - 111th MSG Commander
 - TF Aviation Commander - 28th CAB Commander
 - TF Aviation Deputy Commander - EAATS Commander
 - TF Support Commander - 213th RSG Commander
 - TF Support Deputy Commander - 213th RSG Deputy Commander





SAD Status



Status	Immediate Response	SAD Pay	Unit Activation	Law Enforcement Leave	Voluntary Activation
AGR	Yes	No	Yes ¹	N/A	No
ADS-CD	Yes	No	Yes ²	N/A	No
ADOS	Yes	No	Yes ³	N/A	No ³
Technician	Yes	Yes ⁴	Yes	Yes ⁵	Yes ⁶
Temp-Tech	Yes	Yes	Yes	N/A	Yes ⁶
Traditional	Yes	Yes	Yes	N/A	Yes
AT	Yes	No	No	N/A	No ⁷
Drill	Yes	No	No	N/A	No ⁷

Number references on following slides





Number References

(1) Use of AGRs

- AGR personnel may be required to perform initial response activities
- AGR personnel may only perform State Active Duty within their AGR duty position
- AGR personnel perform their normal AGR support functions, supporting their unit in the performance of SAD
- AGRs will not receive SAD pay

- Ref: PEAK Plan, Annex E





Number References

(2) When Counterdrug personnel perform in support of SAD missions with their unit of assignment while on ADOS, the DMVA will be required to reimburse the USPFO for the ADSW rate. Personnel on Counterdrug-ADOS are not entitled to SAD pay.

(3) ADOS personnel may be required to perform initial response activities. If the duty performed does not match the purpose of the ADOS order, the individual must be returned to the intended ADOS functions or the ADOS order must be broken. A break in the ADOS order may affect the individual's entitlements (e.g., Tricare).

Ref: PEAK Plan, Annex E





Number References

(4) Use of Technicians

- Technicians performing duties in support of SAD operations will be placed on SAD.
- If the technician is notified of SAD after the duty day begins, the technician will be paid for the technician hours performed.
- Technicians cannot earn Compensatory Time for duties performed in support of SAD operations.
- Technicians will be in one of the following statuses when supporting SAD Operations.
 - Annual Leave Earned (LA)*
 - Compensatory Time Taken (CT)*
 - Time Off Award (LY)*
 - Leave Without Pay (KA)
 - Law Enforcement Leave
- * Technicians may receive dual compensation during a period of SAD by electing Annual Leave (LA), Compensatory Time Taken (CT) or Time-Off Award (LY).

- Ref: PEAK Plan, Annex E





Number References

- (5) Law Enforcement Leave (LEL):
 - 5 U.S.C. 6323 (b) provides 22 days (176hrs) of leave per calendar year for emergency duty as ordered by the President, the Secretary of Defense, or a State Governor.
 - This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of call or order to active duty in support of a contingency operation.
 - Law Enforcement Leave (LEL) allows for continuity in pay and ensures the individual is compensated at least at his Federal pay grade. LEL is not dual compensation and personnel will be required to reimburse the Federal Government accordingly. Any amount earned above the reimbursable rate is retained by the service member.
 - The use of LEL is situation dependent and must be requested by the employee.
- Ref: Military Leave under 5 U.S.C 6323(b) 22-Day Leave





Number References

(6) Technician personnel desiring to volunteer for SAD must have concurrent approval from their technician supervisor and unit leadership.

(7) Traditional Soldiers and Airmen that are not on another duty status (e.g., IDT, AT or ADOS) are entitled to SAD Pay.





Disability

- Individuals are covered under the Pennsylvania Worker's Compensation Act while performing SAD.
- Worker's Compensation Act provides for:
 - Medical expense
 - Wage-loss compensation benefits
 - Death benefits for work-related deaths are paid to your dependent survivors
- During the use of SAD PANG units can expect additional updated information regarding the Worker's Compensation Act
- Ref: PEAK Plan, Annex E





Finance



- Funded with State resources
- Personnel entitled to State Active Duty (SAD) pay will receive pay at the same rate as authorized by the current Fiscal Year's Federal Military Pay Chart.
- Personnel will receive Basic Allowance for Subsistence (BAS) and Basic Allowance for Housing (BAH) pay
- Ref: PEAK Plan, Annex E





Finance

- A W-4 is not filed by the PANG, therefore taxes are held at the highest rate
- No-one entitled to SAD pay will receive less than \$100.00 base pay per day of duty (*increase as of 2016*)
- SAD pay is processed based on the Commonwealth of Pennsylvania (COPA), Department of Military and Veterans Affairs (DMVA) state employee's bi-weekly pay cycle.
 - The waiting period for payment is at minimum 2 weeks.
 - SAD pay is distributed by paper check mailed to members HOR
- Ref: PEAK Plan, Annex E





Reemployment Following SAD

- **USERRA Rights:**
 - Reinstatement. Employees who are members of the state National Guard or the U.S. reserves are entitled to reinstatement upon completion of emergency or other military duty. The employee must be restored to his or her former position or to a position of like seniority, status, and pay, provided he or she is still qualified to perform the duties of the job.
 - If the employee is not qualified to perform the job's duties because of a service-related disability, he or she must be restored to a position he or she is qualified for, with like seniority, status, and pay, unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.
 - Benefits. Employers must continue an employee's health insurance and other benefits for at least the first 30 days of active duty at no extra cost to the employee. After 30 days, the employer must give the employee the option of continuing insurance at his or her own expense (*PA Stat. Tit. 51 Sec. 7309*).
- **Employees of Political Subdivisions**
 - Active state duty. All officers and employees of a political subdivision or its instrumentalities who are members of the Pennsylvania National Guard are entitled to a paid leave of absence without loss of time or efficiency rating during active state duty (*PA Stat. Tit. 51 Sec. 4102*).
 - Ref: § 7309. Employment discrimination for military membership or duty





Other Aspects of SAD

- Time spent on SAD does not generate creditable points towards a Military Retirement
- Typically:
 - Mileage is not reimbursable
 - Meals will be provided
 - Quarters will be provided





DoD Reimbursement

- Reimbursement for use of Federal equipment is required.
- Note: As between the State and NG, reimbursement is required for all SAD missions whether a declared disaster or not
- Tracking of equipment usage and other Federal expenditures are required.
- State contracting resources are normally utilized. Federal (USP&FO) contracting may assist.



Review



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Questions?

