



West Virginia National Guard Human Resources Office Bulletin



Bulletin Number: 10-02

Date: 25 August 2010

Applicability: National Guard (NG) Technicians

Reservist Differential

Subject: Implementation of Reservist Differential under 5 U.S.C. 5538

References: 5 U.S.C. 5538 [added by section 751 of the Omnibus Appropriations Act, 2009 P.L. 111-8, March 11, 2009] and amended by Section 745 of the Consolidated Appropriations Act, 2010 (P.L. 111-117, December 16, 2009)

OPM Guidance issued on December 8, 2009 and revised January 8, 2010

Effective Date: Section 5538 became effective on the first full pay period beginning on or after March 11, 2009

Use: Employing agencies must pay reservist differential payments to eligible Federal civilian employees who are members of the Reserve or National Guard (hereafter referred to as “reservists”) called or ordered to active duty under certain specified provisions of the law. Federal agencies must provide a payment – a reservist differential payment – equal to the amount by which an employee’s projected civilian basic pay for a covered pay period exceeds the employee’s actual military pay and allowances allocable to that pay period.

A reservist differential payment under section 5538 is payable to an employee during a “qualifying period” during which the employee meets both of the following conditions:

1. A covered employee is absent from Federal civilian service in order to perform active duty in the uniformed services pursuant to a call or order to active duty under section 331, 332, 333, 688, 12301(a), 12302, 12304, 12305, or 12306 of title 10 USC, and is serving on such qualifying active duty; and
2. The employee is entitled to reemployment rights under the Uniformed Services Employment and Reemployment Rights Act for such active duty.

The receipt of reservist differential does not affect an employee’s civilian pay and leave status. While absent from the civilian job, the employee may be in a paid or non-paid status. A reservist

may not receive the reservist differential for periods during which he or she uses paid time off, since the reservist is already receiving full civilian pay for such periods. During civilian leave without pay periods, the reservist receives full military pay and may receive a reservist differential, which represents the amount by which civilian basic pay exceeds military pay and allowances. Thus, the reservist differential for a pay period will be adjusted to account for any hours of paid time off.

The Defense Civilian Personnel Data System was queried to identify those employees who were in an LWOP-US status (now Absent- Uniform Service) anytime during March 15, 2009 to April 24, 2010 timeframe. Those employee listings were sent to the staff of the Office of the Assistant Secretary of Defense for Reserve Affairs (RA) who reviewed the listing to further identify those employees who were activated under one of the eligible authority codes. A spreadsheet of those employees who were identified as being called/ ordered to active duty under the eligible authority code was forwarded to DFAS. DFAS pulled military and civilian records for identified employees and compared actual military pay and allowances and the applicable projected civilian basic pay. Those employees who met the criteria for reservist differential, less military pay and allowances then civilian basic pay, were notified and processed for payment.

All employees who are now on military orders are processed through DCPDS and placed in an Absent- US status. This status is used to track employees who are potentially eligible for reservist differential based on the above criteria under section 5538. When they meet both conditions, they are processed with two Legal Authority Codes: Q3K and QRD. Legal Authority Code QRD is a new code which was available for use in DCPDS as of March 28, 2010. Reports are further generated to DFAS from DCPDS which identifies those employees who are under the two specific Legal Authority Codes. DFAS staff then reconciles civilian and military pay records to determine if reservist differential is payable to those employees. If payable, the Human Resource Office is notified by DFAS and a remedy ticket is generated for payment. This process is automatic once the technician is placed into Absent-Uniform Service.

For more information regarding reservist differential, please visit www.opm.gov/reservist/

Your points of contact are the Employee Relations Specialist at (304) 561-6431 and the Technician Manager at (304) 561-6357.


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