

### **Eligibility information for Naval Reservists**

ELIGIBILITY OF “GRAY-AREA” GUARD AND RESERVE MEMBERS.—Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under sub19 section (c)(1) and authorizing the employment of retired officers and noncommissioned officers who are in receipt of retired pay and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program officers and noncommissioned officers who are under 60 years of age and who, but for age, would be eligible for retired pay for non-regular service under section 12731 of this title and whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

(1) The Secretary concerned shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period, up to a maximum of one-half of the difference between—

(a) The retired or retainer pay for an active duty officer or noncommissioned officer of the same grade and years of service for such period; and

(b) The active duty pay and allowances which the member would have received for that period if on active duty.

(2) Amounts may be paid under this subsection with respect to a member after the member reaches the age of 60.

As a minimum, schools employing NJROTC instructors must pay a minimum instructor salary and guarantee at least a 10 month of year employment contract. Minimum instructor salary for "gray area" retirees is calculated the same as for active duty retirees of the same rank and years of service. For purposes of determining the relevant level of retired pay and active duty pay and allowance for gray area retirees, each 365 day period that a gray area retiree served as a member of the Naval Reserve will be counted as equivalent to a full year of active duty service, without regard to the number of accumulated points or any other considerations that go into calculating the actual retirement pay of these personnel at age 60.

## Calculating Minimum Instructor Pay

1. Minimum instructor salary is calculated based on the difference between the active duty pay and allowance which the member would receive if called to active duty less the amount of retired pay an active duty officer of noncommissioned officer of the same grade and years of service would receive.

2. Retirement pay for "gray area" retired Naval Reserve JROTC instructors will be calculated using one of the following retirement systems dependent upon the individual's Date of Initial Entry to Military Service (DIEMS). The calculated retirement pay will be adjusted annually using the annual COLA for retired pay and will continue to be used even after a member becomes eligible for retirement pay.

a. Final pay: DIEMS before 8 Sep 1980.

b. High-3: DIEMS on or after 8 Sep 1980, but before 1 Aug 1986, and did not choose the Career Status Bonus (CSB) and REDUX retirement system.

c. CSB/REDUX: DIEMS on or after 1 Aug 1986, and elected to receive the Career Status Bonus (if CSB not elected, High-3 retirement system applies).

3. Active Duty Pay: Active duty Pay and Allowances are based on the Defense Finance and Accounting Service (DFAS) current year Military Pay Tables as follows:

a. Basic pay.

b. Basic Allowance for Housing (based upon zip code of school)

c. Allowance for CONUS cost of living (if applicable)

d. Allowance for overseas housing (if applicable)

e. Allowance for overseas cost of living (if applicable)

f. Allowance for uniforms (enlisted only)

g. Basic Allowance for subsistence

4. Determine minimum instructor salary by subtracting the applicable calculated retirement pay from active duty pay totals based on creditable service.

NOTE: A school district may not compensate a NJROTC instructor less than the difference between active duty pay less calculated retirement for either a gray area or active duty retiree. However, the district may choose to compensate a NJROTC instructor more than the difference

between active duty pay and retirement pay. Salary above the difference between active duty pay and retirement pay is not guaranteed and is negotiated between the applicant and the school district.

(\*Years of service defined as total of active duty and inactive duty military service as reflected on the member's DD Form 214 or Retirement Orders.)

**EXAMPLE: MIP Calculation (per month) - 0-5 RANK w/25 Years of Service**

**Active Duty Pay**

Base Pay	\$ 7,373.00
BAH (school zip code w/dependents)	\$ 2,000.00
BAS	<u>\$ 192.42</u>
<b>Total</b>	<b>\$ 9,565.42</b>
<i>Less</i> Gross Military Retirement @25 years (62.5% of active duty base pay or 62.5% of the high 3)	<del><b>\$ 4,608.00</b></del>
<b>Minimum Instructor Pay (MIP) amount (rounded to nearest dollar)</b>	<b>\$ 4,957.00</b>

In order to calculate your Minimum Instructor Pay, click on "Calculate Instructor Pay" in this website.