

DMNA Regulation Number 10-1

NEW YORK NAVAL MILITIA REGULATIONS



Division of Military and Naval Affairs
330 Old Niskayuna Road
Latham, New York 12110-3514
15 October 2010
UNCLASSIFIED

SUMMARY OF REVISION

DMNA Regulation Number 10-1, 15 October 2010, New York Naval Militia (MNNM) – New York Naval Militia Regulations

Summary: This publication is revised and supersedes DMNA Regulation 10-1, 30 September 1999.

Applicability: This regulation applies to all members of the New York Naval Militia. This regulation is issued in accordance with the provisions of the New York State Military Law and Title 10, United States Code, for the governing of all persons in the New York Naval Militia.

**STATE OF NEW YORK
DIVISION OF MILITARY AND NAVAL AFFAIRS
330 Old Niskayuna Road
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CHAPTER 1

INTRODUCTION

1-1. PURPOSE. This regulation establishes the purpose, mission, organization and general regulations of the New York Naval Militia.

1-2. REFERENCES:

a. United States Code Title 10: Chapter 13, Section 311; Chapter 45, Section 772; and Chapter 659, Sections 7851, 7852, 7853, and 7854.

b. United States Navy Regulations.

c. Marine Corps Manual.

d. United States Coast Guard Regulations.

e. New York State Military Law, Sections 2, 6, 20, 21, 43, 46, 75, 78, 80, 93, 94, 176, 210 and 237.

f. New York State Education Law, Section 669-b.

g. New York State Vehicle and Traffic Law, Section 404-d.

h. New York State Department of Motor Vehicles Form MV-412.

i. www.NYSDMV.COM.

j. DMNA Reg 37-2, State Purchasing Guidelines.

k. DMNA Reg 55-1, Transportation Passes.

l. DMNA Reg 56-1, C-3, Fleet Vehicle Operations.

m. DMNA Reg 621-1 Education.

n. DMNA Reg 672-1, C-1, State Military Awards.

o. Health Insurance Portability and Accountability Act of 1996.

CHAPTER 2

AUTHORIZATION AND MISSION

2-1. AUTHORIZATION FOR THE NEW YORK NAVAL MILITIA. The New York Naval Militia is established by New York State Military Law, Article I, Sections 2 and 43, amended 2004, as the Naval Force of New York State. The Naval Militia is a state organization with federal authorization under United States Code, Title 10, Chapter 659, Sections 311 and 7851-7854.

2-2. MISSION OF THE NEW YORK NAVAL MILITIA. The mission of the New York Naval Militia is to provide a trained and equipped naval force to augment New York National Guard forces during Military Support to Civil Authority operations.

2-3. COMPOSITION OF THE NEW YORK NAVAL MILITIA. The New York Naval Militia will be composed of: (1) current members of the reserve components of the United States Navy (USN), Marine Corps (USMC), or Coast Guard (USCG); and, (2) former/retired members of the components of the United States Navy, Marine Corps, or Coast Guard, who meet eligibility requirements.

2-4. END STRENGTH. The New York Naval Militia will not exceed 5,200 commissioned officers, warrant officers, and enlisted personnel, combined.

a. By state law, at least 95 percent of the force must be members of the reserve forces of the United States Navy, Marine Corps, or Coast Guard. These members are on the New York Naval Militia Federal Component List. This includes members of the federal Reserve Active Status List [Selected Reserve (SELRES) and Individual Ready Reserve (IRR)] and Inactive Status List (Standby Reserve Inactive and Retired Reserve). Full Time Staff (FTS), including Canvasser Recruiters, Inspector-Instructors, and recalled personnel are not eligible for membership, as these persons are under Title 10, U.S. Code federal active duty orders.

b. Up to five percent (5%) of the force may have no current federal affiliation, and are assigned to the State Active List (SAL). These members are normally veterans of federal service who are no longer under contract or military service obligation.

CHAPTER 3**ORGANIZATION OF THE MILITIA**

3-1. COMPOSITION OF THE MILITIA OF NEW YORK STATE. The New York Naval Militia is the naval component of the New York State organized militia, with the other components being the New York Army National Guard, the New York Air National Guard and the New York Guard. These forces and their activities are under the jurisdiction of the Division of Military and Naval Affairs (DMNA). By law the militia of the state is organized as follows:

a. Unorganized Militia: All male residents of New York State, between the ages of 17 and 45, who are not affiliated with the Organized Militia, or on the State Reserve or Retired Lists.

b. Organized Militia of New York State:

(1) New York Army National Guard (NYARNG).

(2) New York Air National Guard (NYANG).

(3) New York Guard (NYSG).

(4) New York Naval Militia (NYNM).

c. State Reserve List.

d. State Retired List.

3-2. THE ADJUTANT GENERAL (TAG). The Adjutant General (TAG) exercises command and control over the military forces comprising the Division of Military and Naval Affairs and is the unified military commander charged with the duty of directing the planning and employment of all the forces of the organized militia, including the New York Naval Militia, in performance of their state military mission.

3-3. COMMANDER, NEW YORK NAVAL MILITIA.

a. The Commander of the New York Naval Militia shall be appointed by the Governor and shall hold command at the pleasure of the Governor. The Commander shall be responsible to the Governor for the military efficiency of the New York Naval Militia.

b. The New York Naval Militia shall be commanded by:

(1) a retired or Ready Reserve line officer of the United States Navy or Navy Reserve who has attained a grade of commander or higher;

(2) a retired or Ready Reserve officer of the United States Marine Corps or Marine Corps Reserve who has attained a grade of lieutenant colonel or higher; or

(3) a retired or Ready Reserve officer of the United States Coast Guard or Coast Guard Reserve who has attained a grade of commander or higher.

3-4. NAVAL MILITIA CATEGORIES.

a. Not less than ninety-five percent (95%) of the New York Naval Militia shall be composed of members of the reserve forces of the US Navy, US Marine Corps, or the US Coast Guard. These personnel are on the Federal Component List.

b. Not more than five percent (5%) of the New York Naval Militia force shall be composed of New York State residents who are former members of the US Navy, US Marine Corps or the US Coast Guard or their reserve components. These personnel are on the State Active List.

c. The New York Naval Militia shall be categorized as follows:

(1) Federal Component List (FCL):

(a) Ready Reserve (Selected Reserve and Individual Ready Reserve).

(b) Standby Reserve Active and Inactive (S1 and S2).

(c) Retired Reserve [Fleet Reserve, Reserve Retired List (SELRES or Regular)]; less than 60 years of age.

(2) State Active List (SAL):

(a) Veterans of United States Navy, Marine Corps, or Coast Guard components, no longer under any federal military service obligation, including retirees age 60 years and over.

(b) Other select personnel deemed eligible due to member's specific skill sets required by the Naval Militia.

3-5. SUBORDINATE COMMANDS. The Commander, New York Naval Militia has the authority to establish regional and operational commands.

a. Regional commands are geographic in nature. Personnel residing or drilling within a respective region are assigned to that regional command.

(1) Regional commands are considered administrative commands.

(2) They are responsible for ensuring the readiness and availability of personnel assigned.

(3) They may be assigned additional missions or tasks by the Commander, New York Naval Militia.

(4) Regional commanders are responsible for establishing and maintaining liaison with state Joint Task Force commanders in their region.

b. Operational commands are mission oriented. They may use personnel from across the state in the performance of assigned tasks.

(1) Operational commands may establish training and qualification requirements that meet the needs of their assigned tasks.

(2) They may establish standing operating procedures to ensure continuity in the performance of tasks.

c. A member assigned to command by competent authority has authority over all officers or other persons attached to the command, whatever their rank or designator.

d. A commanding officer of a New York Naval Militia unit or command shall not issue an order to subordinate personnel that will be contradictory or conflicting with orders issued to the subordinate personnel by their federal reserve component.

CHAPTER 4

NEW YORK NAVAL MILITIA PERSONNEL

4-1. BASIC ELIGIBILITY FOR MEMBERSHIP.

a. Basic eligibility criteria for membership in the New York Naval Militia include:

(1) **Age:** 18 – 67 years.

(2) **Citizenship:**

(a) Enlisted: United States citizen, or applicants who have made a declaration of intent to become citizen of the United States.

(b) Commissioned officers and warrant officers: United States citizen.

(3) **Residency:** Effective the date of this regulation, all newly accessed members of the New York Naval Militia must be legal residents of New York State, or be a drilling reservist whose primary drilling location is located within New York State. Any non-drilling member who subsequently changes their legal residence to a location outside of New York State is no longer eligible for membership in the New York Naval Militia.

(4) **Education:**

(a) **Enlisted and warrant officer:** High school graduate or graduate equivalency diploma (GED).

(b) **Commissioned officers:** Bachelors degree or be, or have been, a commissioned officer in either the United States Navy, Marine Corps, or Coast Guard (not including USCG Auxiliary).

(5) **Medical:** Maintain standards of medical fitness in accordance with Department of the Navy (Navy or Marine Corps) or Department of Homeland Security (Coast Guard) regulations. Criteria for persons that are not members of the Ready Reserve shall be in accordance with regulations established for the New York Naval Militia.

b. Personnel submitting applications to affiliate with the New York Naval Militia who are not members of the federal reserve components will be reviewed by a Committee of Accession. The Committee of Accession will be appointed by the Commander, New York Naval Militia and will consist of at least three members. The committee will

determine if the member is eligible to affiliate with the New York Naval Militia and if so, assign a component, rating or community, and accession pay-grade. In general, personnel will not be affiliated with the Marine Corps component unless they are prior service U.S. Marines. Personnel will not be affiliated with the Coast Guard component unless they have prior U.S. Coast Guard service.

c. Disqualification for Membership:

(1) Any person who has a felony conviction, is under arrest, or is under charges for a felony offense is not eligible for membership.

(2) Any person that has been dismissed or other-than-honorably discharged from the State Organized Militia or the US Navy, US Marine Corps, or the US Coast Guard is not eligible for membership.

(3) The Commander, New York Naval Militia may terminate an existing membership or contract for any enlisted person convicted, dismissed, or discharged as stated above. Only the Governor of the State of New York can terminate an officer's appointment.

d. In all instances, members of the New York Naval Militia agree to abide by the laws and regulations set forth by the State of New York, its agencies, and representatives.

4-2. OFFICERS OF THE NEW YORK NAVAL MILITIA.

a. Qualifications for commissioning and promotion in the New York Naval Militia include:

(1) A person appointed or promoted as a commissioned officer of the New York Naval Militia shall meet the physical, moral, and professional qualifications prescribed by the laws of the United States, New York State Military Law, and all other related regulations of the Division of Military and Naval Affairs, and New York Naval Militia.

(2) Recommendations for appointment and promotion of commissioned officers shall be submitted to the Commander, New York Naval Militia in accordance with established regulations. After review by a promotions board established by the Commander, New York Naval Militia, the Commander may submit recommendations to The Adjutant General for review and approval by the Governor, if required, for all appointments and promotions in the New York Naval Militia.

b. The duration of the appointment of a commissioned or warrant officer (chief warrant officer-2 and above) shall continue until the officer's administrative separation, punitive dismissal, resignation or death, whichever comes first.

c. The Adjutant General delegates to the Commander, New York Naval Militia the authority granted to him/her by the Governor to appoint and promote officers up to the grade of O-5 (Commander/Lieutenant Colonel). Officers above the grade of O-5 shall be appointed and promoted with the specific approval of The Adjutant General. Promotions to the grade of O-8 (Rear Admiral Upper Half or Major General) require the confirmation of the New York State Senate.

d. Appointment and promotions become effective upon subscribing to the oath of office administered by the appropriate commissioned officer of the organized militia, armed forces of the United States, or notary public or an officer authorized by the State of New York.

e. Officers shall hold precedence in their rank based on their federal or state date of rank, regardless of designator.

f. Officers in command shall hold precedence over all other personnel in their command regardless of pay grade, or date of rank; regardless of designator.

4-3. ENLISTED PERSONNEL OF THE NEW YORK NAVAL MILITIA.

a. The qualifications for enlistment and retention, the period of service, the form of the oath to be taken, and the manner and form of transfer and discharge of enlisted personnel of the New York Naval Militia shall be those prescribed by laws of the United States, New York State Military Law and by regulations issued by Division of Military and Naval Affairs and the New York Naval Militia.

b. Enlistment Process:

(1) Complete and sign an enlistment contract, and subscribe to the official New York State Oath of Enlistment.

(2) When ordered to active duty with any component of the United States Armed Forces, New York Naval Militia personnel are relieved from all state service except to keep the New York Naval Militia informed as to their status.

(3) Persons who have been discharged under other than honorable conditions (e.g., dismissal, dishonorable discharge, bad conduct discharge, other-than-honorable discharge), discharged on findings of an efficiency board, or who resigned their

commissions while under arrest or under charges, are not eligible for enlistment in the New York Naval Militia.

c. Enlistment Contracts:

(1) All enlistments in the New York Naval Militia shall be concurrent with enlistments in the US Navy Reserve, US Marine Corps Reserve or US Coast Guard Reserve for those members in a selected reserve status.

(2) Non-Ready Reserve enlistments will be contingent on satisfactory service.

(3) The Governor may extend the period of service of enlisted personnel of the New York Naval Militia for up to six months after the termination of a declared emergency.

(4) Whenever the periods of service of the enlisted personnel of the United States Navy Reserve, United States Marine Corps Reserve, or the United States Coast Guard Reserve components of the Armed Forces of the United States are extended, the Governor may extend the period of service of enlisted personnel in the New York Naval Militia for the same period.

(5) A standard enlistment in the New York Naval Militia will expire when the reservist's active status in the applicable Reserve Component ends by reason of transfer to the inactive Reserve, expiration of enlistment (when not followed by immediate re-enlistment), administrative separation, punitive discharge or retirement.

d. Advancement and Reduction in Grade:

(1) New York Naval Militia enlisted personnel assigned to United States Navy Reserve, United States Marine Corps Reserve, and United States Coast Guard Reserve units will normally be advanced and reduced in grade concurrent with advancements and reductions made by their federal component.

(2) Non- USNR/USMCR/USCGR enlisted personnel of the New York Naval Militia shall be promoted and reduced in grade as prescribed by New York State Military Law and regulations for the New York Naval Militia. These enlisted personnel shall be nominated for advancement by their immediate commanders upon meeting the eligibility requirements.

4-4. COMMISSIONING OF OFFICERS INTO THE NEW YORK NAVAL MILITIA.

a. Officers holding a federal commission applying for commission in the New York Naval Militia shall initially hold equivalent rank as that held in the federal component.

b. Initial direct commissions in the New York Naval Militia will be at a grade no higher than Lieutenant (JG)/1st Lieutenant (O-2) level, if applicant meets all requirements and possesses a bachelor degree or higher and has not reached the age of 50. Applicants that attained E-6 to E-9, possess an associate's degree, and have not reached the age of 60 may be commissioned as a CW02 (CW2).

c. All direct commissions into the New York Naval Militia will serve as Navy component officers, regardless of the previous military experience of the applicant.

4-5. SEPARATION, DISCHARGE, OR TRANSFER TO THE STATE RESERVE OR RETIRED LISTS.

a. Enlisted personnel desiring separation or discharge from the New York Naval Militia may apply through the chain of command for approval. Upon approval, the member will be transferred to the discharge file.

b. Commissioned and warrant officers are eligible for discharge or transfer to the state reserve list or state retired list in accordance with guidance found in Chapter 7 of this regulation.

c. A member may be administratively discharged from the New York Naval Militia for failure to meet minimum participation, physical, or residency requirements.

d. Upon discharge, members are not required to maintain medical or residency requirements. Personnel on the state reserve list must keep New York Naval Militia headquarters informed of their residency.

CHAPTER 5

NEW YORK NAVAL MILITIA SERVICE

5-1. PARTICIPATION. Every member must attend a minimum of six drills or events per calendar year.

a. Drills are called by the respective regional commander or by a head of directorate.

b. Events or training sessions approved by the regional commander may be substituted or added to regular drill attendance.

c. Active duty that is paid or non-paid for which orders are issued by headquarters may be substituted for or added to regular drill attendance. A credit of one drill point is earned for each day of state active duty (SAD).

d. State active duty is for a minimum of two hours duration per duty day.

e. Ready Reservists (Selected Reserve and Voluntary Training Unit personnel) receive Naval Militia drill credit for regularly scheduled federal drills and Annual Training, including Active Duty for Training (ADT).

f. An attendance officer will keep muster and forward drill accounting records to Naval Militia Headquarters.

g. Members who are out of state for extended periods of time may be excused from drills if requested and granted by the Regional Commander, thereby reducing their obligation for six drills. The record of approval must be sent to Headquarters.

5-2. NEW YORK NAVAL MILITIA ORDERED INTO ACTIVE STATE SERVICE. The Governor of New York State may order into service all or part of the organized militia, including the New York Naval Militia, in response to a state emergency, a request from local civilian authorities, or as he/she deems necessary.

a. An order into service can include all or any part of the New York Naval Militia as a part of the organized militia.

b. The Adjutant General, as the commander of Joint Force Headquarters – New York, has overall operational and administrative control of the organized militia:

(1) When directed by The Adjutant General, the Commander New York Naval Militia will initiate mobilization in accordance with established regulations and in conformance with applicable administrative procedures to accomplish with such actions and measures referenced in the Military Support to Civil Authorities.

(2) Those personnel assigned to the New York Naval Militia who fail to respond to the call ordering the New York Naval Militia into service shall be immediately reported to the legal and administrative directorates within the Division of Military and Naval Affairs.

(3) When ordered into active service, New York Naval Militia personnel are subject to the New York State Code of Military Justice.

c. Compensation for such duty may be paid in the manner prescribed by the laws of New York State and the policies of the Division of Military and Naval Affairs.

5-3. SERVICE OUTSIDE THE STATE. All or part of the New York Naval Militia may be ordered by the Governor to serve outside the borders of this state or of the United States in order to perform military duty and humanitarian missions, participate in community events, training and other assignments.

5-4. PAY AND ALLOWANCES.

a. State active duty orders will be issued in accordance with established regulations of the Division of Military and Naval Affairs.

b. New York Naval Militia personnel ordered into paid state active service shall receive full or partial pay and allowances, as appropriate, equivalent to that received by members of the United States Navy, United States Marine Corps, or United States Coast Guard of corresponding grade, rating and length of service. Paid State Active Duty must be pre-approved by DMNA MNBF.

c. New York Naval Militia personnel shall not receive state active duty pay, or the pay and allowances and benefits, when the member is in a federal pay status.

d. With their consent, New York Naval Militia personnel may perform state active service without pay, allowances, and benefits, conforming to orders issued by Headquarters, New York Naval Militia. Necessary traveling expenses, subsistence and per diem allowances may be furnished such members within the discretion of State Travel Regulations or within the limitations of funding provided by the state. Reimbursement must also receive prior approval from DMNA MNBF. No volunteer shall expect or request reimbursement.

5-5. TRAVEL. Reimbursement for travel on official New York Naval Militia business requires prior approval by New York Naval Militia Headquarters and DMNA MNBF, in accordance with current state travel regulations and DMNA policy.

CHAPTER 6

MEDICAL REQUIREMENTS

6-1. MEDICAL QUALIFICATIONS FOR STATE ACTIVE DUTY.

a. The Commander, New York Naval Militia and the individuals in the chain-of-command are responsible to ensure Naval Militia personnel are medically qualified for duty prior to submission of a request for state active duty orders.

b. For personnel that are not members of the federal Ready Reserve (SELRES and VTU), the following medical qualifications must be met prior to being placed in any type of state active duty status.

(1) In order that a member be eligible to be ordered to state active duty, a current (within the past 365 days) record of medical examination, indicating that the member is physically qualified to perform active duty, must be on file with Headquarters, New York Naval Militia.

(2) An individual must not be in a restrictive limited duty status, pending any type of medical board action, or undergoing any medical process to be eligible for state active duty.

c. Ready Reserve USNR/USMCR/USCGR Naval Militia personnel must meet all medical qualifications to perform active duty without limitation or other restrictions in accordance with their parent service component.

d. Naval Militia personnel not meeting the criteria outlined above will not be authorized to be placed in an active duty status.

e. Officers that have a permanent physical or medical condition that makes them not eligible for participation may be placed on the State Reserve List.

CHAPTER 7

STATE RESERVE LIST AND STATE RETIRED LIST

7-1. STATE RESERVE AND STATE RETIRED LISTS OVERVIEW.

a. The State Reserve List consists of former commissioned and warrant officers of the state organized militia who have been placed in an inactive status at the member's own request.

b. The State Retired List consists of former commissioned and warrant officers of the state organized militia who have been placed in an inactive status as a result of attaining sixty-eight years of age.

c. The State Reserve and Retired Lists are only open to commissioned and warrant officers of the state's organized militia. Personnel may be transferred to, or placed on said lists by the Governor. The Reserve and Retired Lists have only a state status. Headquarters, New York Naval Militia shall maintain separate State Reserve and State Retired lists in an electronic database, as part of a personnel management system.

7-2. STATE RESERVE LIST.

a. Requests for transfer to the State Reserve List by a commissioned or warrant officer of the New York Naval Militia may be submitted to the Commander for approval through New York Naval Militia Headquarters.

b. Any commissioned or warrant officer of the New York Naval Militia may be transferred to the State Reserve List under the following conditions:

(1) Has tendered a resignation from active service.

(2) Been rendered surplus by reduction, disbandment or reorganization of a unit or for any other valid and approved reason.

c. Any person who has served as a commissioned officer or warrant officer in the New York Naval Militia or in the Armed Forces of the United States and has been

honorably discharged may be commissioned and placed on the State Reserve List in the highest grade previously held, after complying with conditions prescribed by regulations under New York State Military Law, and upon approval of the Commander, New York Naval Militia.

d. Upon the recommendation of The Adjutant General, the Governor may order any person on the state reserve list to active duty in or with the New York Naval Militia, for periods of not more than three months each, in the highest grade previously held during service.

e. A commissioned or warrant officer on the State Reserve List may be dropped from the rolls if he/she fails to report to The Adjutant General as prescribed by regulations issued pursuant to New York State Military Law.

7-3. STATE RETIRED LIST.

a. Any commissioned officer or warrant officer of the New York Naval Militia who has reached the age of sixty-eight years shall be retired for age and transferred to the State Retired List. Any commissioned officer or warrant officer of the New York Naval Militia may be retired for age at an age less than sixty-eight years in order to conform with the laws and regulations of the United States.

b. Any commissioned officer or warrant officer who shall have served in the same grade for the continuous period of ten years, or in the military or naval service of the state as a commissioned officer for fifteen years, or in the case of an officer of the Naval Militia retiring, such service may have been in the naval service of the state and the United States combined for fifteen years, provided at least ten years of such service shall have been in the state, may request transfer to the retired list.

c. Upon the recommendation of The Adjutant General, the Governor may order any person on the State Retired List to active duty for the purpose of serving on military courts or boards or performing staff duty in or with the organized militia and in time of emergency to perform any military duty in or with the organized militia. The person so ordered shall rank in the highest grade previously held during service from the date of such order.

d. Time spent on State Retired List shall not be credited in the computation of seniority, pay, length of service for promotion, or any privileges and exemptions, except that the time during which served on active duty by order of the Governor shall be credited.

e. In certain cases, a commissioned officer or warrant officer on the State Retired List may be dropped from the rolls, if he/she fails to report to The Adjutant General as prescribed by regulations issued pursuant to New York State Military Law.

CHAPTER 8

MISCELLANEOUS PROVISIONS

8-1. UNIFORMS. The Commander, New York Naval Militia shall issue directives governing the wearing of uniforms.

8-2. AWARDS.

a. Naval Militia personnel may accept New York State issued awards, however, the wearing of such decorations on Navy, Marine Corps, and Coast Guard uniforms are prohibited when on any federal duty status.

b. Awards provide recognition to Naval Militia personnel who have demonstrated acts of valor, outstanding service on assignment, exceptional individual or team accomplishments, or Long and Faithful Service. Requests for awards will be consistent with the assignments and performance of the individual concerned. Recommendations will be submitted through the chain-of-command to the New York Naval Militia Headquarters for submission and consideration by the awards board. Awards will be processed in accordance with C-1, DMNA Regulation 672-1.

c. Awards specific to the New York Naval Militia are regulated by separate instructions. This includes the Josephthal Trophy.

8-3. HONORS AND CEREMONIES. Honors and ceremonies shall conform to United States Navy regulations, or other directives of the respective federal component service.

8-4. HERALDRY. The crest of the New York Naval Militia is:



CHAPTER 9

BENEFITS FOR NEW YORK NAVAL MILITIA PERSONNEL

9-1. TRANSPORTATION PASSES.

a. Thruway Passes (DMNA TAG Form 9) and Triborough Bridge and Tunnel Authority (TBTA) tickets are provided for use by members of the organized militia in the performance of official military duties. Request for DMNA TAG Form 9 passes and TBTA tickets are obtained from New York Naval Militia Headquarters.

b. Thruway Passes and TBTA tickets allow Naval Militia personnel to pass through all Thruway toll-gates and TBTA tunnels and bridges without charge if in uniform or, upon request, presenting an order for duty or certificate of an order for duty. Policies, guidelines and procedures pertaining to the use of transportation passes shall be in accordance with the references.

c. The use of Thruway Passes and TBTA tickets are allowed for official military business within New York State only. Reference (k) is the governing regulation.

9-2. NEW YORK STATE MILITIAMAN LICENSE PLATES. Active New York Naval Militia personnel may obtain distinctive Militiaman license plates displaying their affiliation with the New York Naval Militia. Active members of the New York Naval Militia may obtain Militiaman license plates from Department of Motor Vehicles Special Registrations accompanied with regular registration fees, a onetime service charge, and a letter of certification from Headquarters New York Naval Militia. References (g), (h), and (i) provide guidance.



9-3. EDUCATIONAL INCENTIVE PROGRAM. The Recruitment Incentive and Retention Program (RIRP) is authorized under the references. A New York State resident who is an active member of the New York Naval Militia, in good standing, and is a satisfactory drilling member of the Navy Reserve, Marine Corps Reserve, Coast Guard Reserve unit is eligible for tuition assistance up to the cost of the State University of New York's two semester yearly tuition at any participating college, university, community, or technical college in the State of New York. Before this incentive may be used, members must make application via Headquarters, New York Naval Militia and meet eligibility requirements, and adhere to the rules and regulations established in reference (m). Participation will be based on available state fiscal resources.

CHAPTER 10**GENERAL REGULATIONS**

10-1. STANDARDS OF CONDUCT. All New York Naval Militia personnel are expected to conduct themselves in accordance with the highest standards of personal and professional integrity and ethics at all times. At a minimum, all personnel shall comply with the Standards of Conduct and Government Ethics directives issued by the Secretary of Defense, the Secretary of the Navy, and the Secretary of Homeland Security and all other related laws and directives promulgated by New York State and the Governor, The Adjutant General, and New York Naval Militia Headquarters

10-2. REQUIREMENTS OF EXEMPLARY CONDUCT. All commanding officers and others in authority in the New York Naval Militia are required: to conduct themselves as positive examples of honor, integrity, maturity, professionalism, commitment to duty and to be vigilant and forthright in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct and discipline, according to the laws and regulations of the New York Naval Militia, all persons who are guilty of violating them; and to take all necessary and proper measures, under the laws, regulations and customs of the naval service, to promote and safeguard the morale, the physical wellbeing and the general welfare of the officers and enlisted personnel under their command or charge. At all times they must adhere to their oath of office and bear allegiance to the Constitutions of the United States of America and the State of New York.

10-3. OFFICER DUTIES RELATIVE TO LAWS, ORDERS, AND REGULATIONS. All officers in the New York Naval Militia shall acquaint themselves with, obey and, so far as their authority extends, enforce the laws, regulations and orders relating to the New York Naval Militia. They shall faithfully and truthfully discharge the duties of their offices to the best of their ability in conformance with existing orders and regulations and the oath of office. In the absence of instructions, they shall act in conformity with the policies and customs of the service to protect the public interest, the personnel and equipment in their charge.

10-4. EQUALITY OF TREATMENT AND OPPORTUNITY. There shall be an equality of treatment and opportunity for all persons in the New York Naval Militia without regard to race, creed, color, religion, national origin or sex. Such policy has been put into effect by regulations issued by the Department of the Navy, New York State and The Adjutant General. Any regulations and policy issued shall be in accordance with New York State policy and Military law, and shall conform to the laws and regulations of the United States giving due regard to the powers of the United States over the militia of the state. All New York Naval Militia personnel shall conform to all laws and regulations, both federal and state, governing equal opportunity and anti-discrimination.

10-5. PERSONNEL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONNEL RECORDS. Except as specifically provided in this section, maintenance of personnel records of individuals, and the release of those records, shall be in accordance with the provisions of the federal Privacy Act, New York State Personal Privacy Protection Law, and directives issued by the Secretary of the Navy and the State of New York and the Division of Military and Naval Affairs. Except as specifically provided in this section, the Division of Military and Naval Affairs shall act in accordance with the provisions of the Freedom of Information Law, regarding the release of records to third parties.

10-6. INSPECTION OF THE RECORD OF A PERSON IN THE NEW YORK NAVAL MILITIA. The record of a person in the New York Naval Militia maintained by the New York Naval Militia Headquarters shall be available for inspection by the person or an authorized agent, duly designated as such in writing by the person.

10-7. OFFICIAL RECORDS.

a. Access and Security. No person, without proper authority, shall withdraw official records or correspondence from the files, or destroy them, or withhold them from those persons authorized to have access to them.

b. Information and Requirements:

(1) Every member shall provide a record of their pay entry base date and their present rank and grade.

(2) Every member shall provide certificates and records of all training courses relevant to their billet or professional qualifications.

(3) Every member shall provide record of military awards.

c. Control and access to official personal health records will be governed by the Health Insurance Portability and Accountability Act of 1996.

10-8. CORRESPONDENCE AND INSTRUCTIONS.

a. The Commander, New York Naval Militia may issue orders, instructions, notices, or regulations to govern the force.

b. Regional and operational commanders may sign official correspondence relating to their respective commands.

c. Commanders may grant to subordinate personnel the authority to sign correspondence on his or her behalf. This “by direction” authority must be annotated as part of the signature block of any correspondence signed in this manner.

10-9. CONTACT WITH ELECTED OFFICIALS.

a. TAG-NY Policy Memorandum dated 31 March 2009 directs that all activities that involve federal, State or local elected officials must be coordinated in advance through DMNA Government and Community Affairs Office (MNGA).

b. This coordination must be completed prior to the organization’s request to an official or any commitment to any activity. Such activities include, but are not limited to, meetings, invitations, tours, and briefings, and any written or oral communication submitted to any organization under DMNA authority or any requests extended to any Federal, State or local official.

CHAPTER 11

FISCAL POLICY

11-1. FISCAL POLICY. Fiscal policy for the New York Naval Militia is established by the Division of Military and Naval Affairs, Office of Budget and Finance (MNBF).

a. All fiscal matters regarding State Active Duty (SAD) pay and benefits, requisitions and purchases, contracts, and accounting are managed by the Office of Budget and Finance, with the direct assistance, input and collaboration of Headquarters, New York Naval Militia.

b. All requests for services, purchases, or SAD are coordinated through Headquarters, New York Naval Militia. Reference (j) is the governing regulation for procurement guidance.

APPENDIX A

GLOSSARY (TERMS AND DEFINITIONS)

The following terms and definitions can be found in this regulation.

A-1. Accession: The act of joining the New York Naval Militia, either through enlistment or commissioning.

A-2. Commission: An official certificate from the state signed by the Governor or by direction of the Governor, conferring rank, making one a commissioned officer in the pay-grade of 01 or above.

A-3. Component: Refers to the federal military service under which a member is affiliated with the Naval Militia. The components are Navy, Marine Corps, and Coast Guard.

A-4. Federal Component List: The roll of members of the New York Naval Militia that are also currently affiliated in a category of the federal reserve.

A-5. Federal Reserve: Refers to the reserve forces of the United States Navy, Marine Corps, or Coast Guard.

A-6. Josephthal Trophy: An award presented on an annual basis specifically for the benefit of members of the New York Naval Militia.

A-7. New York State Military Law: That set of public laws of the State of New York referring to Chapter 36 of the Consolidated Laws.

A-8. Ready Reserve: That part of the federal reserve structure including the Selected Reserve (SELRES) and Individual Ready Reserve (IRR). The IRR consists of the Voluntary Training Unit (VTU) and the Active Status Pool (ASP).

A-9. Recruitment Incentive and Retention Program (RIRP): Provides educational benefits to NYNM members of the Ready Reserve.

A-10. Retired Reserve List: That part of the federal reserve structure that includes all persons who have retired from either active duty or reserve service, including "gray area" members, the Fleet Reserve and the Fleet Marine Reserve.

A-11. State Active Duty (SAD): Military duty to the State of New York. Members must be on official orders in either a pay or non-pay status. Normally, members on SAD are eligible for military leave or leave without pay from their civilian employers if located within New York State.

A-12. State Active List: The roll of members of the New York Naval Militia that are not currently affiliated in any category of the federal reserve.

A-13. State Reserve List: See Chapter 7 of this regulation.

A-14. State Retired List: See Chapter 7 of this regulation.

A-15. Warrant/Warrant Officer: The certificate of appointment as a warrant officer, a rank higher than non-commissioned officer or petty officer, but below commissioned officer.

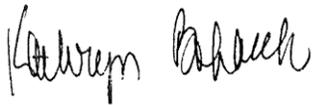
15 October 2010

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The proponent of this regulation is the office of New York Naval Militia. Users are invited to send comments, suggested improvements and changes on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to The Adjutant General, Division of Military and Naval Affairs, ATTN: MNNM, 330 Old Niskayuna Road, Latham, New York 12110-3514.

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