

## APPOINTMENTS AND ENLISTMENTS - NYGD 1304

## PREFACE

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**FOR THE COMMANDER****OFFICIAL:**

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**1. Purpose.** This directive establishes policies and procedures by which the New York Guard appoints or enlists all New York Guard Officer, Warrant Officer and Enlisted personnel.

**2. Application.** This directive is applicable to all prospective members of the New York Guard: Officer, Warrant Officer and Enlisted personnel.

a. Format and procedures established in this publication apply to Officer, Warrant Officer and enlisted personnel in the New York Guard.

b. This publication is directive in nature. These formats and procedures will be followed except when in the judgment of the commander exceptional circumstances dictate otherwise.

**3. Scope.** This publication describes policies and procedures by which the New York Guard will appoint or enlist personnel.

**4. Basis in Law.** Officers and Warrant Officers of the New York Guard will be appointed, commissioned or warranted by the Governor, pursuant to Section 70 paragraph 1, Section 71, Section 79 and Section 165 paragraph 6 respectively, of the Military Law of the State of New York. Enlisted personnel are enlisted pursuant to Section 90 and 91 of the Military Law of the State of New York.

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**CHAPTER I**

**POLICY**

This directive establishes policies and procedures by which the New York Guard will commission or enlist New York Guard Officer and Enlisted Personnel.

This document supersedes all previous directives and policy statements dated before this date

New policy statements issued after this date and signed by the Commander may be issued for inclusion as an update to this directive.

**CHAPTER II****RESPONSIBILITIES**

- 1. G-1, New York Guard,** will approve/disapprove all appointments and enlistments of New York Guard personnel under the authority of the Commander. No request for waivers will be granted except by the authority of Commander, New York Guard. Said exception must be in writing, a copy of the waiver is to be made a permanent part of the individuals personnel file.
- 2. G-1 Headquarters will:**
  - a. Review all applications for appointment and enlistment for completeness and correctness.
  - b. Provide guidance and assistance to administrative personnel at all echelons.
  - c. Insure that all personnel are afforded equal opportunity and all actions taken under the provisions of this directive are made without discrimination with regard to sex, race, color, religion, national origin, or marital status.
  - d. Review and recommend approval/disapproval of requested rank, branch and assignment.
- 3. Commanders of MSCs will:**
  - a. Comply with the intent of the directive.
  - b. Disseminate the Directive to all subordinate units and/or make available access to NYG members.

## CHAPTER III

### QUALIFICATION FOR APPOINTMENT

#### 1. Initial Appointment Criteria.

a. The following categories for appointment in the New York Guard will be considered:

- (1) Applicants with prior United States military or Organized Militia service.
- (2) Applicants with no prior military service.
- (3) Applicants with prior foreign military service.

b. **Physical requirements.** Applicants must meet the physical requirements as published in the New York Guard Directives 1308 and 6130. NYGD 1308 contains tables of Maximum Allowable Weights (MAW) for males and females by height and age categories. Waivers to Height/Weight may be granted when weight is not more than 20 lbs. over the maximum allowable weight (MAW) or individual meets other additional measurement standards as described in NYGD 1308.

c. **Age.** Applicants must be at least 18 years of age for appointment and not more than 62 years.

d. **Citizenship.** Applicants must be a citizen of the United States or have declared intention of becoming a citizen of the United States as evidenced by Immigration and Naturalization Service Form N300 (US Department of Justice). The form must be furnished for review to the initiating unit commander for inclusion in the appointment packet. (A notarized copy of INS Form N300 is acceptable.)

e. **Education.** Applicants for Commission must have a Bachelor's or higher degree from an accredited institution. Applicants for Warrants must have a High School Diploma or GED with significant expertise in the field of the TDA they will be assigned to.

f. **Tattoos.** Tattoos that do not show when wearing the ACU uniform are permitted. Tattoos or brands that have symbolic meanings that are inconsistent with the values of New York State Military Forces are not permitted, covered or not.

In order to preserve a professional appearance, the New York Guard adheres to US Army AR 670-1 section 3-3 which limits the types, locations and size of tattoos and additional policy statements may be issued by the New York Guard Commander.

#### 2. Service obligations.

a. No individual will be appointed in the New York Guard who is an active member of the armed forces of the United States, or of any State, or has any service obligation to any of the armed forces of the United States. Retired military personnel or inactive military reservists may be enlisted/appointed in the New York Guard, if otherwise found qualified. In the event the individual is called back to the armed forces, they will be discharged from the New York Guard.

**3. Individuals not authorized for appointment.** No waivers will be granted.

a. A former member of the Armed Forces of the United States including reserve components and/or the Organized Militia of any state whose separation or discharge documents indicate RE4 or not recommended for Re-Enlistment or further military service.

b. A deserter or an individual "AWOL" from any of the Armed Forces of the United States including Reserve components and/or the Organized Militia of this State of any other State.

c. An individual who has had a felony conviction, a class A misdemeanor conviction within the last 5 years or is a registered sex offender. All arrests must be accounted for and certified copies of the disposition from the court are to be submitted with the enlistment packet.

d. An individual having a record of insanity or emotional instability.

e. An individual who does not speak, read and write English.

**4. Appointment criteria for personnel with prior United States military commissioned service as officers or warrant officers (Army, Navy, Air Force, Marines, Coast Guard, Air or Army National Guard or reserve components).**

a. Appointments will be made to vacant TDA positions only.

b. Appointments may be made into the highest rank/grade permanently held while serving on active federal military duty or reserve component. TDA position must be available and applicant must serve in that position.

c. Appointments for which the applicant qualifies may be made to a TDA position lower than applicant's former rank/grade, if a TDA/UMD position in their previous grade is not available. If the TDA position to which the applicant is being appointed is more than one grade lower than their former rank/grade, the applicant must be willing to serve in the rank required by the TDA position but will be credited completion of time-in-grade requirements towards promotion to their former rank.

d. Time in grade for prior service will be credited towards NYG promotions unless DD-214 shows that the candidate was boarded and was promotable. In this case, the candidate can apply for promotion on the one year anniversary with the NYG without need of packet or boarding.

**5. Appointment criteria for personnel from other State Defense Forces.**

a. Officers of other recognized State Defense Forces can be appointed to the New York Guard. Time in Grade, Attendance and Training accomplishments need to be certified by their State Defense Force G1. Completion of Time in grade or one year of service in the New York Guard (whichever is longer) is required for the individual to be eligible for promotion in the New York Guard. Individuals may not be a member of any other State Defense Force while in the New York Guard

**6. Appointment criteria for non-prior service personnel.**

a. Applicants who possess college degrees from an accredited institution (Bachelor's degree or higher) but do not possess a professional degree (doctor, lawyer or chaplain with armed forces ecclesiastical

endorsement), must participate in a 1 year Officer Candidate program (OCS, WOCS) after which they will be commissioned as a Second Lieutenant (2LT).

b. All Warrants must have at minimum a High School Diploma or GED. Non-Prior Service Warrants must complete the 1 year WOCS program or must have served in an Enlisted capacity of E7 or greater and must be appointed to a specialized training TDA position as an expert in a field related to our METL. Candidates appointed as Warrant Officers must serve in that capacity for a minimum period of 3 years. Warrants for other TDA positions must hold an Associate's Degree. Appointments will be to the rank of Warrant Officer 1 (WO1).

c. Applicants who hold professional degrees from an accredited college (doctor, lawyer or chaplain with armed forces ecclesiastical endorsement), will be commissioned as 1LT, O-2. Nurses (RN with BSN) 2LT, O-1. Medical Corps - Physicians, Nurses and Dentists, must hold and provide copies of valid NY State licenses to practice in their field. Staff Judge Advocates must be members of the NY state bar. All must serve in that capacity for a minimum of 3 years.

d. Appointments as New York Guard Chaplains follow United States Army requirements. A letter of endorsement as outlined in DoD Directive 1304.19 is required from the candidate's endorsing religious organization. The religious organization must be recognized by the US Army and the organization must send a statement of Ecclesiastical Endorsement directly to the G1 (DD Form 2088). The Chaplain must have at least 2 years of religious leadership experience. Must have a bachelor's degree (120 credits) from a qualifying institution and a post-baccalaureate graduate degree in the field of theological or related studies from a qualifying education institution, and the school must be listed in the current editions of the American Council on Education. TDA Slots must also exist for the rank and position

**7. Branch Assignments.** Officers will receive a commission in the branch of service appropriate to their professional licensing and TDA position. Former federal and State Defense Force commissioned officers will not be commissioned in their prior branch unless it is consistent with New York Guard TDA/METL. Refer to uniform regulations as to the wearing of former branch insignia on NYG uniform.

#### **8. Appointment policy.**

a. The initiating MSC or HQ NYG Appointment Board will examine each candidate's application and make a recommendation for approval or disapproval through the NYG-G1, to the Commander, New York Guard.

b. Direct commissioned officers, must complete BOC and CGOC at the first available opportunity or they will be ineligible for retention of their rank. Direct Commissioned officers must be placed into a TDA slot that they are licensed for and must remain in that role for a minimum of three years. Maximum rank for a direct commission is 1LT.

c. Non-direct commission officers must complete OCS prior to commissioning. Maximum rank for a non-direct commission is 2LT.

#### **9. Processing Procedures of an appointment application.**

a. Applications for Commission will be forwarded through the appropriate chain of command to Recruiting and Retention and then to Commander, New York Guard, Attn: NYSG-G1.

b. An application for Appointment in the New York Guard consists of the following:

Table III-1

<b>Form or Application Description</b>	<b>Source- Form -Number</b>
<u>NYG Form 600</u>	Commander's Certification. Use either Warrant or Commission
<u>NYG Form 620 – Application for Membership</u> The references in the Privacy Act Statement on the Form are incorrect to the degree that they reference federal laws that are not applicable to the NYG (10USC §3013, Exec Order 9397, 5USC§552a). Ref to NYS law is accurate.	Tape Recent Photo to Form 620 Page 1. This provides your background information
<u>NYG Form 610-E Oath of Office</u>	
<u>NYG Form 615-E Authorization for release of information</u>	This is your permission to verify your background
<u>NYG Form 611-E Agreement of Understanding</u>	This is your agreement that you can be discharged for discrepancies or omissions in your enlistment application and that your medical information can be shared with your commander, G1 and in case of LOD, with DMNA.
<u>NYG Form 3005.5 Mobilization</u>	This provides additional information about availability, specialties and contact information
<u>NYG Form 640 Proceeding of the Board</u>	Results of your officer Board
<u>NYG Form 6130.1</u>	Medical Examination
<u>NYG Form 6130.2</u>	Medical History
Copy of your Driver's License	Photo ID
Copy of your resume or <u>NYG Form NYG 620A</u>	Resume or Job History
Copy of your Birth Certificate or Passport	Proof of Citizenship and second form of ID
Letter of good conduct from local Police Dept.	Not required for Police Officers, Court Officers or Licensed positions where a felony would revoke a professional license. Attach copy of professional license.
Two letters of recommendation	From a non-relation who has known you for at least 10 years. Must include their address, phone number, how they know you.
Copy of DD-214 or NGB-22	For prior service applicants
Copy of professional license	(if applicable) Doctor/ Dentist/ Nurse/ Attorney
Copy of Ordination Certificate	(if applicable) and letter from a religious denomination recognized by the U.S. military - Ecclesiastical Approval (form DD 2088).
An official (raised seal) transcript	From an accredited institution showing completed credits or degree awarded (Bachelors or higher).



c. All applicants will undergo a background history review and appointed after the review has been completed, providing there is no information that would disqualify the applicant under law and regulations. Any subsequent discovery that information provided by an applicant is materially false or discovery of information that if known at that time would disqualify the applicant under the laws, regulations and Directives of the New York Guard, are grounds for immediate revocation of the appointment or enlistment.

d. Upon approval of appointment, Headquarters, New York Guard, will provide Unit Commander with a letter of approval authorizing the Unit Commander to administer the Oath of Office.

e. Unit Commander will submit executed Oath of Office to Commanding General, New York Guard, Attn: NYSG-AG. Upon receipt of applicants Oath of Office, Headquarters, New York Guard, will prepare appointment orders.

f. The date of appointment and date of rank will be the date of the Oath of Office.

g. Officers entering or returning to the New York Guard from federal active service must be appointed to a vacant TDA position which supports their rank. They will not be eligible for promotion until 1 year after their return to the New York Guard and must have the required time in grade (previous time in grade plus current time in grade). Return from State Reserve or State Retirement is at the request of the NYG Commander only. A current medical and an updated mobilization form are required. Return from State Retirement list is not possible after mandatory separation date (age 68).

**CHAPTER IV**  
**QUALIFICATIONS FOR ENLISTMENT**

**1. Initial Enlistment Criteria.**

a. The following categories for enlistment in the New York Guard will be considered:

- (1) Applicants with prior United States military or Organized Militia service.
- (2) Applicants with no prior military service.
- (3) Applicants with prior foreign military service.

b. **Physical requirements.** Applicants must meet the physical requirements as published in the New York Guard Directives 1308 and 6130. NYGD 1308 contains tables of Maximum Allowable Weights (MAW) for males and females by height and age categories. Waivers to Height/Weight may be granted when weight is not more than 20 lbs. over the maximum allowable weight (MAW) or ) or individual meets other additional measurement standards as described in NYGD 1308.

b. **Age.** Applicants must be at least 18 years of age for enlistment and not more than 62 years.

c. **Citizenship.** Applicants must be a citizen of the United States, provide a copy of their green card, or have declared intention of becoming a citizen of the United States as evidenced by Immigration and Naturalization Service Form N300 (US Department of Justice). The form must be furnished for review to the initiating unit commander for inclusion in the Enlistment Packet. (A notarized copy of INS Form N300 is acceptable).

d. **Education.** Applicants must have a High School Diploma or GED.

e. **Tattoos.** Tattoos that do not show when wearing the ACU uniform are permitted. Tattoos or brands that have symbolic meanings that are inconsistent with the values of New York State Military Forces are not permitted, covered or not.

In order to preserve a professional appearance, the New York Guard adheres to US Army AR 670-1 section 3-3 which limits the types, locations and size of tattoos and additional policy statements may be issued by the New York Guard Commander.

**2. Service obligations.**

a. No individual will be enlisted in the New York Guard who is an active member of the armed forces of the United States, or of any State, or has any service obligation to any of the armed forces of the United States. Retired military personnel or inactive military reservists may be enlisted in the New York Guard, if otherwise found qualified.

### 3. Individuals not authorized for enlistment/re-enlistment

a. A former member of the Armed Forces of the United States including reserve components and/or the Organized Militia of any state whose separation or discharge documents indicate RE4 or not recommended for Re-Enlistment or further military service.

b. A deserter or an individual "AWOL" from any of the Armed Forces of the United States including Reserve components and/or the Organized Militia of this State of any other State.

c. An individual who has had a felony conviction, a class A misdemeanor conviction within the last 5 years or is a registered sex offender. All arrests must be accounted for and certified copies of the disposition from the court are to be submitted with the enlistment packet.

d. An individual having a record of insanity or emotional instability.

e. An individual who does not speak, read and write English.

f. An alien who has not filed his legal declaration of intention to become a citizen of the United States.

**4. Term and Grade at Original Enlistment.** Enlistment in the New York Guard will be for a period of 6 years. If not under State Active Duty by order of Governor Individuals can request to be discharged before their expiration of their term of enlistment.

New York Guard reserves the right to discharge any personnel without cause at any time. Some grounds for immediate discharge, but not limited to are:

- 1) Non Attendance for 1 year
- 2) AWOL for annual training
- 3) AWOL from missions after volunteering

Individuals must qualify in accordance with *paragraph 7, 8 and 9* of this chapter.

**5. Enlisted Ranks.** New York Guard enlisted ranks and grades will be as indicated in the Table of Distribution and Allowances. (TDA). See Table IV-1.

TABLE IV-1

E9 Command Sergeant Major (CSM)
E9 Sergeant Major (SGM)
E8 First Sergeant (1SG)
E8 Master Sergeant (MSG)
E7 Sergeant First Class (SFC)
E6 Staff Sergeant (SSG)
E5 Sergeant (SGT)
E4 Specialist (SPC)
E3 Private First Class (PFC)
E2 Private (PVT)

**6. Enlistment criteria for personnel with prior United States military enlisted service** (Army, Navy, Air Force, Marines, Coast Guard, Air or Army National Guard, active or reserve components).

a. New York Guard applicants with prior United States military enlisted service will enter the NYG with their former federal rank.

e. The service member's TIG from federal service will be used as the NYG TIG. There is a 1 year minimum time of service in the New York Guard required before promotion consideration.

f. Because of differences between NYG Training requirements and those of other agencies, soldiers are required to complete the highest level of NYG training required for the rank to which they are being enlisted.

**7. Enlistment criteria for personnel from other State Defense Forces.** Enlisted personnel of other recognized State Defense Forces can be enlisted in the New York Guard. Time in Grade, Attendance and Training accomplishments need to be certified by their State Defense Force G1. Completion of Time in grade or one year of service in the New York Guard (whichever is longer) is required for the individual to be eligible for promotion in the New York Guard. Individuals may not be a member of any other State Defense Force while in the New York Guard.

**8. Original enlistment criteria for personnel with non-prior military service.**

a. Maximum age for enlistment is Sixty-Two (62) years of age. Enlistments will be to the grade of Private (E2) unless the applicant meets one of the following criteria:

1. Applicants with no less than 2 years of active participation in ROTC, JROTC, CIVIL AIR PATROL, Coast Guard Auxiliary or other federal or state recognized cadet programs may be enlisted in the rank of Private First Class (E3).

2. Applicants with an Associate's Degree from an accredited institution may be enlisted as a Private First Class (E3).

3. Applicants with a Bachelor's Degree from an accredited institution may be enlisted as a Specialist (E4).

**9. Recommendation for Enlistment in the New York Guard.**

a. An enlistment packet and recommendation for enlistment in the New York Guard will be prepared by the gaining unit and signed by the Unit Commander and/or respective S-1 (G-1 for NYG Headquarters personnel enlistments), and forwarded through channels to the G1, New York Guard, Attn: NYSG-AG for approval/disapproval.

b. All applicants will undergo a background history review. They will be eligible for enlistment after the review has been completed, providing there is no information that would disqualify the applicant under law and regulations.

d. Upon approval of enlistment, Headquarters, New York Guard, will provide Unit Commander with a letter of approval authorizing the Unit Commander to administer the Oath of Office.

e. Unit Commander will submit executed Oath of Office to Commanding General, New York Guard, Attn: NYSG-AG. Upon receipt of applicant's Oath of Office, Headquarters, New York Guard, will prepare enlistment orders.

f. The date of enlistment and date of rank will be the date of the Oath of Office.

g. The following documents are required for submission to Headquarters, New York Guard:

Table IV-2

NYG FORMS	FORM TITLE/DISCRPTION
<u>NYG Form 650</u>	Commanders Certification
<u>NYG Form 620 – Application for Membership</u> The references in the Privacy Act Statement on the Form are incorrect to the degree that they reference federal laws that are not applicable to the NYG (10USC §3013, Exec Order 9397, 5USC§552a). Ref to NYS law is accurate.	Tape Recent Photo to Form 620 Page 1. This provides your background information
<u>NYG Form 660-E Oath of Enlistment</u>	This is your 3 Year Oath
<u>NYG Form 615-E Authorization for release of information</u>	This is your permission to verify your background
<u>NYG Form 661-E Agreement of Understanding</u>	This is your agreement that we can discharge you for discrepancies in your application or derogatory information
<u>NYG Form 3005.5 Mobilization</u> [DJW: This form needs to be simplified.]	This provides additional information about availability, specialties and contact information
<u>NYG Form 6130.1</u>	Medical Examination
<u>NYG Form 6130.2</u>	Medical History
Copy of your Drivers License	Photo ID 1
Copy of your resume and <u>NYG Form 620A</u>	Resume or Job History/ NYG Form 620A must be signed and dated even if resume is attached.
Copy of your Birth Certificate or Passport	Proof of Citizenship and second form of ID
Letter of good conduct from local Police Dept	Not required for Police Officer, Court Officer or Licensed positions where a felony would revoke your license. Attach copy of professional license.
One letter of recommendation	From a non-relative who has known you for at least 10 years. Must include their address, phone number, how they know you.
Copy of DD-214 or NGB-22	If prior service
Copy of High School Diploma, GED or Higher	
Copies of training	Military training schools and other courses relevant to the position you are being assigned to
Employer authorization	(When applicable)

**CHAPTER V**  
**PERSONNEL RECORDS**

**1. Personnel Records.** The documents required for Appointment or Enlistment in the New York Guard form the basis for the military record of the individual during their military service in the New York Guard. This record is known as the Military Personnel Records Jacket or MPRJ. Upon separation from military service this MPRJ will be retained as part of the permanent records of the Division of Military and Naval Affairs of the State of New York.

**2. Required Actions.**

a. New York Guard forms for Enlistment or Appointment will be prepared as indicated in paragraph 3.

b. Original packets will be submitted to the Recruiting & Retention office who in turn will submit to G1, New York Guard. Packets must be submitted electronically to G1 with paper submitted to G1 upon acceptance. All paper enlistment and appointment packets will be stored at NYG HQ, Latham, NY,

c. Request for re-enlistment: NYG Form 660, in duplicate will be initiated and completed by the unit commander. Original to be submitted recruiting and retention office Commander, New York Guard, no later than fifteen (15) days after completed personnel action. R&R will forward to NYSG-G1.

**3. Completing the forms.**

a. Initial appointment/enlistment. Prepare all forms in duplicate. Original documents are to be forwarded to Recruiting & Retention for processing and then forwarded to G1

Table V-1  
How to complete forms required for Appointment or Enlistment

FORM	FORM TITLE/DISCRPTION
(1) NYG Form 650	Recommendation for enlistment in the New York Guard. Complete all items.
(2) NYG Form 611	Agreement of Understanding. Complete all items.
(3) NYG Form 615	Authorization for release of information. Complete all items.
(4) NYG Form 620	Application for membership. Complete all items
(5) NYG Form 620-A	Personal History Questionnaire. Complete all items, or submit a Resume/Biography IAW NYGD 1312
(6) NYG Form 3005.5 Form needs to be simplified.	Mobilization form with information on availability, civilian and military specialties and contact information.
(7) NYG Form 6130.1  (Formerly NYG Form 88) (or SF 88) Form should be reformatted.	Report of Medical Examination. (a) Items 1 through 15 may be completed by initiating unit personnel. (b) Optional items: 44 through 50, 56, 58 through 72, 76, 81. (c) Items 17, 82, leave blank. (d) All items must be completed and signed by medical officer and/or private physician.
(8) NYG Form 6130.2  (Formerly NYG Form 93) (or SF 93)	Report of Medical History. (a) Initiating unit personnel may complete items 1 through 7. (b) Applicant will complete item 8 through 24 with signature of examinee. (c) Item 25 to be completed by medical officer and/or private physician. Physician's signature required at end of report.
(9) NYG Form 660 or NYG Form 610	Oath of enlistment/office/re-enlistment. Original document is submitted to Headquarters, New York Guard.
(10) NYG Form 661	Agreement of Understanding