

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA INFORMATION SHEET

The USERRA technician information sheet and checklist assists California National Guard Federal Employees in understanding and determining what elections and options are available to them at the time they elect to be absent, resign or separate from the agency to perform Active Duty Military Service(s). This form, a Standard Form 52 (Request for Personnel Action), and a copy of military orders (if available) or compatible notification from the Military Unit must be completed and submitted to the Joint Force Headquarters, Human Resources Office (HRO) prior to entering Military Active Service for appropriate processing. Except for employees separating, military services less than 30 days need not submit the above items mentioned. ***SUBMIT ONLY THE CHECKLIST TO HRO WITH A COPY OF THE ORDERS AND THE SF52. THE INFORMATION WORKSHEET IS FOR THE EMPLOYEE TO KEEP.***

II. USERRA Election Type

ABSENT – UNIFORMED SERVICE (Absent-US): This election places Technicians in approved/authorized absence (whether in pay or nonpay status) to perform duty with the uniformed services and has reemployment rights under USERRA. Choose this option if you expect to return to employment after military service with seniority rights to the position.

If current orders are under Title 32 USC and later orders convert the member to Title 10 (particularly for Contingency Operations) I must submit both copies with the original USERRA package or as soon as possible.

SEPARATION – UNIFORMED SERVICES (SEP - US): This election is a form of resignation, allowing you to retain USERRA protection, but not necessarily to your former position. Choose this option if you do not expect to return from military service. This selection does not prevent you from applying for reemployment with the agency.

NOTE: (1) You must provide Military Orders or compatible notification with this checklist or as soon as possible. (2) Effective dates of either USERRA elections must coincide with the effective date of or after and not prior to entering military service. **If you are using regular compensatory time while on orders, your election for either Absent-US or Separation-US must be pushed out to coincide with the day after you finish using compensatory time. You may not use compensatory time after you enter Absent-US or Separation-US status.**

III. RESTORATION PERIODS

If military orders are for **less than 31 days**, personnel must report back to work at the **beginning of the next regularly scheduled workday** following completion of my service. If military orders are for **more than 30, but less than 181 days**, personnel must apply for reemployment no later than **14 days** following completion of my service. If military orders are for **more than 180 days**, personnel must apply for reemployment no later than **90 days** after completion of service to apply for restoration. If military orders exceed a **cumulative total of 5 years** (unless specifically exempted by law) there are **NO RE-EMPLOYMENT RIGHTS** after 5 years have been reached.

IV. EARNED LEAVE

You may elect to keep, use earned leave (Annual, Compensatory, paid Military Leave, and Time Off Award) or receive a lump sum payment of any unused Annual Leave prior to your departure. Should you wish to use any of your earned leave, you must coordinate your requests through your Supervisor and/or Time & Attendance Representative.

Accumulated Leave

ABSENT – US members - Your earned leave will be saved in the pay system.

SEP – US members - Your Annual Leave will be paid out in a lump sum.

Forfeiture of earned leave

ABSENT – US members -

- (1) A maximum of 240 hours of Military Leave can be conserved. Military Leave over 240 hours will be forfeited and cannot be restored.
 - (2) A maximum of 240 hours of Annual Leave can be conserved. Annual Leave Over 240 hours will be forfeited, but can be restored upon request.
 - (3) Compensatory Time and Time off Awards cannot be conserved nor restored and will be forfeited if not used within 1 year of earning them.
- SEPARATION – US members - If using earned leave, your separation effective date will be the last day of your earned leave. Otherwise:
- (1) Paid Military Leave, Compensatory Time, and Time Off Awards will be forfeited if not used prior to separation and cannot be restored.
 - (2) Annual Leave – you will automatically receive a lump sum payment.

Lump Sum Payout

Any unused Annual Leave can be paid out in a lump which will be on your last LES. Compensatory Time, Military Leave, and Time off Awards are automatically forfeited (if not used) and do not qualify as part of the lump sum payment. Therefore, it is highly encouraged you use them prior to the anniversary date you earned them or they will be removed and cannot be restored.

ABSENT – US members - If electing a lump sum payment of your Annual leave, Defense Finance and Accounting Services (DFAS) will provide a lump sum payment on your last Leave and Earning Statement (LES).

SEP – US members - You will automatically receive a lump sum payment paid out by DFAS, which will be on your last LES.

V. TECHNICIAN PAY

ABSENT – US members - Any automatic deductions, investments and/or garnishments such as normal employment benefits or investments (Health Benefits, Life Insurance, Thrift Savings Plan, and Loans) established on your technician pay will temporarily halt during your Non-Pay status and will be automatically restored upon your return to duty or during times when you are in Active Pay status (i.e. while using accrued leave, military leave, etc). If you have **child support** payments/garnishments established on your technician pay, you must ensure DFAS has a copy of the court order. DFAS contact number is (866) 859-1845.

If you are in support of *contingent* operations as Bosnia, Iraqi Crisis, Kosovo, Enduring Freedom, and Noble Eagle, you may be eligible to receive a "Reserve Differential" payment if your civilian "basic pay" normally exceeds the amount of your military pay during a pay period. You may

receive a differential sum equal to the amount of your civilian salary to offset your military pay as long as you are in authorized Non-Pay status. Additional information can be found at <http://www.opm.gov/reservist/>.

SEP – US members - You will have your Technician Pay and all Employee Benefits such as automated deductions, investments and/or garnishments discontinued. You will receive a separation packet containing forms and directions informing you how to handle your former benefits and/or pay information. It is **your** responsibility to coordinate for or meet your deduction or garnishment requirements/obligations.

To manage your pay information (i.e. Address, Direct Deposit, LES delivery, and Allotment information) you will need to access the DFAS MyPay Web Site at <https://mypay.dfas.mil/mypay.aspx>.

VI. FEDERAL EMPLOYEE'S GROUP LIFE INSURANCE (FEGLI)

ABSENT – US **and** SEP – US members - FEGLI coverage will continue for up to 24 months in accordance with (IAW) the Department of Homeland Security (DHS) Appropriations Act 2008, Section 1102, so long as military service is for more than 30 days.

FEGLI will continue for up to 12 months at no cost to you and will discontinue automatically. However, you may continue FEGLI for an additional 12 months if your military service is beyond 12 months. To qualify, you must pay both the employee and agency share of premiums for Basic coverage, and pay the entire cost for any Optional insurance (there is no agency share) for the additional months of coverage. Failure to pay the premiums as specified will constitute a voluntary cancellation of your coverage, subject to the 31-day extension of coverage and the right to convert to an individual policy.

FEGLI coverage can be decreased while on Absent-US. The appropriate election can be made in section VI. below on the checklist. The decrease in coverage is only for the period of active duty. The previous level of FEGLI coverage will be restored when the returned to duty action is processed.

VII. FEDERAL EMPLOYEE'S HEALTH BENEFITS (FEHB)

Cancellations

ABSENT – US **and** SEP – US members - You may cancel your FEHB so long as: (1) cancellation is effective the date of or after entering military service and **not prior** and (2) military service is more than 30 days. If electing to cancel your FEHB, you must submit a Standard Form (SF) 2809 along with this checklist. **ONLY** ABSENT – US members have up to 60 days after being placed in non-pay status to cancel FEHB. If you request to cancel your FEHB, but do not submit a SF 2809:

- (1) ABSENT – US. You will continue to have FEHB Coverage and may incur a debt.
- (2) SEP – US members. You will continue to have FEHB coverage until your date of separation.

Terminations

SEP – US members. You will have your FEHB coverage automatically terminated on the day you are separated.

All FEHB cancellation and/or termination effective dates must/will coincide with the date of or after and not prior to entering military service. If using compensatory time at the start of your orders, the cancellation will be effective on the date you enter Absent-US status. Cancellations do not allow for a 31 day extension of coverage. However, terminations do allow for a 31 day extension of coverage.

Reinstatement/Enrollment

You have 60 days after returning to duty/reemployment to reinitiate/enroll in FEHB.

Waiver

Upon returning to duty/reemployment, you may waive FEHB reinstatement/enrollment due to military TRICARE coverage so long as you complete the *Waiver of Immediate Reinstatement of FEHB* form.

24 Month Coverage

You may also elect to retain FEHB for up to 24 months during your Absent-US/Sep-US status whether in support of Contingency Operations or not. After 24 months, your FEHB coverage will automatically terminate with no option to retain it, but you will be eligible to enroll in FEHB upon your return to duty/reemployment.

Non-contingency Operations

If you are entering military service for non-contingency operations such as Active Guard Reserve, Active Duty for Special Work, Military School, etc, you may continue FEHB for up to 12 months and pay your share of the premiums. If your military service goes beyond 12 months, you may continue your FEHB for an additional 12 months by paying 102 percent of the premium: (1) you pay your premium share, (2) the Government's share, and (3) a 2 percent administrative fee. Payments should include the member's SSN and annotate USERRA FEHB payment on checks. Otherwise, ABSENT – US members can elect to incur a debt and repay it upon return to duty.

If electing to continue FEHB coverage, you may pay the premiums by check made payable to:

DFAS Disbursing Officer
P.O. Box 998019
Cleveland, OH 44199-8019.

Contingent Operations

If you are in support of *contingent* operations such as Bosnia, Iraqi Crisis, Kosovo, Enduring Freedom, and Noble Eagle, your FEHB premiums (both the employee and government contributions) will be paid by the agency up to 24 months so long as you are/were:

- (1) Called or ordered to active duty (voluntarily or involuntarily) in support of contingency operation as defined in 10 USC, section 101(a)(1)(3).
- (2) Placed in either ABSENT – UNIFORMED SERVICE or SEPARATION – US to perform active duty.
- (3) Serving on active duty for a period of more than 30 consecutive days.

VIII. FEDERAL EMPLOYEES DENTAL and VISION INSURANCE PROGRAM (FEDVIP)

FEDVIP is separate from FEHB but does mirror the same coverage stipulations. You may elect to continue FEDVIP coverage, cancel, or have it automatically terminated at the time you enter military service.

Continued Coverage / Direct Billing

ABSENT – US members - You may elect to continue FEDVIP coverage throughout the duration of your military service. After two consecutive pay periods in Non-Pay status, payment for FEDVIP coverage will no longer be electronically withdrawn. The FEDVIP will bill you directly. Your bill must be paid by sending in a check payable to BENEFEDS for the amount due. Failure to do so may cause you to default on your coverage.

Cancellations

ABSENT – US and SEP – US members - You may cancel your FEDVIP so long as cancellation is effective the date of or after and **not prior** to entering military service. There is no stipulated time frame to cancel your coverage; therefore, if you forget to submit your cancellation request, your coverage is subject to automatic termination.

Terminations

ABSENT – US members - Failure to comply with FEDVIP's Direct Billing procedures or to submit your cancellation request may cause your coverage to be automatically terminated.

SEP – US members - Your FEDVIP coverage will automatically terminate on the day you are separated unless you elect to cancel at an earlier date.

FEDVIP Contact

You must contact BENEFEDS Customer Service by email at Service@BENEFEDS.com or call (877) 888-FEDS (877-888-3337) to coordinate all payment requirements and/or cancellation requests. Additional information can be found at www.benefeds.com.

IX. FLEXIBLE SPENDING ACCOUNTS

Upon receiving orders of 31 days or more, employees enrolled in any of the three flexible spending accounts **must notify FSAFEDS immediately** of the change in employment status by calling 1-877-372-3337. Enrollees may accelerate the pre-tax deductions prior to entering Absent-US or Sep-US status.

Absent-US members that have not pre-paid their election will have their account frozen while on Absent-US and will not be eligible for reimbursement of any HCFSA expenses incurred during the period of Absent-US until the Benefit Period ends or until being returned to duty and begin making allotments again, whichever occurs first.

SEP-US members will have their FSA terminate as of the date of separation and there are no extensions. Any health care expenses incurred after the date of separation are not reimbursable. For DCFSA, claims can be submitted until the end of the Benefit Period or until my account balance is used up, whichever occurs first.

Under the Heroes Earnings Assistance and Relief Tax (Heart ACT) employees may receive a taxable disbursement of the unused HCFSA balance now as a qualified reservist distribution (QRD). The funds are taxable income in the year funds are received and that there is a time limit to request a QRD beginning with the date of the orders and ending on the last day of the FSAFEDS grace period. Requests for a QRD must be made by contact FSAFEDS directly at 1-877-372-3337.

X. FEDERAL LONG TERM CARE INSURANCE PROGRAM

If enrolled in the Federal Long Term Care Insurance Program (FLTCIP) premiums payments must be current to avoid cancellation of coverage – enrollees are not allowed to incur a debt. To coordinate direct billing, contact a LTC representative at 1-800-582-3337 to discuss and/or change my payment option. If you are deployed, direct billing may not be feasible. Having a payroll deduction or automatic bank withdrawal may be the best option.

XI. RETIREMENT BENEFITS

ABSENT – US members will have death and disability benefits continued under their current retirement system.

SEP – US members will have their death and disability benefits discontinued upon the date of separation.

Both members are eligible to make Military Deposits for military service which may be potentially creditable. To obtain federal retirement coverage for military service, members must complete a RI 20-97 (Estimated Earning During Military Service) form, attach a DD-214, and submit it to ABC-C.

These forms must be submitted to avoid Catch-62. CSRS employees must make a deposit if first hired after October 1 1982; FERS must make a deposit for the time to count. Contact ABC-C for additional information and/or to receive the form.

If restored under USERRA, the deposit will be calculated using the lesser of the CSRS or FERS retirement contributions attributed to the period of military service, or the military deposit amount based on the military basic pay received.

XII. THRIFT SAVINGS PLAN (TSP)

Missed TSP Contributions

While on military duty, you may contribute to the TSP from your military basic pay, incentives, and bonuses. If deployed to a tax-exempt zone, all of the contributions made to TSP will be permanently tax-exempt. You must make your military election via MyPay or by submitting a TSP-U-1 to your military pay technician.

If you elect to make-up missed TSP contributions from your civilian pay, only money contributed from your military basic pay will be counted towards the make-up amount and towards the matching contributions by the agency. You **only have 60 days** after returning to duty to request to make-up missed TSP Contributions. You must attach copies of your master military pay information. These are available through your military pay technician.

XII. THRIFT SAVINGS PLAN (TSP) (continued)

Loan Information

ABSENT – US members - If you have TSP Loan(s), pay deductions will temporarily be frozen while in Non-Pay status. A TSP-41, Notification to TSP of Non-Pay Status form will be generated on your behalf by HRO notifying TSP of your entrance into military service.

SEP – US members - You will have any TSP loan deductions discontinued. You may contact the TSP Office at 1-877-968-3778 to make other payment arrangements. If the loan is not paid off quickly, it will become a taxable disbursement.

XIII. NATIONAL GUARD ASSOCIATION OF THE UNITED STATES (NGAUS) DISABILITY INSURANCE

The NGAUS Disability and/or Term Life Insurance provider (ReliaStar) needs to be notified when a technician that is enrolled in either type of insurance enters military service that is over 30 days. This is to suspend the insurance premiums for the disability coverage and bill the member directly for the term life insurance premiums.

XIV. OFFICE OF THE WORKER'S COMPENSATION PROGRAM (OWCP)

This section helps HRO to identify Technicians who have sustained work related injuries during Technician status prior to and after military service. It identifies and removes military Line of Duty information conflicts with OWCP claims.

**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
USERRA TECHNICIAN CHECKLIST**

(Return only the USERRA checklist to HRO with a copy of your orders and the SF52.

I. INDIVIDUAL INFORMATION

You are required to initial all applicable blocks to indicate your elections and that you have read and understand your options/conditions. Refer to instructions/information in first three pages for each section prior to initialing or signing this form.

Name:	SSAN:	Technician Unit:	Pay Plan-Series-Grade:	
Street Address:	City:	State:	Zip:	
Phone Number:	Email:			
Contact Person in case I cannot be reached:	Relationship	Has Power of Attorney? Circle One: Yes / No		
Street Address:	City:	State:	Zip:	
Phone Number:	Alternate Phone Number:			

II. USERRA Election Type

Select and Initial **ONLY ONE** option and include an effective date.

Initials	I ELECT ABSENT – UNIFORMED SERVICE	Effective Date:
	I am using compensatory time from _____ to _____	
	I ELECT SEPARATION – US. I elect to separate and understand I still retain USERRA protection.	Effective Date:

III. RESTORATION PERIODS

Initials	I understand my responsibility to return to work within the required time limitations.
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IV. EARNED LEAVE

Initials	I understand my earned leave options and elect ONE of the following:
Select and Initial ONLY ONE option:	
Initials	I elect to receive a lump sum payment of any unused annual leave
	I elect not to receive a lump sum payment of any unused annual leave.

V. TECHNICIAN PAY

Initials	I understand my absence, separation, or use of leave while on active duty will have certain affects on my Technician Pay.
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VI. FEDERAL EMPLOYEE’S GROUP LIFE INSURANCE (FEGLI)

Select and Initial ONLY ONE :							
Initials	I do not have FEGLI. Skip to part VII.						
	I understand my FEGLI options and elect only ONE of the following:						
Select and Initial ONLY ONE option:							
Initials	I elect to discontinue my FEGLI coverage after the initial 12 months.						
	I elect to continue my FEGLI coverage for an additional 12 months.						
	I elect to reduce my FEGLI coverage after the initial 12 months. My new coverage while on active duty is :						
Initials	Basic	Initials	Option A	Initials	Option B (in multiples of 1 – 5)	Initials	Option C (in multiples of 1 – 5)
	I elect to convert to a private individual policy. I will coordinate with the HRO for additional information.						

**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
USERRA TECHNICIAN CHECKLIST**

Name:	Technician Unit:
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VII. FEDERAL EMPLOYEE'S HEALTH BENEFITS (FEHB)

Select and Initial **ONLY ONE**:

Initials	I do not have FEHB. Skip to Part VIII.
	I understand my FEHB conditions and elect ONE of the following options:

Select and Initial **ONLY ONE**:

Initials	I elect to cancel my FEHB and am aware I must submit a SF 2809.	Effective Date:
	I elect to terminate my FEHB.	Effective Date:

MILITARY ORDERS NOT IN SUPPORT OF A CONTINGENCY OPERATION

	I elect to retain FEHB and incur a debt.
	I elect to retain FEHB and pay on a continuing basis during my absence.

MILITARY ORDERS IN SUPPORT OF A CONTINGENCY OPERATION

	I elect to retain FEHB. I am aware the agency will cover for my FEHB premium not to exceed 24 months.
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VIII. FEDERAL EMPLOYEES DENTAL and VISION INSURANCE PROGRAM (FEDVIP)

Select and Initial **ONLY ONE**:

Initials	I do not have FEDVIP coverage. Skip to part IX.
	I understand my FEDVIP options and will contact the BENEFEDS Customer Service to coordinate all payment requirements and/or cancellation requests.

IX. FLEXIBLE SPENDING ACCOUNTS

Initials	I am not enrolled in FSAFEDS. Skip to Section X.
	I understand that I must notify FSAFEDS immediately of the change in employment status by calling 1-877-372-3337.

X. FEDERAL LONG TERM CARE INSURANCE PROGRAM

Initials	I am not enrolled in FLTCIP. (Skip to Section XI.)
	I understand that I must notify LTC immediately of the change in employment status by calling 1-800-582-3337.

XI. RETIREMENT BENEFITS

Initials	I understand my Retirement/Military Deposit options.
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XII. THRIFT SAVINGS PLAN (TSP)

Select and Initial **ONLY ONE**:

Initials	I do not have a TSP loan.
	I have a TSP loan.
	I understand I may contribute to TSP from my military pay and can make the election via MyPay.

XIII. NATIONAL GUARD ASSOCIATION OF THE UNITED STATES (NGAUS) DISABILITY INSURANCE

Select and Initial **ONLY ONE**:

Initials	I am currently enrolled in NGAUS Disability and/or Term Life Insurance and have filled out the "Notification of Active Duty" section on the NG 76 form and attached it to this checklist.
	I am not currently enrolled in NGAUS Disability or Term Life Insurance.

XIV. OFFICE OF THE WORKER'S COMPENSATION PROGRAM (OWCP)

Select and Initial any of the following:

Initials	I have an open OWCP claim on file.	Claim #:
	I have a closed OWCP claim on file.	Claim #:
	I do not have an OWCP claim on file.	

**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
USERRA TECHNICIAN CHECKLIST**

Name:	Technician Unit:
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XV. TECHNICIAN SIGNATURE

I have read and understand my USERRA options, benefits, elections, and conditions.
I have provided a copy of my LES to my HR Remote Designee as verification of my current benefits and deductions.

Signature:	Date:
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XVI. REMOTE DESIGNEE USE ONLY

Initial off each item to verify completion:	Completed by: Name:
<input type="checkbox"/> Military Orders or compatible notification attached	Signature/Date
<input type="checkbox"/> SF-52 completed and attached	
<input type="checkbox"/> SF 2809 FEHB Election Form attached	
<input type="checkbox"/> I have reviewed the member's LES for a NGAUS deduction. Member has NGAUS Insurance: YES/NO If yes, NG 76 Form Attached	

XVII. DIRECTORATE OF HUMAN RESOURCES USE ONLY

Complete and initial off each item to verify completion:	Completed by: Name:
<input type="checkbox"/> SF -52 attached	Signature/Date
<input type="checkbox"/> Orders (compatible notification) attached	
<input type="checkbox"/> FEGLI Code:	
<input type="checkbox"/> FEHB code:	
<input type="checkbox"/> SF 2809 attached or DCPDS updated and SF 2810 submitted	
<input type="checkbox"/> TSP-41 Submitted	
<input type="checkbox"/> Annual Leave Lump Sum (Y/N) <input type="checkbox"/> Remedy Ticket Number:	
<input type="checkbox"/> Pay Status in DCPDS checked to ensure action flowed successfully	
<input type="checkbox"/> NG 76 Form Sent to ReliaStar and Payroll	
<input type="checkbox"/> Retention Allowance Stopped (Staffing Representative should initial)	