

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA RETURN TO DUTY INFORMATION SHEET AND CHECKLIST

The USERRA Return To Duty (RTD) Technician Checklist assists California National Guard Federal Employees who entered military service in ABSENT – UNIFORMED SERVICES to understand and determine what elections and options are available to them at the time they RTD from military service. This checklist, a Standard Form (SF) 52 (Request for Personnel Action), and a copy of military orders (if available)/DD-214 or compatible notification from the Military Unit stating a release from military service must be completed and submitted to the Joint Force Headquarters, Human Resources Office for appropriate processing.

SUBMIT THE SF52, REQUEST FOR PERSONNEL ACTION, THE CHECKLIST, AND A COPY OF THE ORIGINAL ORDERS, ALL AMENDMENTS AND EXTENSIONS TO THE ORDERS, AND ANY NEW ORDERS TO HRO THROUGH YOUR HRO REMOTE DESIGNEE. THE INFORMATION WORKSHEET IS FOR THE EMPLOYEE TO KEEP.

II. RETURN TO DUTY (RTD)

This section identifies the date and intent of your return status, whether physically or administratively. Returning Technicians must understand all RTD prerequisites.

Validity of Discharge

You must provide military orders or documentation such as your DD-214 which indicates you were discharged or pending discharge from military service under honorable conditions. If you are unable to provide ANY documentation prior to or upon your RTD, the HRO will still honor your request. However, you are still obligated to provide the agency proof on the validity and type of discharge at a later time. If your documentation indicates your discharge is under other than honorable conditions, you are subject to a denial of reemployment or be terminated from employment.

Restoration Periods

Upon release from military service, you have a specific time limit to report back to or reapply for your technician position:

- 1) Less than 31 days, must report back to work at the beginning of the next regularly scheduled workday after release.
- 2) More than 30 but less than 181 days, must apply for reemployment no later than 14 days after release.
- 3) More than 180 days, must apply for reemployment no later than 90 days after release.

Terminal Leave/Transition Leave

If you are on terminal/transition leave pending separation from or release from military service (under honorable conditions), you can elect to RTD and receive your technician pay in addition to the unexpired portion of your military service.

III. PRESIDENTIAL LEAVE

Technicians returning from Title 10 military duty in support of (ISO) Global War on Terrorism (GWOT) such as Operations Enduring Freedom, Iraqi Freedom, Noble Eagle, or any military operation subsequently established under Executive Order 13223 are granted five days of excused absence each time Technicians RTD from such military service.

Eligibility

- (1) You must have spent at least 42 or more consecutive days in active military service. An accumulation of 42 or more days does not constitute eligibility for the Five Day Excused Absence.
- (2) The Five Days Excused Absence is limited to one time per every 12-month period which begins on the first day of the excused absence and ends 365 days later.

Conditions of use

- (1) You must use the Five Day Excused Absence at the time you RTD and prior to your actual resumption of your duties. You will RTD administratively and will report physically to work following the five days.
- (2) You must use the Five Day Excused Absence consecutively and cannot save it for a later date or use it cumulatively on separate days. If, you are/were unable to use the excused absence at the time of your RTD, you may request and schedule the excused absence at a time mutually agreeable to you and your supervisor.
- (3) You must coordinate with your Supervisor and/or Time & Attendance Representative for approval and submission of your excused absence.

IV. EARNED LEAVE

You will resume earning leave as normal effective on you RTD date.

Cached Leave

All earned leave (Annual, Compensatory, paid Military Leave, Sick, and Time Off Awards) which were cached during your Non-Pay status will resume effective on your RTD date unless leave was forfeited or requires restoration.

Forfeiture of Leave

- 1) Compensatory Time and Time Off Awards which were not used within 1 year of earning them may have been forfeited and cannot be restored.
- 2) Military Leave which exceeded the maximum amount of 240 hours may have been forfeited cannot be restored.

Restore Leave

Accrued Annual Leave which exceeded the maximum amount of 240 hours may have been forfeited, but can be restored upon request depending on the time it was lost. Reference CNG FPR 630, Leave and Absences for details on how to request leave restoration(s).

Lump Sum Payout

If you returned to duty prior to the end of the period covered by the lump-sum payment, you are required to refund an amount equal to the pay that covers the period between the date of your RTD and the expiration of the lump-sum leave period.

V. TECHNICIAN PAY

All allotments, deductions, and garnishments such as normal employment benefits or investments (Health Benefits, Life Insurance, Thrift Savings Plan, and Loans) established on your technician pay will resume effective on your RTD date.

It is **your** responsibility to review, coordinate, and/or reestablish any obligated or any additional allotments, deductions, and/or garnishments.

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)

If FEGLI coverage was reduced and/or was automatically stopped due to member's election and/or exceeding 12 or 24 months of service, it will be reinstated to the level it was prior to entering active duty. No further action is required by the member.

VII. FEDERAL EMPLOYEE'S HEALTH BENEFITS (FEHB)

FEHB coverage will resume effective on your RTD date. If your FEHB was previously cancelled per your request, was automatically terminated after having exceeded the 24 month or simply did not have FEHB prior to you entering military service, you may elect to waive, reinstate or enroll in FEHB.

Reinstatement/Enrollment

You have 60 days after returning to duty to reinitiate or enroll in FEHB. If you cancelled your FEHB coverage upon entering Absent-US, you must complete and submit a Standard Form (SF) 2809.

Waiver

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

VIII. RETIREMENT (MILITARY DEPOSIT)

You are eligible to make Military Deposits for military service which may potentially be creditable. In order to obtain federal retirement coverage for military service, you must complete an RI 20-97 (Estimated Earning During Military Service) form, attach a DD-214, and submit them to the DFAS.

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 be creditable). Contact the Human Resources Office for additional information and/or to receive the form.

IX. THRIFT SAVINGS PLAN (TSP)

TSP Missed Contributions

You may make up any missed TSP contributions by submitting a TSP Make-Up Contributions Request form. You must submit the request within 60 days of returning to duty. After the 60 days has passed, the request cannot be processed and will be returned without action. The agency will provide the associated matching funds as missed TSP contributions are made up.

TSP Loans

Any TSP Loan(s) and their appropriate pay deductions will resume effective on your RTD date. A TSP-41, Notification to TSP of Non-Pay Status form will be generated on your behalf notifying TSP of your RTD.

X. 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 returns from military service that is over 30 days. This is to reinstate the insurance premiums for the disability and term life insurance and stop the direct billing for the term life insurance.

If currently enrolled in NGAUS Disability and/or Term Life Insurance the Demobilized from Federal Active Duty section in the Notification of Active Duty block on the NG 76 form must be filled out and attached to this checklist.

XI. MILITARY DISCHARGE - DD 214/DD 215

Part of the member's responsibility in invoking USERRA rights is that the character of military service must be under "Honorable Conditions". In order to verify the character of service a DD 214 must be provided. If any change is required on the DD 214, a DD 215 must be attached as well.

**UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT
USERRA RETURN TO DUTY CHECKLIST**

You are required to initial all applicable blocks to indicate your elections and that you have read and understand your options/conditions.

I. INDIVIDUAL INFORMATION

1. Name:	2. SSAN:	3. Technician Unit:	4. Pay Plan-Series-Grade:	
5. Home Address:	6. City:		7. State:	8. Zip:
9. Phone Number:	10. Email:			

II. RETURN TO DUTY (RTD)

Select and initial your election and include an effective date.

Initials	I ELECT to Return To Duty. I have been released or am pending release from military service under honorable conditions and within the time period(s) listed above.	Effective Date:
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III. PRESIDENTIAL LEAVE

Select and Initial **ONLY ONE**:

Initials	I did not serve in support of GWOT operations.
	I understand the Presidential Leave conditions and requirements and will make the necessary coordination for its use.

IV. EARNED LEAVE

Initials	I understand my earned leave conditions and requirements and will take the necessary steps as appropriate.
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V. TECHNICIAN PAY

Initials	I understand my Technician Pay conditions and requirements and will take the necessary steps as appropriate.
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VI. FEDERAL EMPLOYEE'S GROUP LIFE INSURANCE (FEGLI)

Select and Initial **ONLY ONE**:

Initials	I do not have FEGLI coverage.
	I understand my FEGLI coverage becomes active upon my RTD.

VII. FEDERAL EMPLOYEE'S HEALTH BENEFITS (FEHB)

Select and Initial:

Initials	I am not eligible for FEHB coverage.
Initials	I understand my FEHB options and elect ONE of the following:

Select and Initial **ONLY ONE**:

Initials	I elect to continue my current FEHB coverage.
	I elect to enroll/reinstate my FEHB coverage and understand I must complete and submit a SF 2809 with this checklist.
	I elect to waive FEHB coverage at this time and understand I must complete the <i>Waiver of Immediate Reinstatement of FEHB</i> form.

VIII. RETIREMENT (MILITARY DEPOSIT)

Initials	I understand my Retirement/Military Deposit conditions.
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IX. THRIFT SAVINGS PLAN (TSP)

Initials	I understand that I must submit a TSP Make-Up Request form within 60 days of returning to duty to make up missed TSP contributions and to receive agency matching funds for the missed contributions.
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Select and Initial **ONLY ONE**:

Initials	I do not have a TSP Loan.
	I have a TSP Loan.

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

Select and Initial the appropriate statement(s):

	I am currently enrolled in NGAUS Disability and/or Term Life Insurance and have filled out the NG 76 form and attached it to this checklist.
	I am not currently enrolled in NGAUS Disability or Term Life Insurance.

XI. MILITARY DISCHARGE - DD 214/DD 215			
Initials	I have contacted my unit to obtain a DD 214 and a DD 215 if necessary and will send it to HRO through my HRO Remote Designee.		
XII. TECHNICIAN SIGNATURE			
Initials	I have read and understand my USERRA options, benefits, elections, conditions, and responsibilities. I have provided a copy of my LES to my HR Remote Designee as verification of my current benefits.		
Signature:		Date:	
XIII. REMOTE DESIGNEE USE ONLY			
Check off each item to verify completion:		Completed by:	
	REFRAD military orders or compatible notification attached.	Signature/Date	
	SF-52 completed and attached		
	SF-2809, FEHB, completed and attached		
	Waiver of FEHB		
	Make-Up TSP Contribution Request Form and all military LES' attached		
	I have reviewed the member's LES for a NGAUS deduction. Member has NGAUS Insurance: YES/NO If yes, NG 76 Form Attached		
XIV. DIRECTORATE OF HUMAN RESOURCES USE ONLY			
Complete/check off each item to verify completion:		Completed by:	
	SF -52 attached	Signature/Date	
	Orders (compatible notification) attached		
	TSP Loan – TSP-41		Submitted: (Date)
	Waiver of FEHB completed/SF 2810 completed		Submitted: (Date)
	SF 2809 attached		
	Make-Up TSP Contribution Request Form and MMPA's present		Remedy ticket number:
	TSP 1% Agency Automatic Contributions		Remedy ticket number:
	DD 214/215 received		Date:
	Pay Status in DCPDS checked to ensure action flowed successfully		