

Uniformed Services Employment and Reemployment Rights Act (USERRA) Packet

What is included in the Packet:

- USERRA “mini” Poster
- (Army) FTM Memorandum on accepting AGR and ADSW Tours
- Standard Form 52 (Request for Personnel Action) Example
- USERRA Checklists (LWOP-US, SEP-US, RTD)
- Information of Federal Employee’s Group Life Insurance
- Information on Thrift Savings Plan (TSP) non-pay status
- Information on Thrift Savings Plan (TSP) loan payments
- Information on Servicemembers Civil Relief Act (SCRA)

The following items are to be completed and submitted for successful processing

- Standard Form 52 (Request for Personnel Action)
- USERRA Checklists (LWOP-US, SEP-US, RTD)
- Copy of Military Orders

The following items should be reviewed and may require updates or resubmissions as applicable:

- TSP-3 (Designation of Beneficiary)
- SF 1152 (FEGLI Designation of Beneficiary)
- SF 2809 (FEHB enrollment)
- SF 2823 (FEGLI Designation of Beneficiary)

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YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its **website at <http://www.dol.gov/vets>**. An interactive online USERRA Advisor can be viewed at **<http://www.dol.gov/elaws/userra.htm>**. In some cases involving USERRA claims against Federal executive agencies, a complaint filed with VETS before September 30, 2007 may be transferred to the Office of Special Counsel for investigation and resolution pursuant to a demonstration project established under Section 204 of the Veterans Benefits Improvement Act of 2004, Pub. Law No. 108-454 (Dec. 10, 2004).
- ☆ If VETS is unable to resolve a complaint that has not been transferred for investigation under the demonstration project, you may request that your case be referred to the Office of Special Counsel for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where they customarily place notices for employees.



Office of Special Counsel
202-254-3620



U.S. Department of Labor
1-866-487-2365



1-800-336-4590

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DEPARTMENT OF THE ARMY
HEADQUARTERS, CALIFORNIA ARMY NATIONAL GUARD
9800 GOETHE ROAD - P.O. BOX 269101
SACRAMENTO, CALIFORNIA 95826-9101

CAAD-CS

15 May 2007

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Organizations Selecting FTM Personnel for Active Guard and Reserve (AGR) and ADSW Tours

1. Ongoing mobilizations of our soldiers and units continue to have significant reductions of FTM personnel at all levels of commands. The remaining level of personnel available to perform their statutory purpose in administering, training and equipping our workforce coupled with both, routine activities and activities associated to support mobilization efforts, are impacting our ability to satisfactorily manage the increased workloads.
2. Simultaneously, the number of ADSW tours for our soldiers continue to be available. A significant number of our remaining FTM personnel have elected to apply for these tours. The consequence is a further stripping of personnel from our remaining FTM workforce, exacerbating personnel shortages and the inability of units and or directorates to backfill losses.
3. It is not the intention of the Deputy Adjutant General, Army to deny any of our FTM personnel from applying for these AGR and ADSW tour opportunities. However, it is critical supervisors and commanders are fully educated and familiar with the potential consequences to this organization because of their decision. The attached matrix has been developed to assist all levels of management with the authority to approve tour requests and assist them in their decision making process. Any supervisory or commander electing to approve an AGR or ADSW tour for any category of FTM personnel will forward the tour request to me for final approval. Any supervisor approved tour requests for FTM personnel in CAOT without my authorization will be returned without action.
4. Should you have any questions regarding this subject, please contact Captain Stuart Ewing at CAGNET 63402, DSN 466-3402, (916) 854-3402 or email stuart.d.ewing@us.army.mil.

FOR THE COMMANDER:

Encl
as

A handwritten signature in black ink, appearing to read "Kerry L. Diminyatz".

KERRY L. DIMINYATZ
COL, GS, CA ARNG
Chief of Staff, Army Division

DISTRIBUTION:
A

AGR and ADSW Tour Selection Impact

As of: 5.15.2007

Rule	A If employment status is:	B And CNG full-time status is:	C Then:	D See notes below:
1	Full-Time	Permanent Technician	Restoration rights to same position for first 90 days of orders, greater than 90 days restoration rights to similar position within the same commute area. (50 miles)	1,2,3,4,6,7
2		Indefinite Technician	Restoration rights to same position for first 90 days of orders, greater than 90 days restoration rights to similar position within the same commute area. (50 miles)	1,2,3,4,6,7
3		Temporary Technician	Restoration rights up to the end of the current technician's appointment not-to-exceed (NTE) date for the same position. If orders go beyond NTE date, technician is terminated.	2
4		Active Guard Reserve (AGR)	No restoration rights to AGR position. AGR soldiers must resign from AGR position to accept ADSW tour.	
5		State Active Duty (SAD)	SAD service members may be reinstated to their former or a comparable position of like seniority and pay to accept ADSW tour.	8
6		State Civil Service (SCS)	State Civil Service employees have reinstatement rights to same position or a comparable position for up to five years.	1,5,6,8
7	M-Day/Traditional	N/A	No full-time support impact.	

Notes:

1. Permanent/Indefinite technician positions normally require competitive procedures which normally take 60-90 days to complete.
2. Create a double incumbency if member selects LWOP.
3. Members accrue military leave at the beginning of each fiscal year which can be used at will.
4. Can force a Reduction-in-Force if member returns to full-time employment and a position is not available.
5. Recruiting efforts to announce and fill position with a OML is lengthy.
6. Increased monetary costs and absence associated with possible PCS moves.
7. Against career intent of program.
8. There are a number variables and there is no short answer, other than SAD's may be reinstated and SCS's have *reinstate rights* depending on State rules and regulations are based on the different types of military leave taken (long-term, short-term, emergency, and war or national emergency) and not the type of active duty (Title 32 or Title 10). The instances where SAD's or SCS's take military leave for ADSW is usually limited to AT, IDT, and service schools. Use of military leave for long term ADSW, or ADSW tour, is negligible.

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REQUEST FOR PERSONNEL ACTION

PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36, and 39.)

1. Actions Requested LWOP-US	2. Request Number
3. For Additional Information Call (Name and Telephone Number) Enter Supervisor's or Representative contact info	4. Proposed Effective Date dd mmm yyyy
5. Action Requested By (Typed Name, Title, Signature, and Request Date) Enter Supervisor's contact info	6. Action Authorized by (Typed Name, Title, Signature, and Concurrence Date) Enter Authorizing Party's contact info

PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1. Name (Last, First, Middle) Name of person entering LWOP-US	2. Social Security Number SSN	3. Date of Birth dd mmm yyyy	4. Effective Date
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FIRST ACTION	SECOND ACTION
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5-A. Code	5-B. Nature of Action	6-A. Code	6-B. Nature of Action
5-C. Code	5-D. Legal Authority	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number	15. TO: Position Title and Number
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8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade or Level	19. Step or Rate	20. Total Salary/Award	21. Pay Basis	
12A. Basic Pay	12B. Locality Adj.	12C. Adj. Basic Pay	12D. Other Pay	20A. Basic Pay	20B. Locality Adj.	20C. Adj. Basic Pay	20D. Other Pay					

14. Name and Location of Position's Organization	22. Name and Location of Position's Organization
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EMPLOYEE DATA

23. Veterans Preference <input type="checkbox"/> 1 - None <input type="checkbox"/> 3 - 10-Point/Disability <input type="checkbox"/> 5 - 10-Point/Other <input type="checkbox"/> 2 - 5-Point <input type="checkbox"/> 4 - 10-Point/Compensable <input type="checkbox"/> 6 - 10-Point/Compensable/30%	24. Tenure <input type="checkbox"/> 0 - None <input type="checkbox"/> 2 - Conditional <input type="checkbox"/> 1 - Permanent <input type="checkbox"/> 3 - Indefinite	25. Agency Use	26. Veterans Pref for RIF <input type="checkbox"/> YES <input type="checkbox"/> NO
27. FEGLI	28. Annuitant Indicator	29. Pay Rate Determinant	
30. Retirement Plan	31. Service Comp. Date (Leave)	32. Work Schedule	33. Part-Time Hours Per Biweekly Pay Period

POSITION DATA

34. Position Occupied <input type="checkbox"/> 1 - Competitive Service <input type="checkbox"/> 3 - SES General <input type="checkbox"/> 2 - Excepted Service <input type="checkbox"/> 4 - SES Career	35. FLSA Category <input type="checkbox"/> E - Exempt <input type="checkbox"/> N - Nonexempt	36. Appropriation Code	37. Bargaining Unit Status
38. Duty Station Code	39. Duty Station (City - County - State or Overseas Location)		

40. Agency Data	41.	42.	43.	44.		
45. Educational Level	46. Year Degree Attained	47. Academic Discipline	48. Functional Class	49. Citizenship <input type="checkbox"/> 1 - USA <input type="checkbox"/> 8 - Other	50. Veterans Status	51. Supervisory Status

PART C - Reviews and Approvals (Not to be used by requesting office.)

1. Office/Function	Initials/Signature	Date	Office/Function	Initials/Signature	Date
A.			D.		
B.			E.		
C.			F.		

2. Approval: I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.

Signature	Approval Date
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PART D - Remarks by Requesting Office

(Note to Supervisors: Do you know of additional or conflicting reasons for the employee's resignation/retirement?
If "YES", please state these facts on a separate sheet and attach to SF 52.)

YES NO

PART E - Employee Resignation/Retirement

Privacy Act Statement

You are requested to furnish a specific reason for your resignation or retirement and a forwarding address. Your reason may be considered in any future decision regarding your re-employment in the Federal service and may also be used to determine your eligibility for unemployment compensation benefits. Your forwarding address will be used primarily to mail you copies of any documents you should have or any pay or compensation to which you are entitled.

This information is requested under authority of sections 301, 3301, and 8506 of title 5, U.S. Code. Sections 301 and 3301 authorize OPM

and agencies to issue regulations with regard to employment of individuals in the Federal service and their records, while section 8506 requires agencies to furnish the specific reason for termination of Federal service to the Secretary of Labor or a State agency in connection with administration of unemployment compensation programs.

The furnishing of this information is voluntary; however, failure to provide it may result in your not receiving: (1) your copies of those documents you should have; (2) pay or other compensation due you; and (3) any unemployment compensation benefits to which you may be entitled.

1. Reasons for Resignation/Retirement (NOTE: Your reasons are used in determining possible unemployment benefits. Please be specific and avoid generalizations. Your resignation/retirement is effective at the end of the day - midnight - unless you specify otherwise.)

2. Effective Date	3. Your Signature	4. Date Signed	5. Forwarding Address (<i>Number, Street, City, State, ZIP Code</i>)
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PART F - Remarks for SF 50

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USERRA LWOP-US Technician Checklist

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

The USERRA LWOP-US Technician Checklist assists California National Guard Federal Employees in understanding and determining what elections and options are available to them at the time they elect Leave-Without Pay due to Uniformed Services or Resignation or Separation due to Uniformed Services. 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 JFHQ HRO prior to entering Military Active Service for appropriate processing.

NOTE: Except for SEP-US electors, military services less than 30 days need not submit the above items mentioned. Complete the USERRA Technician Checklist for SEP-US

SECTION I — Employee Data

Name: _____ SSN: _____
(PLEASE PRINT LEGIBLY) (SOCIAL SECURITY NUMBER)

Technician Unit/Organization: _____ Pay Plan-Occ. Code-Grade _____
(PLEASE PRINT LEGIBLY) (i.e. GS-0200-07)

Forwarding or mailing address: Street: _____
List a forwarding address, which may
be your current address or other City and State: _____ Zip: _____

SECTION II — Elections and Options

Please review and **initial** next to the following items to ensure you have read and understood your elections and options. If the election does not apply, enter **N/A**

1) Members electing Leave-Without Pay due to Uniformed Services (LWOP-US)

Electing LWOP-US will convert your **ACTIVE** pay status to **INACTIVE** pay status rather than separated.

a) _____ I want to be placed on LWOP-US beginning _____ (dd-mmm-yyyy)
(INT) (Election must on the day or after the effective date of your orders and not prior)

b) _____ Military orders or compatible notification from the Military Unit is/are attached (circle one) YES NO
(INT) (Should be provided prior to LWOP-US processing. However, this does not prevent your election)

i) Effective date of orders/notification: _____
(dd mmm yyyy)

ii) Expiration date of orders/notification: _____
(dd mmm yyyy)

2) Technician Restoration periods - Acknowledgement of Understanding

a) _____ I understand if I serve **less than 31 days**, I must report back to work at the **beginning of the next**
(INT) **regularly scheduled workday** following completion of my service.

b) _____ I understand if I serve **more than 30 but, less than 181 days**, I must apply for reemployment no later
(INT) than **14 days** following completion of my service.

c) _____ I understand if I serve **more than 180 days**, I must apply for reemployment no later than **90 days**
(INT) after completion of service to apply for restoration.

d) _____ I understand I have **NO RE-EMPLOYMENT RIGHTS** if I serve more than a **cumulative total of 5**
(INT) **years** (unless mobilized under contingent operations, such as operations Enduring Freedom, Noble Eagle, and Iraqi Freedom).

USERRA LWOP-US Technician Checklist

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

3) Earned Leave (Annual, Compensatory, and Military Leave only)

Technicians may elect to keep, use earned leave prior to taking LWOP-US. If you elect to save your earned leave, it will continue to be cached in the pay system. If you elect to receive a lump sum payment (**applies to Annual Leave only**), Defense Finance and Accounting Services (DFAS) will provide a lump sum payout on your last Leave and Earnings Statement (LES).

a) _____ **I DO NOT** want to use my earned leave balance at this time nor request a lump sum payment of my
(INT) annual leave.

OR

b) _____ **I DO** want to use my earned leave prior to LWOP-US. I understand I must coordinate with my
(INT) Supervisor and Time & Attendance Representative to ensure accurate submission.

OR

c) _____ **I AM** requesting a lump sum payment of my (accrued) annual leave. I understand payment will be paid out
(INT) in my last LES.

4) Technician Pay - Acknowledgement of Understanding

Members entering LWOP-US will have certain effects on automated deductions, investments 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 My Pay Web Site at <https://mypay.dfas.mil/mypay.aspx>

a) _____ I understand any allotments established on my technician pay will halt while on LWOP-US
(INT) and be automatically restored upon returning to active paid status.

b) _____ I understand any other garnishments such as normal employment benefits or investments (Thrift Savings
(INT) Plan) established on my technician pay will halt while on LWOP-US and be automatically restored upon returning to active paid status.

c) _____ I understand if I have **child support** payments/garnishments established on my technician pay, I must
(INT) ensure DFAS has a copy of the court order. DFAS contact number is (866) 859-1845.

SECTION IIa — Elections and Options of Employment Benefits

Members entering LWOP-US will have certain effects on Federal Employees Retirement System (FERS), Civil Service Retirement Systems (CSRS) Federal Employee Health Benefits, Retirement, Thrift Savings Plan (TSP), and Federal Employees Group Life Insurance (FEGLI). Please review and **initial** next to the following items to ensure you have read and understood your elections and options. If the election does not apply, enter N/A.

5) Federal Employee's Group Life Insurance (FEGLI)

FEGLI coverage will be cancelled after 24 months of LWOP. Technicians will be granted a 31-day temporary extension of coverage during which they may convert coverage to a private individual policy of their choice.

a) _____ I understand if I am placed on LWOP, my FEGLI coverage will continue for 12 months with no cost
(INT) to me.

b) _____ **I WANT** to elect conversion to a private individual policy.
(INT)

OR

c) _____ **I DO NOT WANT** to elect conversion to a private individual policy.
(INT)

USERRA LWOP-US Technician Checklist

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

6) Federal Employee's Health Benefits (FEHB)

Technicians may elect to cancel or terminate their FEHB or retain FEHB for up to 24 months during LWOP-US. Technicians may cancel their FEHB up to 60 days after being placed in LWOP-US and will have 60 days to re-initiate FEHB coverage upon returning to duty from LWOP-US. NOTE: The effective date should be the same date or after being placed in LWOP-US.

Cancellations / Terminations

Complete this section if you wish to cancel or terminate your FEHB regardless of the type of military service (contingent or non-contingent). NOTE: Cancelling your FEHB does not mean **termination**. In addition, you may cancel your FEHB prior to LWOP-US as long as: 1) cancellation is effective the date you enter military service and 2) military service is more than 30 days.

- a) _____ **I AM CANCELLING** my FEHB and am aware I must submit a Standard Form 2809 along with this
(INT) checklist. I am also aware that I am not entitled to the 31-day extension of coverage.
The effective date is: _____(dd-mmm-yyyy).
- b) _____ **I AM TERMINATING** my FEHB and am aware that I am entitled to a 31-day extension of coverage.
(INT) I am aware I must submit a Standard Form 2810 along with this checklist for completion by HRO.
The effective date is: _____ (dd-mmm-yyyy).

OR

Contingency Operations

Complete this section for technicians serving under Contingency Operations such as Enduring Freedom, Iraqi Freedom, and Noble Eagle. NOTE: IF ELECTING TO KEEP FEHB, THE AGENCY WILL CONTINUE TO PAY FOR YOUR FEHB PREMIUMS NOT TO EXCEED 24 MONTHS.

- c) _____ **I AM** electing to keep my FEHB and am aware the agency will cover for my FEHB premium not to
(INT) exceed 24 months.

OR

Non or Other Than Contingency Operations

Complete this section for technicians serving under non or other than Contingency Operations such as Active Guard Reserve (AGR), Active for Special Work (ADSW), or other title 32 military service. NOTE: IF ELECTING TO KEEP FEHB, THE EMPLOYEE WILL CONTINUE TO PAY FOR HIS/HER SHARE OF THE FEHB PREMIUM FOR UP TO 12 MONTHS AND 102% FOR THE REMAINING 12 MONTHS. After 24 months of LWOP-US, coverage terminates with no provision for Temporary Continuation of Coverage.

- d) _____ **I AM** electing to keep my FEHB and request to have one of the following:
(INT)
- i) _____ **I WANT TO** Incur a debt upon my Return to Duty.
(INT)
- ii) _____ **I WANT TO** Pay for my FEHB on a continuing basis during my absence.
(INT) Payments are made and sent to:

OR

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

*Please include SSN with your payments and annotate "LWOP-US FEHB Payment".

7) Thrift Savings Plan (TSP) Loans

In relation to a technician's pay status, TSP deductions such as a loan will be halted until a technician returns to duty.

- a) _____ I have a TSP loan and request the HRO or representative complete a TSP-41, Notification to TSP of
(INT) Nonpay Status, on my behalf.

USERRA LWOP-US Technician Checklist
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

8) Retirement

- a) _____ I understand if I am placed on LWOP-US, death and disability benefits will continue under my retirement
(INT) system.
- b) _____ I understand military service is potentially creditable service. However, I must make a deposit for such
(INT) service to avoid the Catch-62 (CSRS employees must make a deposit if first hired after 1 Oct 82, FERS
must make a deposit for the time to count).

9) Office of the Worker's Compensation Program (OWCP)

Initial one of the following below if you have ever been an OWCP claimant. This section helps HRO to identify technicians who have sustained injuries during technician status prior to and after military service.

- a) _____ I have an open OWCP claim on file.
(INT)
- b) _____ I have a closed OWCP claim on file
(INT)
- c) _____ I do not have an OWCP claim on file.
(INT)

SECTION III — Final Acknowledgement

I understand my elections and acknowledgements herein.

Signature: _____ Date: _____

***For additional information, please contact your local Human Resource Office remote designee or the Human Resources Office at (916) 854-3350*

FOR REMOTE DESIGNEE USE ONLY

Check off each item and sign to verify completion

Orders	SF 2809 or SF 2810 for Cancellations/Terminations
SF – 52	USERRA Checklist Complete
X _____	

FOR HRO USE ONLY

FEGLI: YES / NO	FEHB Code: _____
Order Start Date: _____	Order End Date: _____
90 Day Restoration Date: _____	TSP Loan: YES / NO
Annual Leave Lump Sum: YES / NO	

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SECTION I — Employee Data

Name: _____ SSN: _____
(PLEASE PRINT LEGIBLY) (SOCIAL SECURITY NUMBER)

Technician Unit/Organization: _____ Pay Plan-Occ. Code-Grade _____
(PLEASE PRINT LEGIBLY) (i.e. GS-0200-07)

Forwarding or mailing address: Street: _____
[List a forwarding address, which may be your current address or other](#) City and State: _____ Zip: _____

SECTION II — Elections and Options

Please review and **initial** next to the following items to ensure you have read and understood your elections and options. If the election does not apply, enter **N/A**

1) **Members electing to Separate (from the agency) due to Uniformed Services (SEP-US)**

[Electing SEP-US will convert your ACTIVE pay status to Separation/Resignation.](#)

- a) _____ I want to be separated effective _____ (dd-mmm-yyyy)
(INT) [\(Election must on the day or after the effective date of your orders and not prior\)](#)
- b) _____ Military orders or compatible notification from the Military Unit is/are attached (circle one) YES NO
(INT) [\(Should be provided prior to SEP-US processing for future records if the technician tends to exercise employment restoration. However, this does not prevent your election\)](#)
- i) Effective date of orders/notification: _____
(dd mmm yyyy)
- ii) Expiration date of orders/notification: _____
(dd mmm yyyy)

2) **Technician Restoration periods - Acknowledgement of Understanding**

[Technicians who elect SEP-US can exercise reemployment rights by submitting a notice of intent to the chain of command/supervisor of the current duty station or directly to the HRO office as long as they understand and meet the applicable restoration period guidelines listed below.](#)

- a) _____ I understand if I serve **less than 31 days**, I must apply for reemployment at the **beginning of the next**
(INT) **regularly scheduled workday** following completion of my service.
- b) _____ I understand if I serve **more than 30 but, less than 181 days**, I must apply for reemployment no later
(INT) **than 14 days** following completion of my service.
- c) _____ I understand if I serve **more than 180 days**, I must apply for reemployment no later than **90 days**
(INT) **after completion of service to apply for restoration.**
- d) _____ I understand I have **NO RE-EMPLOYMENT RIGHTS** if I serve more than a **cumulative total of 5**
(INT) **years** (unless mobilized under contingent operations, such as operations Enduring Freedom, Noble Eagle, and Iraqi Freedom).

USERRA Technician Checklist for SEP-US

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

3) **Earned Leave (Annual, Compensatory, and Military Leave only)**

Technicians may elect to keep, use earned leave prior to being SEP-US. If you elect to use your earned leave, your SEP-US effective date will be the day after your last day of leave used. Otherwise, you will receive a lump sum payment (**applies to Annual Leave only**) paid out by the Defense Finance and Accounting Services (DFAS), which will be on your last Leave and Earnings Statement (LES). **NOTE:** Compensatory time and Military Leave is automatically defaulted and does not qualify as part of the lump-sum payout.

- a) _____ **I DO** want to use my earned leave prior to SEP-US. I understand I must coordinate with my
(INT) Supervisor and Time & Attendance Representative to ensure accurate submission. I also understand my effective date of SEP-US will be the day after my last earned leave used.

OR

- b) _____ **I AM NOT** using my earned leave prior to SEP-US and understand I will receive a lump sum
(INT) payment of my (accrued) annual to be paid out by DFAS. I also understand my Compensatory Time and Military Leave is defaulted and will not be paid out as part of the lump sum payment.

SECTION IIa — Elections and Options of Employment Benefits

Members entering SEP-US will have certain affects on Federal Employee Health Benefits, Retirement, and Thrift Savings plans. Please review and **initial** next to the following items to ensure you have read and understood your elections and options. If the election does not apply, enter **N/A**

4) **Technician Pay and Employee Benefits**

Members entering SEP-US will have their Technician Pay and all Employee Benefits such as automated deductions, investments and/or garnishments will discontinue. To manage your pay information (i.e. Address, Direct Deposit, LES delivery, and Allotment information) you will need to access the DFAS My Pay Web Site at <https://mypay.dfas.mil/mypay.aspx>.

- a) _____ I understand any Technician Pay, allotments, automated deductions, investments and/or garnishments will
(INT) discontinue upon entering SEP-US.

5) **Employee Benefits**

Members entering SEP-US will have their certain affects on Federal Employees Retirement System, Thrift Savings Plans (TSP), and Federal Employees Group Life Insurance (FEGLI).

Retirement

- a) _____ I understand if I am placed on SEP-US, death and disability benefits will discontinue.
(INT)
- b) _____ I understand military service is potentially creditable service, but I must make a deposit for such service
(INT) to avoid Catch-62 (CSRS employees must make a deposit if first hired after 1 Oct 82, FERS must make a deposit for the time to count) and be eligible for reemployment rights.

Thrift Savings Plan (TSP) and TSP Loans

In relation to a technician's pay status, TSP deductions such as a loan will discontinue.

- a) _____ I have a TSP loan and understand it will be discontinued and must contact TSP to make other payment
(INT) arrangements. I also request that the HRO or representative complete a TSP-41, Notification to TSP of Nonpay Status, on my behalf.
- b) _____ I understand that I may request to make-up TSP contributions during my military service, provided I
(INT) return to duty immediately after military service ends, and I submit my request within 60 days of returning to duty.
- c) _____ I understand that make-up contributions will be offset by contributions made while on military duty.
(INT)

USERRA Technician Checklist for SEP-US

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

Federal Employee's Group Life Insurance (FEGLI)

FEGLI coverage will discontinue after 12 months of SEP-US. Technicians will be granted a 31-day temporary extension of coverage during which they may convert coverage to a private individual policy of their choice.

- a) _____ I understand if I am placed on SEP-US, my FEGLI coverage will continue after 24 months or 90 days
(INT) after military service (if I do not intend to exercise restoration) or whichever comes first.

6) Federal Employee's Health Benefits (FEHB)

Technicians who elect SEP-US will automatically have their FEHB terminated. However, they may terminate their FEHB prior to SEP-US as long as: 1) cancellation is effective the date entering military service and 2) military service is more than 30 days. In addition, Technicians may elect to retain FEHB for up to 24 months during SEP-US dependant on their military service status (contingent or non-contingent). The effective date should be the same date or after being placed in SEP-US.

- b) _____ **I UNDERSTAND** my FEHB will be automatically terminated upon electing SEP-US and the HRO will
(INT) complete a SF-2810 on my behalf. I understand that I will have a 31-day extension of coverage.

OR

- c) _____ **I AM CANCELLING** my FEHB and am aware I must submit a Standard Form 2809 along with this
(INT) checklist. I am aware that I will not have a 31-day extension of coverage.
The effective date is: _____(dd-mmm-yyyy).

OR

Contingency Operations

Complete this section for technicians serving under Contingency Operations such as Enduring Freedom, Iraqi Freedom, and Noble Eagle. NOTE: IF ELECTING TO KEEP FEHB, THE AGENCY WILL CONTINUE TO PAY FOR YOUR FEHB PREMIUMS NOT TO EXCEED 24 MONTHS.

- d) _____ **I AM** electing to keep my FEHB and am aware the agency will cover for my FEHB premium not to
(INT) exceed 24 months.

OR

Non or Other Than Contingency Operations

Complete this section for technicians serving under non or other than Contingency Operations such as Active Guard Reserve (AGR), Active for Special Work (ADSW), or other title 32 military service. NOTE: IF ELECTING TO KEEP FEHB, THE EMPLOYEE WILL CONTINUE TO PAY FOR HIS/HER SHARE OF THE FEHB PREMIUM FOR UP TO 12 MONTHS AND 102% FOR THE REMAINING 12 MONTHS.

- i) _____ **I AM** electing to keep my FEHB and **WANT TO** Pay for my FEHB on a continuing basis during my
(INT) absence. Payments are made and sent to:

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

Please include SSN with your payments and annotate "SEP-US FEHB Payment"

7) Office of the Worker's Compensation Program (OWCP)

Initial one of the following below if you have ever been an OWCP claimant. This section helps HRO to identify technicians who have sustained injuries during technician status prior to and after military service.

- a) _____ I have an open OWCP claim on file.
(INT)
- b) _____ I have a closed OWCP claim on file
(INT)
- c) _____ I do not have an OWCP claim on file.
(INT)

USERRA Technician Checklist for SEP-US
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

SECTION III — Final Acknowledgement

I understand my elections and acknowledgements herein.

Signature: _____ Date: _____

***For additional information, please contact your local Human Resource Office remote designee*

FOR REMOTE DESIGNEE USE ONLY

Check off each item and sign to verify completion

Orders
SF – 52
USERRA Checklist Complete
X _____

FOR HRO USE ONLY

FEGLI: YES / NO
FEHB Code: _____
Order Start Date: _____
Order End Date: _____
90 Day Restoration Date: _____
TSP Loan: YES / NO
Annual Leave Lump Sum: YES / NO

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USERRA Return to Duty Technician Checklist

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

The USERRA Return To Duty (RTD) Technician Checklist assists California National Guard Federal Employees in understanding and determining what elections and options are available to them at the time they Return To Duty status from military service. 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 stating a release from military service must be completed and submitted to the JFHQ HRO prior to a returning to duty for appropriate processing.

SECTION I — Employee Data

Name: _____ SSN: _____
(PLEASE PRINT LEGIBLY) (SOCIAL SECURITY NUMBER)

Technician Unit/Organization: _____ Pay Plan-Occ. Code-Grade _____
(PLEASE PRINT LEGIBLY) (i.e. GS-0200-07)

SECTION II — Elections and Options

Please review and **initial** next to the following items to ensure you have read and understood your elections and options. If the election does not apply, enter N/A

1) Members returning to duty due to Uniformed Services

This section identifies the date and intent of your return status, whether physically, or administratively. Technicians who have entered military service in support of a contingent operation such as Operations such as Enduring Freedom, Iraqi Freedom, and Noble Eagle are given 5 days of Presidential Leave. NOTE: Employees who cannot provide proof of release from Active Duty, can still elect RTD. In addition, employees who are in military terminal/administrative leave can RTD.

- a) _____ I want to RTD effective _____(dd-mmm-yyyy)
(INT) (Election date is usually on the day orders end)
- b) _____ Military orders or compatible notification from the Military Unit is/are attached (circle one) YES NO
(INT) (Should be provided prior to RTD if possible. However, this does not prevent your election)
- c) _____ I want to use my Presidential Leave of five (5) days effective _____(dd-mmm-yyyy)
(INT) NOTE: The 5 days should be used upon RTD and not after. Administratively you have returned to technician status; yet, will report to work physically following after your 5 days of administration leave.

SECTION IIa — Elections and Options of Employment Benefits

Please review and **initial** next to the following items to ensure you have read and understood your elections and options. If the election does not apply, enter N/A

2) Employee Benefits

Members RTD will have certain elections, options, or must acknowledge Federal Employee Health Benefits, Retirement, and Thrift Savings Plan options. Elections of reinstatement or waivers must be completed within 60 days upon returning to duty.

Federal Health Benefits

This section provides technicians the opportunity to reinstate or waive FEHB upon their return to technician status.

- a) _____ **I DO WANT** to reinstate my FEHB coverage and understand if I miss an open season, I may make a new
(INT) election to my FEHB coverage and am aware I must submit a Standard Form 2809 to make such elections.

OR

USERRA Return to Duty Technician Checklist

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

b) _____ I DO NOT WANT to reinstate my FEHB (waive FEHB) at this time.
(INT)

OR

c) _____ I DO NOT WANT to reinstate my FEHB (waive FEHB) at this time due to (military) TRICARE
(INT) coverage. I understand I may have my FEHB reinstated once TRICARE coverage has been exhausted.

Retirement

Retirement is automatically reinstated.

a) _____ I understand military service is potentially creditable service. However, I must make a deposit for such service to avoid the Catch-62 (CSRS employees must make a deposit if first hired after 1 Oct 82, FERS must make a deposit for the time to count).

Thrift Savings Plan (TSP) Loans

a) _____ I have a TSP loan and request the HRO or representative complete a TSP-41, Notification to TSP of
(INT) Nonpay Status to indicate a RTD, on my behalf.

Federal Employee's Group Life Insurance (FEGLI)

FEGLI is automatically reinstated.

d) _____ I understand if I missed an open season, I may make a new election to my FEGLI coverage and am
(INT) aware I must submit a Standard Form 2823 to make such elections.

SECTION III — Final Acknowledgement

I understand my elections and acknowledgements herein.

Signature: _____ Date: _____

***For additional information, please contact your local Human Resource Office remote designee*

FOR REMOTE DESIGNEE USE ONLY

Check off each item and sign to verify completion:

Orders

SF – 52

USERRA RTD Checklist Complete

X _____

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Federal Employee Group Life Insurance

FAQ

Military and FEGLI

- [What Happens to My Life Insurance if I am sent to a "Combat Zone" in a Support Capacity?](#)
 - [What Happens to My Life Insurance if I am Called-Up to Active Duty?](#)
 - [What Happens to My Life Insurance if I leave My Federal Government Job to go Into the Military?](#)
 - [What Happens to My Life Insurance When I Return to Active Federal Service?](#)
-

Q. What Happens to My Life Insurance if I am sent to a "Combat Zone" in a Support Capacity?

A. Being sent to a combat zone does NOT cancel FEGLI coverage. Civilian employees who are sent to a war zone or combat zone in a support capacity keep their FEGLI coverage, including Accidental Death & Dismemberment (AD&D) coverage. Being sent to a combat zone does not affect the amount of your FEGLI coverage.

If a Federal employee working in a war zone is killed, "regular" death benefits are payable to the employee's beneficiaries. Accidental death benefits are also payable under Basic insurance (and Option A, if the employee had that coverage) unless the employee was in actual combat (or unless nuclear weapons were being used) at the time of the injury that caused the employee's death. The Office of Federal Employees' Group Life Insurance (OFEGLI) decides whether to pay accidental death benefits only after thoroughly studying the facts and documentation surrounding an employee's death. The determination is made on a case by case basis. While we cannot say that in 100% of civilian deaths AD&D benefits will be payable, we can say that it is highly unlikely for a civilian to be in actual combat.

Accidental death benefits are in addition to regular death benefits. Even if accidental death benefits are not payable, regular death benefits ARE payable.

Q. What Happens to My Life Insurance if I am Called-Up to Active Duty?

A. If you are put in a nonpay status while on military duty, you can keep your Federal Employees' Group Life Insurance (FEGLI) coverage for up to 12 months. This coverage is free. Being called-up to active duty does not affect the amount of your FEGLI coverage. At the end of 12 months in nonpay status, the coverage terminates. Employees get a free 31-day extension of coverage and have the right to convert to a nongroup policy.

Being called up to active duty status or being sent to a combat zone does NOT cancel FEGLI coverage. Nor does it automatically make an employee ineligible for accidental death and dismemberment (AD&D) coverage. All FEGLI coverage remains in effect for the period of time described above. If a Federal employee with FEGLI is called-up to active military duty and is killed, "regular" death benefits are payable to the employee's beneficiaries. Accidental death benefits are also payable under Basic insurance (and Option A, if the employee

had that coverage) unless the employee was in actual combat (or unless nuclear weapons were being used) at the time of the injury that caused the employee's death.

Accidental death benefits are in addition to regular death benefits. Even if accidental death benefits are not payable, regular death benefits ARE payable.

Q. What Happens to My Life Insurance if I leave My Federal Government Job to go Into the Military?

A. If you separate from service to enter the military, you are considered to be in a nonpay status for FEGLI Purposes. As long as you have reemployment rights under USERRA, you can keep your FEGLI coverage for up to 12 months, or until 90 days after your military service ends, whichever date comes first. This coverage is free. At the end of 12 months (or 90 days after the military service ends), the coverage terminates. You also get the 31-day extension of coverage and the right to convert.

If a FEGLI enrollee is in a war zone and is killed, "regular" death benefits are payable to the employee's beneficiaries. Accidental death benefits are also payable under Basic insurance (and Option A, if the employee had that coverage) unless the employee was in actual combat (or unless nuclear weapons were being used) at the time of the injury that caused the employee's death. The Office of Federal Employees' Group Life Insurance (OFEGLI) decides whether to pay accidental death benefits only after thoroughly studying the facts and documentation surrounding an employee's death. The determination is made on a case by case basis. While we cannot say that in 100% of civilian deaths AD&D benefits will be payable, we can say that it is highly unlikely for a civilian to be in actual combat.

Accidental death benefits are in addition to regular death benefits. Even if accidental death benefits are not payable, regular death benefits ARE payable.

At the end of 12 months, or 90 days after your military service ends, whichever date comes first your former agency must complete an Agency Certification of Insurance Status (SF 2821) and a Notice of Conversion Privilege (SF 2819). If a claim needs to be filed while you are still covered under FEGLI, you or your survivors should contact your former employing agency.

Q. What Happens to My Life Insurance When I Return to Active Federal Service?

A. When an employee who has been on military duty returns to active Federal service, he or she gets back whatever type(s) of life insurance he or she had before going into nonpay status (as long as the position is not excluded from coverage). The employee does not get an opportunity to elect more coverage unless he or she has been separated from service for at least 180 days.

Conversion

- [What is a conversion policy? Who is eligible to convert their FEGLI benefit?](#)
 - [How will I know I am eligible to convert?](#)
 - [If I receive an SF 2819 \(Notice of Conversion Privilege\), do I have to convert my insurance?](#)
 - [What happens if my agency doesn't give me an SF 2819? Can I still convert my FEGLI coverage?](#)
 - [What insurance companies will accept conversion of FEGLI coverage?](#)
 - [What is the 31-day temporary extension of coverage?](#)
 - [Can I convert Option C when I no longer have any eligible family members?](#)
-

Q. What is a conversion policy? Who is eligible to convert their FEGLI benefit?

A. A conversion policy is an individual (non-group) life insurance policy that you are entitled to when your group life insurance ends, unless it ended because you voluntarily cancelled it.

If you have [assigned](#) your insurance, the assignee(s), rather than you, is (are) entitled to convert your Basic, Option A, and Option B coverage. You may still convert your Option C coverage.

Under the conversion privilege, you may convert all or any part of your Basic and Optional insurance to an individual policy. No medical examination is required.

The individual policy will be a cash-value type of life insurance policy. This means it will build cash value that you can borrow against. You cannot convert to term insurance.

Q. How will I know I am eligible to convert?

A. Your employing office must give you notice of the loss of group coverage and the right to convert whenever your insurance terminates under conditions that allow you to convert to an individual policy. The form used for this purpose is the Notice of Conversion Privilege (SF 2819).

Q. If I receive an SF 2819 (Notice of Conversion Privilege), do I have to convert my insurance?

A. No. If you receive an SF 2819, that means that you are [eligible](#) to convert your insurance, but you don't need to — the choice is yours. **IF** you qualify to carry your coverage into retirement, you may want to do that and [not](#) convert. Just because you receive an SF 2819 does [not](#) mean that you do not qualify to carry your coverage into retirement. All employees whose current coverage as an employee is terminating (other than by voluntary cancellation) receive a copy of that form — whether or not they qualify to carry coverage into retirement.

Q. What happens if my agency doesn't give me an SF 2819? Can I still convert my FEGLI coverage?

A. Yes. Your agency is supposed to give you notice and the loss of group coverage and the right to convert when your insurance ends. We know, however, that sometimes this does not happen. If your agency does not give you the conversion notice, you can request a conversion by writing directly to the Office of Federal Employees' Group Life Insurance (OFEGLI) at P. O. Box 2627, Jersey City, NJ 07303-2627. The request must be postmarked within 31 days after the date of the terminating event.

Conversions are effective at the end of the 31-day extension of coverage.

If you are unable to mail the request within 31 days, you may qualify for a belated election. You must mail the request to OFEGLI *within six months* after the date you first became eligible to convert. Your request must show that you were not notified of the loss of coverage and the right to convert or you weren't able to convert for reasons beyond your control.

Belated conversions are made retroactive to the end of the 31-day extension of coverage and you must pay the retroactive premiums.

Q. What insurance companies will accept conversion of FEGLI coverage?

A. When you are ready to convert your coverage, you may request a list of eligible insurance companies from the Office of Federal Employees' Group Life Insurance at P. O. Box 2627, Jersey City, NJ 07303-2627 or 1-800-633-4542. You can choose any company on that list.

Q. What is the 31-day temporary extension of coverage?

A. When your life insurance terminates, except when you stop it voluntarily by cancellation, the coverage automatically continues for 31 days after the terminating date. You do not pay any premiums during these 31 days.

Q. Can I convert Option C when I no longer have any eligible family members?

A. No. You cannot convert Option C when family members lose eligibility.

You can convert Option C only when you separate from service. If you do not want to convert the coverage when you separate, your family members covered under Option C are eligible to convert their coverage to an individual policy. Eligible family members can also convert their coverage upon your death. They can ask your human resources office for a Notice of Conversion Privilege (SF 2819)

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Effect of Nonpay Status on TSP Participation

This fact sheet is for civilian employees who are placed in nonpay status (e.g., furlough or leave without pay) for one or more pay periods and for members of the uniformed services who do not receive pay each month (e.g., members of the Ready Reserve who do not drill each month and therefore do not receive pay each month).¹ It does not apply to employees who are in nonpay status performing an assignment with a state or local government agency under the provisions of the Intergovernmental Personnel Act (IPA) or to employees who are in nonpay status serving as full-time officers or employees of a union. (If you are in nonpay status for one of these reasons, see your personnel or benefits office for information about your TSP participation.)

Can I contribute to my TSP account if I am in nonpay status?

No. Employee contributions to TSP accounts must be made as deductions from civilian or uniformed services pay. Therefore, if you are in nonpay status for one or more full pay periods, you cannot contribute to your TSP account during that time.

If you are a civilian employee in nonpay status to perform military service and you have a uniformed services TSP account, you may make contributions to that account. Your contributions will be deducted from your uniformed services pay. In addition, when you return to civilian pay status, you may be entitled to make up TSP contributions to your civilian account. See the fact sheet “TSP Benefits That Apply to Members of the Military Who Return to Federal Civilian Service” for more information about making up TSP contributions.

What if I am receiving Workers’ Compensation?

Workers’ Compensation benefits are payments made by the Department of Labor’s Office of Workers’ Compensation Programs (OWCP) and, by law, are not payments

from which TSP contributions may be made. Consequently, while you are in nonpay status, you can neither contribute to your TSP account nor make loan payments from OWCP benefits.

I am a FERS² participant. Will I receive agency contributions if I am in nonpay status?

No. Agency Automatic (1%) Contributions are calculated based on basic pay earned during each pay period. Agency Matching Contributions are calculated based on employee contributions from that basic pay. Consequently, if you are not earning basic pay for a particular pay period, you will not receive either type of agency contribution for that pay period.

Can I make interfund transfers and contribution allocations if I am in nonpay status?

Yes. An interfund transfer is the movement of some or all of your **existing** account balance among the TSP investment funds. Therefore, you may make interfund transfers.

¹ Most uniformed services members will never be in nonpay status.

² FERS refers to the Federal Employees’ Retirement System, the Foreign Service Pension System, and other equivalent Government retirement plans.

A contribution allocation affects the investment of **future** contributions (and loan payments) made to your account. You may make a contribution allocation while in nonpay status, but until future deposits are made to your account, your contribution allocation will have no effect.

Can I take a TSP loan while I am in nonpay status?

No. When the TSP issues you a loan, you are required to repay it via payroll deductions. Therefore, if you are not receiving pay, you will not be eligible for a TSP loan.

What if I already have a TSP loan and I am placed in nonpay status?

Because TSP loan payments are made through payroll deductions, a period without pay will result in missed payments unless you make direct payments from your own funds, as described in the answer to the next question.

If you go into approved nonpay status, the Internal Revenue Service (IRS) allows your TSP loan payments to be suspended for up to one year of the nonpay period. However, interest will accrue while your payments are suspended, so you may want to make loan payments from your own funds directly to the TSP.

A special rule applies if you are a civilian entering nonpay status to perform military service. In that case, you will be permitted to suspend payments on your loan until you return to pay status, even if your civilian nonpay status lasts longer than one year. (You cannot repay your civilian TSP loan by having loan payments deducted from your uniformed services pay.) However, to suspend your loan payments for more than one year, you (or your agency) must provide the TSP with proper documentation of your nonpay status.

When you begin your period of nonpay status, you, your agency, or your service must submit one of the following to the TSP:

- Form TSP-41 (for civilians) or Form TSP-U-41 (for members of the uniformed services), Notification to TSP of Nonpay Status; **or**
- Form SF-50, Notification of Personnel Action; **or**
- A letter on agency or service letterhead, signed by an appropriate agency official, or your commander

or adjutant, and containing your name, date of birth, and Social Security number; the beginning date of the nonpay status; and the signature and title of the agency or service representative providing the information; **or**

- A copy of your military orders.

If, during your period of nonpay status, you receive miscellaneous civilian basic pay (e.g., for medical, annual, or military leave or for a retroactive salary payment) in an amount large enough to cover a loan payment, your agency may deduct a loan payment from that pay.

If you are on approved leave without pay to work full time for an employee organization under which your TSP contributions may continue, or if you are on an IPA assignment, your loan payments must continue.

See the chart at the end of this fact sheet for a summary of the rules that apply to people in nonpay status who have TSP loans.

Can I make direct payments on my loan from my personal funds while I am in nonpay status?

Yes. If you are in nonpay status (either as a civilian or as a member of the uniformed services) and you want to continue making payments, you can do so by sending a personal check or money order to the TSP. Be sure to write your Social Security number and loan number on your check or money order and send it with a TSP Loan Payment Coupon. The coupon is available from the TSP Web site (www.tsp.gov) or from the TSP Service Office.

Any loan payments received by the TSP during the nonpay period will be taken into account when the loan is reamortized.

What happens to my loan when I return to pay status?

When you return from nonpay status, you or your agency or service must notify the TSP of your date of return. You can send Form TSP-41 or TSP-U-41, Form SF-50, or a letter from your agency or service, as described above. If you were on active military duty, you may submit Form DD214, Certificate of Release or Discharge from Active Duty, instead.

Your TSP loan payments must resume when you return to pay status. If your loan payments have not

been kept up to date, your loan will be reamortized automatically when your agency or service informs the TSP that you have returned to pay status.

If your loan payment amount at that time is sufficient to repay your loan in full by the maximum time limit (5 years for a general purpose loan; 15 years for a residential loan), your loan payment amount will not be changed. However, if your loan payment amount is not sufficient to repay the loan in full by the maximum time limit, it will be increased to repay the loan within that limit.

If you are a civilian TSP participant and you went into nonpay status to perform military service, the maximum term of your loan will be extended by the length of your military service.

What if I am in nonpay status for more than one year?

Unless you are in nonpay status to perform active military duty, your TSP loan payments must resume at the end of one year of nonpay status, even if you still have not returned to pay status. Once your nonpay status continues for more than one year, you must make loan payments directly to the TSP from your personal funds. If you do not make direct payments to keep your loan up to date, your loan will be reamortized automatically following the expiration of your one-year limit on suspended payments.

If you do not keep up your loan payments on your reamortized loan, the unpaid balance (including any accrued interest) will be declared a taxable distribution. When this happens, the IRS will treat the distribution as taxable income, and, if you are under age 59½, you may be subject to an additional 10 percent early withdrawal penalty tax. Once a taxable distribution has been declared, your loan will be considered closed, and you will not be permitted to repay it. For 12 months following the date of the taxable distribution, you will also be ineligible to apply for another loan from the account in which your loan was in default.

Can I make an in-service withdrawal while I am in nonpay status?

Yes. While you are in nonpay status, you can request an in-service withdrawal. There are only two types of in-service withdrawals: age-based withdrawals for participants who are age 59½ or older, and withdrawals for financial hardship. If you request a financial hardship withdrawal, you must be able to certify (under penalty of perjury) to your financial need and to the amount of that need. Funds withdrawn while you are in service are taxable, and an early withdrawal penalty tax may apply. Read the booklet *TSP In-Service Withdrawals* for information and rules pertaining to in-service withdrawals.

Can I make a post-employment withdrawal while I am in nonpay status?

No. While you are in nonpay status, you are still a civilian employee or a member of the uniformed services. You are not eligible to make a post-employment withdrawal until you separate from civilian service or the uniformed services.

Understanding TSP Nonpay Status Rules

TOPIC	What you need to know . . .	
	If you are in nonpay status for reasons other than military service	If you are nonpay status to perform military service
Effect of Length of Nonpay Status on TSP Loans	You are allowed to miss loan payments for up to one year of nonpay status.	You are allowed to miss loan payments throughout the entire time you are in nonpay status if the nonpay status is due to military service.
Accrual of Interest	Interest continues to accrue on your loan during the nonpay period.	Interest continues to accrue on your loan during the nonpay period.
Making Loan Payments	Payments are not required during a nonpay period of less than one year. If you want to make loan payments, use a Loan Payment Coupon and send payments directly to the TSP.	Payments are not required during a nonpay period. If you want to make loan payments, use a Loan Payment Coupon and send payments directly to the TSP.
Recalculating Your Loan (i.e., reamortizing your loan)	If your loan is not up to date, the TSP will recalculate your loan when you return to pay status or following the expiration of your one-year time limit, whichever comes first.	If your loan is not up to date, the TSP will recalculate your loan when you return to pay status. The maximum time allowed to pay off your loan will be extended by your period of military service.
Effect of Recalculation on Your Loan Payments	If it is determined that your current loan payments will not pay off your loan by the maximum repayment period, your loan payments will increase and you will be notified of the new payment amount.	If it is determined that your current loan payments will not pay off your loan by the revised maximum repayment period, your loan payments will increase and you will be notified of the new payment amount.
Resuming Loan Payments	If loan payments do not resume through payroll deductions when you return to pay status or after a reamortization following the one-year limit, you must submit payments (along with Loan Payment Coupons) yourself to keep your loan from going into default.	If loan payments do not resume through payroll deductions when you return to pay status and your loan has been reamortized, you must submit payments (along with Loan Payment Coupons) yourself to keep your loan from going into default.
Defaulting on a Loan	If you miss payments after you return to pay status or your loan has been reamortized and you default on your loan, a taxable distribution will be declared and you will be subject to tax on the outstanding loan balance (including any accrued interest). You may also be subject to an early withdrawal penalty tax.	If you miss payments after you return to pay status and you default on your loan, a taxable distribution will be declared and you will be subject to tax on the outstanding loan balance (including any accrued interest). You may also be subject to an early withdrawal penalty tax.
Returning to Pay Status	You or your agency must notify the TSP when you return to pay status and provide the ending date of your nonpay status. (See fact sheet Effect of Nonpay Status on TSP Participation for documentation requirements.)	You or your agency must notify the TSP when you return to pay status and provide documentation with the beginning and ending dates of your military service.

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Checklist For Making Loan Payments

- ✓ **The Loan Payment Coupon below can be completed on-line.** Please provide *all* information requested below including your *complete* Social Security number. Otherwise, your payment will be returned to you.
- ✓ You may make your payment with a personal check, cashier's check, or money order made payable to the *Thrift Savings Plan*.
- ✓ Write your complete Social Security number and your loan number on your check or money order. If you do not know your loan number, check your account on the TSP Web site (www.tsp.gov) or call the TSP Service Office (1-877-968-3778).
- ✓ Sign your check. Do not send cash.
- ✓ If you want to make payments for more than one loan, send a separate check (or money order) and coupon for each loan.
- ✓ The TSP will return your check to you if you do not have sufficient funds to cover the amount of your payment.
- ✓ Do not send correspondence or other TSP forms with this coupon or the processing of your check will be delayed.
- ✓ Mail this coupon and your check to:

**Thrift Savings Plan
P. O. Box 979004
St. Louis, MO 63197-9000**

Send overnight deliveries to: US Bank, Box 9004, Government Lockbox SL-MO-C2GL,
1005 Convention Plaza, St. Louis, MO 63101

cut here 



**THRIFT SAVINGS PLAN
LOAN PAYMENT COUPON**

Type or print using black or dark blue ink. See checklist above.

Check Number

 / / **20**

Date of Check (mm/dd/yyyy)

Check Code: **CHK**

Last Name

First Name

Middle Name

 - -

Social Security Number

Loan Number

\$, .

Letter

Payment Amount

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Servicemembers Civil Relief Act of 2003 (SCRA) (extracted from <https://www.servicememberscivilreliefact.com>)

The Servicemembers Civil Relief Act of 2003 (SCRA) formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940 (SSCRA) is a federal law that gives all military members some important rights as they **enter active** duty. It covers such issues as rental agreements, security deposits, prepaid rent, eviction, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosure, civil judicial proceedings, and income tax payments. It also provides many important protections to military members while on active duty.

The SCRA protects active duty military members and reservists or members of the National Guard called to active duty (starting on the date active duty orders are received) and, in limited situations, dependents of military members (e.g., certain eviction actions).

To receive protection under some parts of the SCRA, the member must be prepared to show that military service has had a "material effect" on the legal or financial matter involved. Protection under the SCRA must be requested during the member's military duty or within 30 to 180 days after military service ends, depending on the protection being requested.

In many situations, the SCRA protections are not automatic, but require some action to invoke the Act. For example, to obtain a reduction of your pre-active duty mortgage or credit card interest rates, you should send your lender/creditor a written request and a copy of your mobilization orders.

Legal advice available. If you think that you have rights under the SCRA that may have been violated, or that you are entitled to be shielded from a legal proceeding or financial obligation by the SCRA protections, you should discuss the matter with a legal assistance attorney or a civilian lawyer as soon as possible.

The Six Percent Rule

For example, one of the most widely known benefits under the SSCRA and now the SCRA is the ability to reduce pre-service consumer debt and mortgage interest rates to 6% under certain circumstances. How does the 6 % interest rule work?

Consider this example: Three months ago Mr. Smith and his wife bought a car for \$13,000, paying \$1,000 down and financing \$12,000 at 9% interest. Last week, Mr. Smith was called to active duty as Staff Sergeant (SSG) Smith. **Before** entering active duty Mr. Smith earned \$42,000 per year. As a staff sergeant he now earns almost \$27,000 (a staff sergeant with over 12 years of military service from Defense Finance & Accounting Service [pay scale](#)). Because of the SCRA, SSG Smith may ask the car financing company to lower the interest rate to 6% while he is on active duty -- military service has *materially affected* his ability to pay since he is earning less money on active duty than before. SSG Smith should inform the finance company of his situation in writing with a copy of the orders to active duty attached, and request immediate confirmation that they have lowered his interest rate to 6% under the SCRA. The finance company must adjust the interest down to 6% unless it goes to court. In court, the finance company, not SSG Smith, would have to prove that SSG Smith's ability to pay the loan has not been materially affected by his military service. The 3% difference is forgiven or excused, and SSG Smith need not pay that amount. SSG Smith does need to continue making the monthly payments of principal and interest (at 6%) to avoid his account being considered delinquent. Continuing payments should also avoid any adverse credit reports from the finance company. (See Section 207, SCRA)

Note: In some situations civilian employers have agreed to pay the military member the difference between the military pay and the civilian pay earned **before** the call to active duty. In most such

situations, military service has not materially affected the member's ability to pay so it is unlikely that the SCRA 6% interest limitation applies. Of course, if the military member's expenses increased (for example, the member must pay for a second apartment at the duty station, or the member's spouse gave up her job to move with him) military service might have materially affected the member and the SCRA 6% interest limit could apply.

What if instead of buying the car before he came on active duty, SSG Smith left his car at home for his wife and purchased a used car at his duty station. To do so, he borrowed \$4,000 at 9% interest. Since SSG Smith took this debt **after** entering active duty the SCRA 6% interest limit does not apply.

Need specific legal advice? If you think being called to active military service has reduced your ability to meet your financial obligations, contact your nearest [legal assistance office](#) to see if the SCRA applies.

Delay of Court and Administrative Proceedings

A major change provided by the SCRA is that it permits active duty servicemembers, who are unable to appear in a court or administrative proceeding due to their military duties, to postpone the proceeding for a mandatory minimum of ninety days upon the servicemember's request. The request must be in writing and (1) explain why the current military duty materially effects the servicemember's ability to appear, (2) provide a date when the servicemember can appear, and (3) include a letter from the commander stating that the servicemember's duties preclude his or her appearance and that he is not authorized leave at the time of the hearing. This letter or request to the court will not constitute a legal appearance in court. Further delays may be granted at the discretion of the court, and if the court denies additional delays, an attorney must be appointed to represent the servicemember. (See Section 202, SCRA)

Termination of Leases

Another significant change provided in the SCRA, is found in Section 305. The prior law only allowed the termination of pre-service "dwelling, professional, business, agricultural, or similar" leases. The new provision in the SCRA allows termination of leases by active duty servicemembers who subsequently receive orders for a permanent change of station (PCS) or a deployment for a period of 90 days or more. The SCRA also includes automobiles leased for personal or business use by servicemembers and their dependents. The pre-service automobile lease may be cancelled if the servicemember receives active duty orders for a period of one hundred and eighty (180) days or more. The automobile lease entered into while the servicemember is on active duty may be terminated if the servicemember receives PCS orders to a (1) location outside the continental United States or (2) deployment orders for a period of one hundred and eighty days or more. (See Section 305, SCRA)

Eviction for Nonpayment of Rent

Although the SCRA does not excuse soldiers from paying rent, it does afford some relief if military service makes payment difficult. Military members and their dependents (in their own right) have some **protection from eviction** under the Servicemembers Civil Relief Act (SCRA), Section 301.

The landlord must obtain a court order to evict a military member or his/her dependents. The court must find the member's failure to pay is **not** materially affected by his/her military service. Material effect is present where the service member does not earn sufficient income to pay the rent. Where the member is materially affected by military service, the court *may* stay the eviction (three months unless the court decides on a shorter or longer period in the interest of justice) when the military member or dependents request it. There is no requirement that the lease be entered into before entry on active duty, and the court could make any other order under 301 of the SCRA. The requirements of this section are:

- (1) The landlord is attempting eviction during a period in which the service member is in military service or after receipt of orders to report to duty;
- (2) The rented premises is used for housing by the spouse, children, or other dependents of the service

member; and

(3) **The agreed rent does not exceed \$2,720.95 per month.** (figure current as of 2007. Each February, the Federal Register reports the new Housing Inflation index). Soldiers threatened with eviction for failure to pay rent should see a legal assistance attorney.

Default Judgment Protection

If a default judgment is entered against a servicemember during his or her active duty service, or within 60 days thereafter, the SCRA allows the service member to reopen that default judgment and set it aside. In order to set aside a default judgment, the service member must show that he or she was prejudiced by not being able to appear in person, and that he or she has good and legal defenses to the claims against him/her. The servicemember must apply to the court for relief within 90 days of the termination or release from military service. (See Section 201, SCRA)

Life Insurance Protection

The SCRA also permits the servicemember to request deferment of certain commercial life insurance premiums and other payments for the period of military service and two years thereafter. If the Department of Veteran Affairs approves the request, the United States will guarantee the payments, the policy shall continue in effect, and the servicemember will have two years after the period of military service to repay all premiums and interest. The SCRA increases the amount of insurance this program will cover to the greater of \$250,000.00 or the maximum limit of the Servicemembers Group Life Insurance. (See Section 401, SCRA)

State Taxation Clarification

The SCRA provides that a nonresident servicemember's military income and personal property are not subject to state taxation if the servicemember is present in the state only due to military orders. The state is also prohibited from using the military pay of these nonresident servicemembers to increase the state income tax of the spouse. Under prior law, some states did not tax the nonresident servicemember directly, but did include the nonresident servicemember's income in the spouse's income, resulting in higher taxes for the spouse. (See Section 511, SCRA)

Health Insurance Reinstatement

The SCRA further provides for the reinstatement of any health insurance upon termination or release from service. The insurance must have been in effect before such service commenced and terminated during the period of military service. The reinstatement of the health insurance is not subject to exclusions or a waiting period if the medical condition in question arose before or during the period of service, the exclusion or waiting period did not apply during coverage, and the medical condition has not been determined by the Secretary of the Veteran Affairs to be a disability incurred or aggravated by military service. The reinstatement of health insurance protection does not apply to a servicemember entitled to participate in employer-offered insurance (See rules regarding employer offered health insurance care in the Uniformed Services Employment and Re-employment Act). And finally, the servicemember must apply for the reinstatement of the health insurance within 120 days after termination or release from military service. As always submit such request to the insurance company in writing with a copy of the orders for active duty and release from active duty. (See Section 704, SCRA)