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# Employment Rights and Benefits of Federal Civilian Employees Who Perform Active Military Duty

A Mandatory Reference for ADS Chapter 476

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## **EMPLOYMENT RIGHTS AND BENEFITS OF FEDERAL CIVILIAN EMPLOYEES WHO PERFORM ACTIVE MILITARY DUTY**

### **OVERVIEW**

**Federal law provides many important rights and benefits for Federal employees who perform active military duty. This mandatory reference provides an overview of these rights and benefits.**

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) generally requires an agency to place an employee entering the military in a nonpay status unless the employee chooses to be placed on military leave or annual leave, as appropriate, or the employee requests to be separated.

Employees who are called to active duty must submit a copy of their military orders to their supervisor and to their assigned Staffing Specialist in the Office of Human Resources, Civil Service Personnel Division, Recruitment and Staffing Branch (OHR/CSP/RS) or Office of Human Resources, Foreign Service Personnel Division, Foreign Service Staffing Branch (OHR/FSP/FSS), as appropriate. To be entitled to restoration rights, as described in Section 12 (Return to Civilian Duty) of this reference, advance notice of the service must be provided, unless it is precluded by military necessity or the giving of notice is otherwise impossible or unreasonable (5 CFR 353.204).

On receiving notification that an employee will be entering active duty, the assigned Staffing Specialist is responsible for providing the appropriate Agency notice, this reference, AID Form 400-42 (Federal Employees' Group Life Insurance (FEGLI) Program Election Form: Extension of Coverage When Called to Active Duty), and AID Form 400-40 (Checklist for Employees Called to Active Duty) to the employee, as well as for providing consultation on the documents. If employees will be placed on a nonpay status or will separate from civilian service, they are responsible for completing AID Form 400-40 (Checklist for Employees Called to Active Duty) and submitting it to their Staffing Specialist as soon as possible.

While the AID Form 400-42 (Federal Employees' Group Life Insurance (FEGLI) Program Election Form: Extension of Coverage When Called to Active Duty) must be submitted before the end of 12 months in nonpay status to continue the FEGLI coverage, it can also be submitted along with the AID Form 400-40 (Checklist for Employees Called to Active Duty). On notification of the employee's intent to return to civilian duty, the Staffing Specialist must provide this reference and AID Form 400-41 (Checklist for Employees Returning from Active Duty) to the employee. Employees are responsible for completing the form and submitting it to their Staffing Specialist.

Civilian Federal employees who are members of the Uniformed Services and who are called to active duty (or volunteer for active duty or full-time National Guard duty) are entitled to the following rights and benefits:

## **SECTION 1: PAY**

Employees performing active military duty will receive compensation from the Armed Forces in accordance with the terms and conditions of their military enlistment or commission. They will not receive any compensation from their civilian employing agency unless they meet the conditions for receiving a reservist differential as described in section 2 (Reservist Differential), below, or if they elect to use military leave or annual leave as described in sections 3 (Military Leave) and 4 (Annual Leave), below. As usual, agencies should continue the payment of availability pay for criminal investigators and annual premium pay for administratively uncontrollable overtime (AUO) work, or regularly scheduled standby duty, on days of military leave or annual leave.

## **SECTION 2: RESERVIST DIFFERENTIAL**

Under 5 U.S.C. 5538, employing agencies must provide a payment – a “reservist differential” – equal to the amount by which an employee’s projected civilian basic pay for a covered pay period exceeds the employee’s actual military pay and allowances for that pay period.

A reservist differential under section 5538 is payable to a covered employee during a qualifying period during which the employee meets both of the following conditions:

1. The employee is absent from a Federal civilian position in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in 10 U.S.C. 101(a)(13)(B) (as described in Part 1 of Appendix D of the OPM Policy Guidance Regarding Reservist Differential under 5 U.S.C. 5538 at <http://www.opm.gov/reservist/ReservistDifferentialPolicyGuidance.pdf>), and is serving on such active duty; **and**
2. The employee is entitled to reemployment rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA – 38 U.S.C. Chapter 43) for such active duty.

For more information on the reservist differential, see the Agency policy notice “Reservist Differential Guidance,” dated 7/30/2010. This notice also includes procedures for submitting claims for the differential. The notice stated that the Office of Personnel Management would offer further guidance regarding agencies’ obligation, if any, to pay the reservist differential for a period after completion of active duty and prior to the effective date of a statutory amendment made by section 745 of Public Law 111-117 (December 16, 2009). This guidance was since provided in a Reservist Differential Policy Update Memorandum issued on 4/13/2011 and is at <http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=3155>.

The Office of Personnel Management’s Reservist Differential Frequently Asked Questions and Answers are at <http://www.opm.gov/reservist/RDFAQs.asp>. Additional information from the Office of Personnel Management (OPM) on the reservist differential is at <http://www.opm.gov/reservist/> and includes OPM Policy Guidance Regarding Reservist Differential under 5 U.S.C. 5538.

### **SECTION 3: MILITARY LEAVE**

Employees who perform active military duty may request paid military leave, as specified in 5 U.S.C. 6323(a). Under the law, an eligible full-time employee accrues 15 days (120 hours) of military leave each fiscal year.

In addition, effective November 24, 2003, employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code, are entitled to 22 days of military leave under 5 U.S.C. 6323(b). Under this provision the employee is entitled to the greater of his military or civilian pay:

The term “contingency operation” means a military operation that –

- (A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
- (B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress (for a further description of 10 U.S.C. 101(a)(13)(B) see Part 1 of Appendix D of the OPM Policy Guidance Regarding Reservist Differential under 5 U.S.C. 5538 at <http://www.opm.gov/reservist/ReservistDifferentialPolicyGuidance.pdf>).

For more information, see OPM's fact sheet on military leave at <http://www.opm.gov/oca/leave/HTML/military.HTM> and Frequently Asked Questions on Military Leave at <http://www.opm.gov/oca/LEAVE/HTML/MILOA.asp>.

### **SECTION 4: ANNUAL LEAVE**

Employees who perform active military duty may request the use of accrued and accumulated annual leave to their credit (under 5 U.S.C. 6303 and 6304), and such requests must be granted by the agency. In addition, requests for advanced annual leave may be granted at the agency's discretion. See <http://www.opm.gov/oca/leave/HTML/ANNUAL.HTM> for more information on annual leave.

Employees who use annual leave will receive compensation from their civilian position for all hours charged to annual leave in addition to their military pay for the same period. Employees who enter into active military duty may choose to (1) have their annual leave remain to their credit until they return to their civilian position, or (2) receive a lump-sum payment for all accrued and accumulated annual leave. See <http://www.opm.gov/oca/leave/HTML/lumpsum.htm> for more information on lump-sum payments for annual leave.

On the AID Form 400-40, Checklist for Employees Called to Active Duty, employees can choose to have their annual leave remain to their credit or receive a lump-sum payment.

## **SECTION 5: ADMINISTRATIVE LEAVE**

An employee is entitled to 5 days of excused absence after returning from active military service in connection with the continuing Global War on Terrorism (GWOT). This excused absence is received each time the employee returns from active military service in connection with Operation Noble Eagle, Operation Enduring Freedom, Operation Iraqi Freedom, and any other current or future military operations deemed to be part of the GWOT. Upon receiving notification from an employee on his or her intent to return to civilian duty on a specific date, the Agency must grant the employee 5 days of excused absence immediately prior to the employee's actual resumption of duties. In order to receive the 5 days of excused absence, members must spend at least 42 consecutive days on active duty in support of the GWOT. Further, employees are entitled to 5 days of excused absence only once in a 12-month period.

## **SECTION 6: PAID TIME OFF**

An employee performing service with the uniformed services must be permitted, upon request, to use any accrued annual leave under 5 U.S.C. 6304, military leave under 5 U.S.C. 6323, earned compensatory time off for travel under 5 U.S.C. 5550(b), or sick leave under 5 U.S.C. 6307, if appropriate, during such service.

## **SECTION 7: NONPAY STATUS**

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) generally requires an agency to place an employee entering the military in a nonpay status unless the employee chooses to be placed on military leave or annual leave, as appropriate, or the employee requests to be separated. Full-time employees do not earn annual or sick leave in a pay period in which they have accumulated 80 hours of nonpay status. In addition, part-time employees in a nonpay status also earn less annual and sick leave, since they earn leave based on the number of hours in a pay status.

On the AID Form 400-40, Checklist for Employees Called to Active Duty, employees can choose to be placed on a nonpay status or to separate from civilian service.

## **SECTION 8: HEALTH BENEFITS**

When employees enter one of the uniformed services for 30 days or less, their Federal Employees' Health Benefits (FEHB) will continue without change.

Employees who enter on active duty in one of the uniformed services for more than 30 days, may continue their coverage for up to 24 months or elect to have it terminate.

When the coverage is continued, the Agency will pay the premiums if the employee is called or ordered to active duty on or after September 14, 2001, and is:

1. Enrolled in an FEHB plan;
2. A member of a reserve component of the armed forces;
3. Called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10) (see section 3 on Military Leave for the definition);
4. Placed on leave without pay or separated from service to perform active duty; and
5. Serving on active duty for a period of more than 30 consecutive days.

If employees do not meet all of the above requirements, the Agency has no authority to pay their premiums while they are on active duty. They are responsible for the enrollee share of the premium during the first 12 months, and the Agency will pay its share. For the continued FEHB coverage of up to 12 months, the employee is responsible for paying both the employee and Agency shares of the premium, plus an additional 2 percent administrative fee.

Employees who do not want to continue their FEHB enrollment must notify their employing office in writing that they wish to terminate their coverage. If they do not take action to terminate the coverage, their enrollment will continue for up to 24 months while they are on military duty.

On the AID Form 400-40, Checklist for Employees Called to Active Duty, employees can choose to continue their coverage for up to 24 months or elect to have their health benefits terminate.

For further information on FEHB coverage see the Frequently Asked Questions about FEHB Coverage for Federal Civilian Employees Called to Military Duty at <http://www.opm.gov/insure/health/faq/reservists.asp>.

Additional information about FEHB, as well as the Federal Employees Dental and Vision Insurance Program (FEDVIP), Federal Flexible Spending Account Program (FSAFEDS), and Federal Long Term Care Insurance Program (FLTCIP), is at <http://www.opm.gov/insure/lifeevents/je2.asp>.

Employees' FEHB is automatically reinstated upon return to employment following active duty. An annuitant's FEHB is automatically reinstated on the day of separation from the uniformed service.

For further information on FEHB when returning from active military duty, see the Frequently Asked Questions about FEHB for Federal Civilian Employees who Return from Active Military Duty at <http://www.opm.gov/insure/health/faq/fedcivil.asp>.

## **SECTION 9: LIFE INSURANCE**

Employees who enter on active duty or active duty for training in one of the armed forces for more than 30 days can continue their Federal Employees' Group Life Insurance (FEGLI) for up to 24 months. FEGLI coverage is free for the first 12 months. However, employees must pay

both the employee and agency share of the premiums for their Basic coverage, and also pay the entire cost (there is no agency share) for any Optional insurance they may have for the additional 12 months of coverage. To elect for the additional 12 months of coverage, employees can complete the AID Form 400-42, Federal Employees' Group Life Insurance (FEGLI) Program Election Form: Extension of Coverage When Called to Active Duty, and submit it to their assigned Staffing Specialist in OHR/CSP/RS or OHR/FSP/FSS.

Employees eligible for FEGLI who are deployed in support of a contingency operation as defined by 10 U.S.C. 101(a)(13) (see section 3 on Military Leave for the definition), may elect Basic, Option A and Option B (up to the maximum of 5 multiples). Employees must make the election on the Form SF2817, Life Insurance Election: Federal Employees' Group Life Insurance Program, within 60 days after the date of notification of their deployment in support of a contingency operation. Note that contingency operations in Iraq, including Operation Iraqi Freedom and Operation New Dawn, ended on December 31, 2011 (see Benefits Administration Letter Number 12-201 at <http://www.opm.gov/retire/pubs/bals/2012/12-201.pdf>).

For more information, see the frequently asked questions on Military and FEGLI at <http://www.opm.gov/insure/life/faq/faqs-16.asp>.

On the AID Form 400-42, Federal Employees' Group Life Insurance (FEGLI) Program Election Form: Extension of Coverage When Called to Active Duty, employees can elect to terminate their FEGLI coverage at the end of 12 months in nonpay status or elect to continue their FEGLI coverage for an additional 12 months after completion of the first 12 months in nonpay status. Then they must submit the form to their assigned Staffing Specialist in OHR/CSP/RS or OHR/FSP/FSS.

## **SECTION 10: RETIREMENT**

An employee who is placed in a nonpay status while performing active military duty continues to be covered by the retirement law—i.e., the Civil Service Retirement System (CSRS), the Federal Employees Retirement System (FERS), the Foreign Service Retirement and Disability System (FSRDS), and the Foreign Service Pension System (FSPS). Death benefits will be paid as if he or she were still in the civilian position. If the employee becomes disabled for his or her civilian position during the nonpay status and has the minimum amount of civilian service necessary for title to disability benefits (5 years for CSRS and FSRDS, 18 months for FERS and FSPS), the employee will become entitled to disability benefits under the retirement law. Upon eventual retirement from civilian service, the period of military service is creditable under either CSRS/FSRDS or FERS/FSPS, subject to the rules for crediting military service.

If an employee separates to enter active military duty, he or she generally will receive retirement credit for the period of separation when the employee exercises restoration rights to his or her civilian position. If the separated employee does not exercise the restoration right, but later re-enters Federal civilian service, the military service may be credited under the retirement system, subject to the rules governing credit for military service.

## **SECTION 11: THRIFT SAVINGS PLAN**

For purposes of the Thrift Savings Plan (TSP), no contributions can be made, either by the agency or the employee, for any time in a nonpay status or for a period of separation. Agencies should refer to the following Thrift Savings Plan Bulletins for Agency TSP Representatives: No. 11-4, dated March 28, 2011, and No. 11-6, dated April 4, 2011. These bulletins are on the TSP Internet Web site at <https://www.tsp.gov/representative/bulletins/bulletinsAgency.shtml>. For additional information, agency representatives may contact the Federal Retirement Thrift Investment Board at (202) 942-1460. Employees should refer to the following TSP Fact Sheets: TSP Fact Sheet – Effect of Nonpay Status on Your TSP Account and the TSP Fact Sheet – TSP Benefits That Apply to Members of the Military Who Return to Federal Civilian Service. Both fact sheets are available from the TSP Internet Web site at <http://www.tsp.gov>. Click on “Called to Active Duty,” which is under the “Life Events” heading. Both fact sheets are “Publications” listed under the “Resources” heading.

If employees are subsequently reemployed in, or restored to, a position covered by FERS/FSPS or CSRS/FSRDS pursuant to 38 U.S.C. Chapter 43, they may make up missed contributions. FERS/FSPS employees are entitled to receive retroactive Agency Automatic (1 percent) Contributions and, if they make up their own contributions, retroactive Agency Matching Contributions. In addition, FERS/FSPS employees are entitled to receive retroactive Agency Matching Contributions to their civilian TSP accounts if they contributed to their uniformed services TSP account from military basic pay. For additional information, see the TSP Fact Sheet – “TSP Benefits that Apply to Members of the Military Who Return to Federal Civilian Service,” as described in the first paragraph of this section.

Also, if FERS employees separate and their Agency Automatic (1 percent) Contributions and associated earnings are forfeited because they did not meet the TSP vesting requirement, the employees are entitled to have these funds restored to their accounts after they are reemployed. In addition, if employees separate and their accounts are disbursed as automatic cash outs, the employees may return to the TSP an amount equal to the full amount of the payment after they are reemployed. For additional information, see the TSP Fact Sheet – “TSP Benefits that Apply to Members of the Military Who Return to Federal Civilian Service,” as described in the first paragraph of this section.

## **SECTION 12: RETURN TO CIVILIAN DUTY**

An employee who enters active military duty (voluntarily or involuntarily) from any position, including a temporary position, has full job protection, provided he or she applies for reemployment within the following time limits (while employed by the Federal Government, the 5-year period cannot exceed 5 years, except that the 5-year period does not include service described in 5 CFR 353.203(a) at [http://edocket.access.gpo.gov/cfr\\_2011/janqtr/pdf/5cfr353.203.pdf](http://edocket.access.gpo.gov/cfr_2011/janqtr/pdf/5cfr353.203.pdf)):

(A) Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service and the expiration of 8 hours after a time for safe transportation back to the employee’s residence.

(B) Employees who served more than 30 days but less than 181 days must apply for reemployment within 14 days of release by the military.

(C) Employees who served more than 180 days have 90 days to apply for reemployment.

Employees who served less than 91 days must be restored to the position they are qualified for that they would have attained had their employment not been interrupted. Employees who served more than 90 days have essentially the same rights, except that the agency has the option of placing an employee in a position they are qualified for of like seniority, status, and pay.

A returning employee who was absent for more than 30 days must provide their assigned Staffing Specialist in OHR/CSP/RS or OHR/FSP/FSS with documentation that shows the timeliness of the application for reemployment, as well as the length and character of service. Proof of eligibility for reemployment includes discharge papers, leave and earnings statements, school completion certificates, endorsed orders, or letters from a proper military authority. If documentation is unavailable, the Agency must restore the employee until it becomes available.

Upon return or restoration, an employee generally is entitled to be treated as though he or she had never left for purposes of rights and benefits based upon length of service. This means that the employee must be considered for career ladder promotions, and the time spent in the military will be credited for seniority, successive within-grade increases, probation, career tenure, annual leave accrual rate, and severance pay. An employee who was on a temporary appointment serves out the remaining time, if any, left on the appointment. A Foreign Service employee on a non-career appointment also serves the unexpired portion of their limited appointment (see ADS Chapter 414, Foreign Service appointments). (The military activation period does not extend the civilian appointment.)

An employee performing active military duty is protected from reductions in force (RIFs) and may not be discharged from employment for a period of 1 year following separation (6 months in the case of a Reservist called to active duty under 10 U.S.C. 12304 for more than 30 days, but less than 181 days, or ordered to an initial period of active duty for training of not less than 12 consecutive weeks), except for poor performance or conduct or for suitability reasons.

### **SECTION 13: APPEAL RIGHTS**

An employee or former employee of an agency in the executive branch (including the U.S. Postal Service) who is entitled to restoration in connection with military duty may appeal an agency's failure to properly carry out the law directly to the Merit Systems Protection Board (MSPB), or the employee may first submit a complaint to the Department of Labor, which will attempt to resolve it. If resolution is not possible, the Department may present the case to the Office of the Special Counsel, which may represent the employee in an appeal to the MSBP.

For more information, see the MSPB USERRA Fact Sheet at <http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=367903&version=368536&application=HTML> and the Department of Labor's Veterans' Employment and Training Services USERRA Fact Sheet 3 at [http://www.dol.gov/vets/programs/userra/userra\\_fs.htm](http://www.dol.gov/vets/programs/userra/userra_fs.htm).

## **SECTION 14: EMPLOYEE ASSISTANCE PROGRAMS (EAPs)**

Employee Assistance Programs can be very helpful to employees and their families in coping with the stress and disruption associated with a call to active military duty. EAPs provide short-term counseling and referral services to help with financial, emotional, and dependent care problems. These services are available to employees who have been called to active military duty (or who volunteer for such duty) and to employees who are family members of those who are performing active military duty. In addition, many EAPs offer services to family members of employees.

Information on mental wellbeing services for the USAID community is on USAID's internal Web site at <http://inside.usaid.gov/HR/mentalwellbeing.cfm>.

All military services also provide extensive support to family members, and Federal employees affected by deployment should take time to learn about what is available to them. There is research-based guidance on how best to handle the family issues that occur during deployment, as well as a wide array of practical information and support resources. The Web links below provide a gateway to information and service for families of deployed service members.

### **Information for all services**

Information on health care coverage for reservists and families under the Tricare program: <http://www.tricare.osd.mil/reserve/index.cfm>.

Information about mobilization, healthcare options, family support and more can be found at the Office of the Assistant Secretary of Defense for Reserve Affairs Web site at: <http://www.defenselink.mil/ra>.

**The following sites include practical information, resource links, and guidance for families on coping with the stresses related to deployment:**

1. Military One Source – <http://www.militaryonesource.com>
2. Military Home Front – <http://www.militaryhomefront.dod.mil>
3. Family Matters Blog – <http://afps.dodlive.mil>

## **SECTION 15: CIVIL SERVICE EMPLOYEES WHO ARE ABSENT BECAUSE OF UNIFORMED SERVICE CAN RECEIVE CONSIDERATION FOR PROMOTION UNDER THE MERIT STAFFING PROGRAM**

If there are specific Civil Service positions, with job title, series, and grade, for which the employee would like to be considered if the positions are announced, the employee must contact the Veterans Employment Program Manager, Dennis Hicklin. Mr. Hicklin is located at 2.08.135 and can be reached by phone at (202) 712-5733. You may also contact Tom Davis, Chief, Outreach and Marketing, at (202) 712-5663.

**SECTION 16: FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Federal employees are entitled to up to 12 administrative workweeks of unpaid FMLA leave during any 12-month period for any qualifying exigency arising out of the fact that a spouse, child, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Federal employees are entitled to up to 26 administrative weeks of FMLA leave during a single 12-month period to care for a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness. "Serious injury or illness" means an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty while on active duty) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. When requesting FMLA leave to care for a covered servicemember, employees must use the Department of Labor's Optional Form (Form WH-385, Certification for Serious Injury or Illness of Covered Servicemember – for Military Family Leave (Family and Medical Leave Act)), as well as the Form AID 400-4, Family and Medical Leave Application Request. Both forms are located on the USAID Forms Web page (<http://inside.usaid.gov/forms>).

The amount of accrued sick leave an employee may substitute for unpaid leave under the FMLA to care for a covered servicemember may not exceed a total of 26 administrative workweeks in a single 12-month period (or for a part-time employee, or an employee with an uncommon tour of duty, an amount of sick leave equal to 26 times the average number of hours in his or her scheduled tour of duty each week). Further, full-time employees may be advanced up to 240 hours of sick leave for the care of a covered servicemember with a serious injury or illness, provided the employee is exercising his or her entitlement to FMLA leave to care for the covered servicemember (or for a part-time employee, or an employee on an uncommon tour of duty, these amounts must be prorated based on the number of hours in the employee's regularly scheduled administrative workweek). The regulations are at 5 CFR 630.402 and 630.403. Agency policy at 3 FAM 3420 and 3 FAH-1 H-3420 has been updated to include this advance of sick leave.

For further information, see the USAID General Notice, Recent Changes to the Family and Medical Leave Act, dated 6/24/2010. On 9/30/2011, the Office of Personnel Management issued final regulations on Qualifying Exigency Leave that are available at <http://www.opm.gov/fedregis>. Based on these regulations, the Agency is continuing to require employees to provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's active duty service.

ADS Chapter 481, Family and Medical Leave (FML), and Form AID 400-4, Family and Medical Leave Application Request, will be updated with the FMLA changes.

## **SECTION 17: DOCUMENTING PERSONNEL ACTIONS**

**Absent – Uniformed Service.** Absent – Uniformed Service must be documented on an SF 50, Notification of Personnel Action, with nature of action **473/ Absent – Uniformed Service**, and legal authority **Q3K/5 CFR 353**. If the employee is performing service that is qualifying for the reservist differential, a new legal authority “QRD/5 U.S.C.” is used in combination with legal authority Q3K to document that qualifying service.

### **Health Benefits and Life Insurance.**

For those reservists with health benefits coverage while absent for reasons related to military duty, enter in block 45 of the SF 50 remark **B66**, which reads as below:

An employee subject to the provisions of P.L. 108-375 is eligible for continued FEHB coverage up to 24 months when called to active duty and certain requirements are met (including serving in support of a contingency operation). An employee subject to the provisions of P.L. 108-454 is eligible for FEHB coverage for 24 months when absent because of service in the uniformed service and certain requirements are met. Contact your servicing Human Resources Office or see the FEHB Handbook at <http://www.opm.gov/insure> for detailed information.

For those reservists with Federal Employees' Group Life Insurance (FEGLI) coverage, enter in block 45 of the SF 50 remark **B76**, which reads as below:

FEGLI coverage continues at no cost to you until your time in nonpay status totals 12 months. If you are in active duty military status, you may elect to continue FEGLI coverage for an additional 12 months by paying both the employee and agency premiums (Basic coverage) and by paying the entire cost (Optional coverage). Per Section 1102 of Public Law 110-181, you must make the election before the end of your first 12 months in nonpay status. Contact your servicing Human Resources Office or see the FEGLI Handbook at <http://www.opm.gov/insure/life> for detailed information.

**Separations.** If the reservist requests separation rather than nonpay status, the separation must be documented with nature of action **353/Separation-US** and legal authority **Q3K/5 CFR 353**. Follow the instructions in Chapter 9 or 11 (as appropriate) of *The Guide to Processing Personnel Actions*, <http://www.opm.gov/feddata/persdoc.htm>, to document the reservist's restoration upon completion of his or her military service.

## **SECTION 18: CONTACTS**

For further information on employment rights and benefits of civilian Federal employees who perform active military duty, employees should contact the following offices:

- For information on being considered for promotion under the Merit Staffing Program while on active duty, employees may contact Dennis Hicklin, Veterans Employment Program Manager, at (202) 712-5733.

- For information on benefits, employees may contact their servicing Human Resources Specialist (Benefits) in the Office of Human Resources, Employee and Labor Relations Division (OHR/ELR).
  - For information on the processing of personnel actions for employees entering or returning from active duty, employees may contact their servicing Staffing Specialist in OHR/CSP/RS or OHR/FSP/FSS.
  - For information on making payments for Federal Employees' Health Benefits (FEHB) or Federal Employees' Group Life Insurance (FEGLI), employees may contact Angela Burkard, Payroll Division Chief, at (202) 567-5124.
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