

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

The USERRA Technician Checklist assists NY National Guard Federal Employees in understanding and determining what elections and options are available to them at the time they elect to be absent, resign or separate from the agency to perform Active Duty Military Service(s). This form, a Standard Form 52 (Request for Personnel Action), and a copy of military orders (if available) or compatible notification from the Military Unit must be completed and submitted to the Joint Force Headquarters-New York, Human Resources Office prior to entering Military Active Service for appropriate processing. Except for employees separating, military services less than 31 days need not submit the above items mentioned. Failure to provide all the requested information could lead to a delay in processing the action and also impact any benefit elections.

**INDIVIDUAL INFORMATION**

Name:		
Phone Number:	Email:	
Supervisor's Name:	Supervisor's Phone Number:	Supervisor's .mil Email:

**USERRA ELECTION TYPE**

**ABSENT – UNIFORMED SERVICE:** This election places Technicians in approved/authorized absence in either a paid or non-paid status depending upon the leave you may choose to use. Choose this option if you expect to return to employment after military service with seniority rights to the position.

**SEPARATION – UNIFORMED SERVICES (SEPARATION - US):** This election is a form of resignation, but allows you to retain USERRA protection, but not necessarily to your former position. Choose this option if you do not expect to return from military service. You must provide written notice of intent not to return to your technician position. (Note: A separation under this provision affects only the employee's seniority while gone; it does not affect his or her restoration rights.) (Reference 38 USC Chapter 43, Section 4316(b)(1)(a) & 5 CFR 353.106)  
This selection does not prevent you from applying for reemployment with the agency.

NOTE: (1) You must provide Military Orders or compatible notification with this checklist or as soon as possible. (2) Effective dates of either USERRA elections must coincide with the effective date of and not prior to entering military service.

**AN EMPLOYEE CANNOT BE ORDERED TO RESIGN OR TO ELECT SEPARATION-US. HE/SHE MUST FREELY ELECT TO SEPARATE.**

**Initials ONLY ONE option**

	<b>I ELECT ABSENT – UNIFORMED SERVICE</b> This election places Technicians in approved/authorized absence in either a paid or non-paid status depending upon the leave you may choose to use. Choose this option if you expect to return to employment after military service with seniority rights to the position.
	<b>I ELECT SEPARATION – US</b> This election is a form of resignation, but allows you to retain USERRA protection, but not necessarily to your former position. Choose this option if you do not expect to return from military service. You must provide written notice of intent not to return to your technician position. (Note: A separation under this provision affects only the employee's seniority while gone; it does not affect his or her restoration rights.) (Reference 38 USC Chapter 43, Section 4316(b)(1)(a) & 5 CFR 353.106). This selection does not prevent you from applying for reemployment with this agency.
	<b>I am a temporary employee and understand that my reemployment rights are limited to the established not to exceed (NTE) date of my temporary appointment. If my election above is to be placed on Absent US, I understand that I will be terminated when my temporary appointment expires. I also understand that my LWOP period counts against my 4 years as a temporary employee.</b>

**LEAVE STATUS**

I wish to use the following accrued leave during my period of Absent US or prior to being separated from my technician position. The first working day after other leave is used (if other leave is used) will be the effective date of my LWOP (KG). If using leave sporadically throughout my LWOP my effective date of LWOP will be the date my military orders begin. You may elect to keep, use earned leave (Annual, Compensatory for travel, sick leave if applicable, and paid Military Leave) or receive a lump sum payment of any unused Annual Leave prior to your departure. Members who want to use Regular Compensatory time while on military orders must do so prior to the ABSENT-US effective date. If you want to use consecutive Regular Compensatory Time at the beginning of your orders, your AUS effective date will be delayed. **Please attach most recent civilian LES.**

<b>Initials</b>	<b>FROM DATE</b>	<b>TO DATE</b>
<b>I wish to use leave while on Military Orders:</b>		
Regular Comp Time* I understand I cannot use Regular Comp Time while in an ABSENT-US (LWOP) status. If I choose to use CT it must be at the beginning of my orders and will push back my AUS effective date*		
Military Leave I understand I cannot use this leave on SAD orders, or on AGR/ADOS orders exceeding 180 days. *AGR/ADOS limitation does not apply to Title 5 employees*		

	Time Off Award**I understand I cannot use TOA while in an ABSENT-US (LWOP) status. If I choose to use TOA it must be at the beginning of my orders and will push back my AUS effective date*		
	Annual Leave		
	Travel Comp Time		

**The Actual Effective Date of my LWOP, after all leave is used, is:**

### Lump Sum Payment

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

The accumulation of non-pay status hours during a leave year can affect the accrual of annual leave and sick leave. (See 5 CFR 630.208(a).) For example, when a full-time employee with an 80-hour biweekly tour of duty accumulates a total of 80 hours of non-pay status from the beginning of the leave year (either in one pay period, or over the course of several pay periods), the employee will not earn annual and sick leave in the pay period in which that 80-hour accumulation is reached. If the employee again accumulates 80 hours of non-pay status, he or she will again not earn leave in the pay period in which that new 80-hour total is reached. (This means that a full-time employee who is in the 6-hour annual leave accrual category and who has accumulated 80 hours of non-pay status in the last pay period of the year will forfeit 10 hours of leave accrual in that pay period.) At the end of the leave year, any accumulation of non-pay status hours of less than 80 hours is zeroed out so that the accumulation for the next leave year starts at zero.

Employees who are going Separation US and resigning will automatically get paid out a lump sum payment.

#### Initial Only One Box

**I ELECT TO RECEIVE** a lump sum payment of any unused annual leave

**I ELECT NO** lump sum payment of any unused annual leave.

### FEDERAL EMPLOYEES HEALTH BENEFITS (FEHB): (if enrolled)

Enrollment continues for no more than 365 days in a non-pay status. The non-pay status may be continuous or broken by periods of less than 4 consecutive months in a pay status (5 CFR 890.303(e)). The Government contribution continues while employees are in a non-pay status for the first 12 months. If your military service goes beyond 12 months, you may continue your FEHB for an additional 12 months by paying 102 percent of the premium: (1) you pay your premium share, (2) the Government's share, and (3) a 2 percent administrative fee. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate as a debt and be withheld from his or her pay upon returning to duty.

**Contingency Operations:** If you are in support of contingency operations your FEHB premiums (both the employee and government contributions) will be paid by the agency up to 24 months so long as you are:

- (1) Called, ordered to active duty (voluntarily or involuntarily) in support of contingency operation as defined in 10 USC, section 101(a)(1)(3); **and**
- (2) Placed in either ABSENT – UNIFORMED SERVICE or SEPARATION – US to perform active duty.
- (3) Serving on active duty for a period of more than 30 consecutive days.
- (4) Upon Returning to Duty, member will be responsible for their portion again.

#### Initial Only One Box

I do not have FEHB

I want the agency to **SUSPEND** my FEHB coverage effective date of Absent-US

I want to **keep my FEHB coverage and incur a debt or pay premiums directly to DFAS**

I am going on a **contingency operation** and would like to keep my FEHB at no cost to me

### THRIFT SAVINGS PLAN (TSP): (if enrolled)

When you enter a non-pay status, you are no longer eligible to contribute to your TSP civilian account and a new TSP loan cannot be started. While on military duty, you may contribute to the TSP from your military basic pay, incentives, and bonuses. If deployed to a tax-exempt zone, all the contributions made to TSP will be permanently tax-exempt. You must make your military election via MyPay or by submitting a TSP-U-1 to your military pay technician. Only contributions from your military basic pay will be counted towards the agency matching contributions upon your return to duty to your Technician position. **Please save all of your military LES' for calculations of TSP matching and make-up.**

**\*\*TSP LOAN:** If you have TSP Loan(s), pay deductions will temporarily be frozen while in non-pay status with the appropriate form and supporting documentation sent by HRO. The temporary suspension of your TSP Loan will help prevent you from going into default while in a non-pay status. You may contact the **TSP Office at 1-TSP-YOU-FRST (1-877-968-3778)** to make other payment arrangements. For more information on the TSP, please visit the TSP website ([www.tsp.gov](http://www.tsp.gov))

#### Initial Only One Box

**I DO have a TSP Loan** and wish for the HRO to fax my TSP 41

**I DO NOT have a TSP Loan**

**IMPORTANT INFORMATION FOR YOU TO KNOW AND ACTION.**

**FLEXIBLE SPENDING ACCOUNTS (FSAs): (if enrolled)**

Incurred eligible health care expenses will not be reimbursed until the employee returns to a pay status and the allotments are successfully restarted (in which case the remaining allotments would be recalculated over the remaining pay periods to match the employee's annual election amount). Eligible dependent care expenses incurred during the non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account, as long as the expenses incurred during the non-pay status allow the employee (or employee's spouse if married) to work, look for work, or attend school full-time. Once dependent care allotments are successfully restarted, remaining allotments would be recalculated over the remaining pay periods to match the employee's annual election amount.

**FEDERAL DENTAL and VISION INSURANCE PROGRAM (FEDVIP): (if enrolled)**

**Employee must contact BENEFEDS directly when going in to an LWOP status to make payment arrangements. HRO is unable to suspend FEDVIP coverage. The contact telephone number for BENEFEDS is 877-888-3337. Coverage will continue as long as premiums are being paid. BENEFEDS will generate a direct bill for past due premiums when no premium is paid for 2 consecutive pay periods. Coverage will continue only if the direct bills are paid timely.**

**FEDERAL LONG TERM CARE (LTC) INSURANCE: (if enrolled)**

Coverage continues for as long as premiums are paid. If Long Term Care Partners receives \$0 in premium for 3 consecutive pay periods, they begin directly billing the enrollee. If they receive \$0 in premium for 2 or fewer pay periods, they will adjust future deductions with a cap of an additional \$50 until the balance is collected. Enrollees can contact Long Term Care Partners at **1-800-582-3337** for a billing change form if they wish to change their premium billing method from payroll deduction to automatic bank withdrawal or direct billing.

**LIFE INSURANCE: (if enrolled)**

Coverage continues for 12 consecutive months in a non-pay status without cost to the employee (5 CFR 870.508(a)) or to the agency (5 CFR 870.404(c)). The non-pay status may be continuous, or it may be broken by a return to duty for periods of less than 4 consecutive months. Please note that premium payments are required if an enrolled employee in non-pay status is receiving workers' compensation (5 CFR 870.508(a)). Life insurance will terminate after 12 months in a non-pay status.

**NGAUS: (if enrolled)**

You will be responsible for the premium cost after the waiver period (depending on the type of coverage) and /or direct-bill payments. **You can contact NAGUS Customer Service at 1-800-537-5024.**

**TECHNICIAN PAY:** You will have certain effects on any automated deductions, investments and/or garnishments such as normal employment benefits or investments (Health Benefits, Life Insurance, Thrift Savings Plan, and Loans) established on your technician pay will temporarily halt during your Non-Pay status and will be automatically restored upon your return to duty or during times when you are in Active Pay status (i.e. while using accrued leave, military leave, etc). If you have **child support** payments/garnishments established on your technician pay, you must ensure DFAS has a copy of the court order. DFAS contact number is **1 (888) 332-7411**. At any time while on Absent-US that any type of leave is used (i.e. annual leave, military leave, earned compensatory time off for travel, or sick leave) **all normal deductions will automatically be deducted** if sufficient funds are available. (i.e. if you elect to keep your FEHB coverage while on Absent-US, your normal FEHB premium will be either deducted from your pay or you will be indebted for that amount). The agency does not pay for your premiums when you enter an active pay status for any amount of time during a pay period. 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>

**RETIREMENT:**

An aggregate non-pay status of 6 months in any calendar year is creditable service. Coverage continues at no cost to the employee while in a non-pay status. When employees are in a non-pay status for only a portion of a pay period, their retirement deductions are adjusted in proportion to their basic pay (5 U.S.C. 8332 and 8411). High-3 average salary computations are based on periods of creditable service. Thus, periods of non-pay status of 6 months or less in a calendar year that fall within an employee's average salary period are included in the calculation of the average salary using the rate of basic pay in effect during the period of non-pay status.

**SERVICE COMPUTATION DATE:**

For purposes of computing accrual rates for annual leave (i.e., 4, 6, or 8 hours per pay period), an aggregate of 6 months of non-pay status in a calendar year is creditable service (5 U.S.C. 6303(a) and (f) and 8332(f)). The service computation date must be adjusted by the amount of non-pay time in excess of 6 months in a calendar year (i.e., excess time is added to the employee's service computation date).

**WITHIN GRADE INCREASE:**

An aggregate of no more than 2 workweeks in a non-pay status in a waiting period is creditable service for advancement to steps 2, 3, and 4 of the General Schedule; 4 workweeks for advancement to steps 5, 6, and 7; and 6 workweeks for advancement to steps 8, 9, and 10 (5 CFR 531.406(b)). For prevailing rate employees (WG, WL, and WS schedules), an aggregate of 1 workweek non-pay status is creditable service for advancement to step 2, 3 workweeks for advancement to step 3, and 4 workweeks for advancement to steps 4 and 5 (5 CFR 532.417(c)).

**RESERVIST DIFFERENTIAL:** Employing agencies must pay differential payments to eligible Federal civilian employees who are members of the Reserve or National Guard (hereafter referred to as "reservists") called or ordered to active duty under certain specified provisions of law. Federal 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" allocable to that pay period. If you are in support of contingency operations you may be eligible to receive a "Reservist Differential" payment if your civilian "basic pay" normally exceeds the amount of your military pay during a pay period. You may receive a differential sum equal to the amount of your civilian salary to offset your military pay as long as you are in authorized Non-Pay status. Additional information can be found at <http://www.opm.gov/reservist/>.

**MILITARY DEPOSIT (BUYBACK):**

Members are eligible to make Military Deposits for military service which may be potentially creditable. In order to obtain federal retirement coverage for military service, members must submit their DD214(s) or orders so the HRO can complete an RI 20-97 (Estimated Earning During Military Service) form and submit to DFAS. **Please save all LES's for Actual Earnings and quicker processing of your Military Deposit (Buyback).**

**USERRA:** Employees and supervisors are required to take annual USERRA training. The Office of Personnel Management (OPM) has approved USERRA training which is available online at:

<https://www.esgr.mil/USERRA/USERRA-Training>

Upon completion, print certificate and submit with checklist.

As part of the requirement that each employee be properly briefed on his/her USERRA rights, responsibilities and entitlements, each employee and his/her supervisor must certify that they have reviewed the information provided in this checklist as well as the OPM USERRA training and that they understand their rights, responsibilities, and entitlements. An employee absent because of service in the uniformed services is to be carried on leave without pay unless the employee elects to use other leave or freely and knowingly provides written notice of intent not to return to a position of employment with the agency, in which case the employee can be separated. (Note: A separation under this provision affects only the employee's seniority while gone; it does not affect his or her restoration rights.) (Reference 38 USC Chapter 43, Section 4316(b)(1)(a) & 5 CFR 353.106)

**BENEFICIARY FORMS**

When was the last time you checked your designations of beneficiary? Most employees and annuitants don't realize that they have several designations to keep current. If you don't have a designation on file, then the funds will be distributed according to the order of precedence. That may be OK with you, but maybe it isn't. Worse yet is an out-of-date designation giving the money to someone that you no longer wish to give it to. Please fill out a new beneficiary form for each fund and attach with your USERRA LWOP checklist:

- SF1152 – Unpaid Compensation (Last paycheck and annual leave remaining balance)
- SF2823 – FEGLI (Life Insurance)
- SF3102 – FERS (Retirement)
- TSP 3 - TSP

TSP 3 Beneficiary Form Needs To Be Sent Directly to TSP not to the HRO. Employee needs to mail form to Thrift Savings Plan P.O. Box 385021 Birmingham, AL 35238 or fax it to 1-866-817-5023

**Initial**

**I HAVE FILLED OUT AND ATTACHED ALL APPLICABLE BENEFICARY FORMS & SENT THE TSP 3 FORM DIRECTLY TO TSP**

**EMPLOYEE**

**I have given my orders, civilian LES, beneficiary forms and USERRA certification to my Supervisor/Remote. I have read this LWOP checklist in its entirety and I understand the elections I have made to my benefits while in a non-pay status. I understand that I must notify my supervisor and HRO 30 days prior to when I want to return to duty to avoid delay in processing.**

Date

Signature

**SUPERVISOR**

**I understand my employee is going in an LWOP status and has made his/her benefit elections to suit accordingly.**

<b>Date</b>	<b>Supervisor's Signature</b>	<b>Supervisor's Email Address</b>
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**Members Name:** \_\_\_\_\_

**Members SSN:** \_\_\_\_\_

**Effective Date of LWOP:** \_\_\_\_\_

**REMOTE DESIGNEE USE ONLY**

<b>Complete/check off each item to verify completion:</b>	<b>Completed by:</b>												
<table border="1" style="width: 100%;"><tr><td style="width: 10%;"></td><td>SF -52 attached</td></tr><tr><td></td><td>Orders (compatible notification) attached</td></tr><tr><td></td><td>Members LES to review all benefits, deductions and leave balances</td></tr><tr><td></td><td>SF3102, SF2823, SF1152</td></tr><tr><td></td><td>TSP-3 Designation of Beneficiary</td></tr><tr><td></td><td>Member &amp; Supervisors completed USERRA training certificates</td></tr></table>		SF -52 attached		Orders (compatible notification) attached		Members LES to review all benefits, deductions and leave balances		SF3102, SF2823, SF1152		TSP-3 Designation of Beneficiary		Member & Supervisors completed USERRA training certificates	
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**HRO USE ONLY**

<b>Complete and initial off each item to verify completion:</b>	<b>HRO Specialist Signature:</b>																				
<table border="1" style="width: 100%;"><tr><td style="width: 10%;"></td><td>SF -52 attached</td></tr><tr><td></td><td>Type of Order</td></tr><tr><td>Annual Leave Lump Sum (Y/N)</td><td>Remedy Ticket Number:</td></tr><tr><td>FEHB code:</td><td></td></tr><tr><td>FEHB Suspension (Y/N) Effective Date of Suspension:</td><td></td></tr><tr><td>For FEHB Suspension: DCPDS updated</td><td></td></tr><tr><td>TSP Loan (Y/N)</td><td></td></tr><tr><td>TSP 41 Faxed Effective Date:</td><td></td></tr><tr><td>Updated Beneficiary Forms Signed and Uploaded</td><td></td></tr><tr><td>Pay Status in DCPDS checked to ensure action flowed successfully</td><td></td></tr></table>		SF -52 attached		Type of Order	Annual Leave Lump Sum (Y/N)	Remedy Ticket Number:	FEHB code:		FEHB Suspension (Y/N) Effective Date of Suspension:		For FEHB Suspension: DCPDS updated		TSP Loan (Y/N)		TSP 41 Faxed Effective Date:		Updated Beneficiary Forms Signed and Uploaded		Pay Status in DCPDS checked to ensure action flowed successfully		<b>Date Processed:</b>
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