

FOREWORD

Civilian employees who are Reservists are being called to active duty in large numbers. These patriots play a vital role in supporting ongoing overseas contingency operations. They provide critical skills and expertise to augment the active-duty force and are valued partners in defending our way of life and the freedom we all enjoy.

These individuals are critically important to the accomplishment of our mission. We are committed to providing them the support and information they need to reduce the adverse effect on their professional and personal lives before, during, and after their military service to our Nation. This pamphlet provides valuable information for civilian employees who are or may be called to active duty. It also provides information for their supervisors. Using the information in this pamphlet will help ensure smooth transitions between civilian and military life.

We appreciate the sacrifices and commitment of our Reserve components. Commanders and supervisors at all levels must be knowledgeable of the rights and benefits extended to these citizen Soldiers so that we can provide them a level of support that recognizes their valued contributions.

Civilian Personnel

**USAREUR Guide for United States Appropriated Fund Civilian Employees
Who Perform Active Military Duty**

***This pamphlet supersedes AE Pamphlet 690-14, 9 July 2009.**

For the Commander:

JAMES C. BOOZER, SR.
Major General, GS
Chief of Staff

Official:



DWAYNE J. VIERGUTZ
Chief, Army in Europe
Document Management

Summary. This pamphlet provides information for appropriated fund civilian employees in USAREUR who perform or may be called to perform active military duty.

Summary of Change. This revision updates information on the rights and benefits of employees who are performing or may be called to perform active military duty.

Applicability. This pamphlet applies to all U.S. appropriated fund civilian employees in USAREUR who perform or may be called to perform active military duty, their commanders, and their supervisors.

Suggested Improvements. The proponent of this pamphlet is the Workforce Effectiveness, Planning, and Analysis Division; Civilian Personnel Directorate; Office of the Deputy Chief of Staff, G1, HQ USAREUR (DSN 370-9503). Users may suggest improvements to this pamphlet by sending DA Form 2028 to the USAREUR G1 (AEPE-CA), Unit 29351, APO AE 09014-9351.

CONTENTS

1. Purpose
2. References
3. Explanation of Abbreviations
4. Responsibilities
5. Procedures
6. Resources and Benefits Information

Appendixes

- A. References
- B. Supervisor Checklist
- C. Employee Checklist

Tables

- 1. ABC-C Telephone Numbers
- 2. MOS Telephone Numbers

Glossary

1. PURPOSE

The Uniformed Services Employment and Reemployment Rights Act (USERRA) was enacted by Congress and signed into law by the President on 13 October 1994. This Act expanded the rights of employees entering the uniformed services and gave them options related to their employment and benefits. This pamphlet—

- a. Provides information for employees and managers about those rights and benefits.
- b. Identifies responsibilities of commanders, managers, supervisors, and employees with regard to initiating personnel and benefits actions and making elections when options are available.

2. REFERENCES

Appendix A lists references.

3. EXPLANATION OF ABBREVIATIONS

The glossary defines abbreviations and terms.

4. RESPONSIBILITIES

a. Commanders, Managers, and Supervisors.

(1) Before Activation. On receipt of notification that an employee is to be called to military duty, the employee's commander, manager, or supervisor will—

(a) Inform the employee of the information in this pamphlet and encourage him or her to contact the local civilian personnel advisory center (CPAC) to obtain additional guidance and information.

(b) Prepare a request for personnel action (RPA) documenting the employee's decision to elect leave of absence (absent-uniformed service) or separation and submit it to the servicing CPAC. The effective date of the action will depend on whether or not the employee will elect to use military leave, annual leave, or a combination of both as stated in paragraphs 6d through f.

(c) Ensure the employee completes the Checklist for Employees Entering Extended Military Active Duty, available at <https://www.abc.army.mil/uniformedservices/checklist.doc>. A copy of the completed checklist and the activation orders must be attached to the RPA ((b) above).

(d) Allow the employee duty time to complete processing requirements and make necessary benefits elections.

(2) During Activation. If an employee is deployed at the end of a rating cycle, the employee's commander, manager, or supervisor will meet evaluation requirements (para 5e).

(3) Return to Civilian Duty. When notified of an employee's return from military duty, the employee's commander, manager, or supervisor will—

(a) Inform the employee of the information in this pamphlet and have him or her contact the servicing CPAC for processing requirements.

(b) Prepare an RPA and submit it to the servicing CPAC to return the employee to duty. The date of the return must be determined by applying the guidance on military leave in paragraphs 6d(1) and (2).

(c) Allow the employee duty time to complete processing requirements.

b. Employees.

(1) Before Activation. On notification of an active-duty assignment, an employee will—

(a) Provide the supervisor a copy of the activation orders and contact the servicing CPAC for information on benefits, entitlements, and processing requirements.

(b) Elect to take leave of absence—uniformed service or resign from the civilian position.

(c) Complete and sign the Checklist for Employees Entering Extended Military Active Duty, available at <https://www.abc.army.mil/uniformedservices/checklist.doc>, and mail it to the servicing personnel office identified on the checklist. The employee will also give a copy of the checklist to the supervisor to attach to the RPA that will be sent to the CPAC (a(1)(b) above).

(d) Decide whether to use military leave, annual leave, or a combination of both so that the effective date of the leave of absence or resignation can be determined.

(e) Provide proof of qualifying service for Federal Employees Health Benefits (FEHB) Program eligibility by including a complete copy of the military orders that specify that the employee has been called to active duty under 10 USC to support a contingency operation. The employee portion of the FEHB premium cannot be paid by the agency until the CPAC receives both the employee checklist ((c) above) and a copy of the military orders. Full payment of the FEHB premium for eligible employees cannot continue beyond the return-to-duty (RTD) date.

(f) Make any Thrift Savings Plan (TSP) elections or changes appropriate to the military service (para 6j).

(g) Submit SF 1190 to the servicing CPAC to stop living quarters allowance (LQA) if entitled to military overseas housing allowance (OHA).

(2) During Activation. Employees are strongly encouraged to prepare an annual self-assessment documenting their accomplishments for the rating process, if applicable (para 5e).

(3) Return to Civilian Duty. On return to civilian duty, an employee will contact the servicing CPAC for information on benefits, entitlements, and processing requirements.

(a) Employees are responsible for notifying their commander, manager, or supervisor of their return date and any planned use of military leave to enable the supervisor to initiate an RPA for RTD.

(b) Employees whose FEHB benefits were terminated and who desire to reenroll must access the Army Benefits Center - Civilian (ABC-C) website at <https://www.abc.army.mil> and select the *Employee Benefit Information System (EBIS)* option. Employees may also reenroll in the FEHB Program by calling their ABC-C counselor's telephone number (para 6). Employees should follow the prompts of the interactive voice-response system, enter their personal identification number, and select option 1 (FEHB). Once in the FEHB module, they should select option 3 (*Elect New Employee Coverage*). Employees may also transfer to a benefits counselor by pressing 0. The reenrollment election must take place within 60 days after the effective date of the RTD or restoration to the Federal civilian position.

(c) Reenrollment in the FEHB Program will be processed automatically when the CPAC processes the RPA to return the employee to duty after completing active military service. Employees who will receive coverage through the TRICARE Transitional Assistance Management Program (TAMP) must inform the CPAC accordingly to ensure that FEHB coverage is not automatically restarted.

(d) Employees will make any changes necessary to update their TSP participation.

(e) Employees must submit SF 1190 to the servicing CPAC to restart LQA.

5. PROCEDURES

Appendix B is a checklist to help supervisors track the process for employees called to active military duty. An employee checklist is at appendix C.

a. Before Activation. On request of an employee, the supervisor will submit an RPA to the CPAC with a copy of the orders calling the employee to active military service. Based on the employee's decision to use military leave, annual leave, or a combination of both, the supervisor will determine the effective date of the leave of absence or resignation.

b. On Return to Civilian Duty.

(1) Employees who enter active military duty (voluntarily or involuntarily) from any position, including temporary positions, have full job protection, provided they give the agency advance notice (except when prevented by military circumstances), will be released from the military under honorable conditions, and will serve no more than a cumulative total of 5 years. (Exceptions are allowed for training and involuntary active-duty extensions, and to complete an initial service obligation of more than 5 years.) To exercise their job-protection rights, employees must adhere to the following time limits:

(a) Employees who served 30 days or less must report to work at the beginning of the first scheduled workday after their release from military service and the expiration of 8 hours after their arrival at their residence.

(b) Employees who served 31 to 180 days must apply for reemployment within 14 days after release from military service.

(c) Employees who served 181 days or more must apply for reemployment within 90 days after their release from military service.

(2) Employees who served 90 days or less must be restored to a position for which they are qualified and which they would have attained if their employment had not been interrupted. If an employee is not qualified for such a position after reasonable efforts have been made to qualify him or her, the employee is entitled to be placed in the position he or she left.

(3) Employees who served more than 90 days have essentially the same rights as those who served 90 days or less, except that the agency has the option of placing these employees in another position for which they are qualified with like seniority, status, and pay.

(4) On RTD or restoration, for purposes of rights and benefits based on the length of service, employees are entitled to be treated as if they had never left. This means that the time spent in the military will be credited for seniority, probation, career tenure, annual leave accrual rate, and severance pay.

(5) Employees on temporary appointments will serve any remaining time left on the appointment. The military activation period does not extend the civilian appointment.

(6) An employee performing active military duty is protected from a reduction in force (RIF) and may not be discharged from employment for 1 year after separation from military duty (6 months in the case of a Reservist called to active duty under 10 USC 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, misconduct, or lack of suitability. If the employee's position is downgraded as a result of a RIF, any action will be delayed to allow for an appropriate notice period after the employee returns from deployment.

c. Excused Absence for Returning Employees. On 14 November 2003, the President directed that Federal employees who are returning from active duty will be granted 5 days of uncharged leave (excused absence) from their civilian duties. This applies to all employees who are activated for military service in support of a contingency operation established under Executive Order 13223, as amended. To receive 5 days of excused absence, employees must spend at least 42 consecutive days on active duty in support of Overseas Contingency Operations. Employees are entitled to 5 days of excused absence only once in a 12-month period. A new 12-month period begins after the first use of excused absence. Supervisors may grant this period of excused absence before the employee resumes duty or at a time mutually agreeable to the agency and the employee if the employee has already returned to duty. The Office of Personnel Management (OPM) website at <http://www.opm.gov/oca/compmemo/2003/2003-14b.asp> provides more information about this entitlement.

d. Effect on the Overseas Tour. On return to duty, civilian employees who entered active duty and took military leave or leave of absence from their civilian position will have their overseas tour dates (both the current-tour end date and, if an employee had not worked 5 years before serving on active duty, the 5-year-tour end date) administratively extended for the equivalent of the entire period they served on active duty.

(1) If the civilian employee was placed on active duty and participated in contingency operations for 180 days or more and if the adjusted overseas-tour end date is less than 18 months after the date of return from active duty, an additional adjustment will be made to extend the tour end date to 18 months after the date of return to civilian duty. This will ensure that the employee has a tour of at least 1 year before having to register in the Priority Placement Program or exercise reemployment rights. The tour, however, may be curtailed if the employee requests a curtailment and management agrees.

(2) Adjustments to tour dates do not change the 5-year limit for statutory return rights to the former position in the United States. Only the organization that granted the return rights has the approval authority to extend those rights beyond the original 5-year end date.

e. Total Army Performance Evaluation System (TAPES) Rating Requirements. If an employee is absent during the performance-rating cycle but meets the 120-day requirement of being under an approved performance plan, the employee is eligible for a performance rating.

f. Appeal Rights. An employee or former employee of an agency in the Executive Branch who is entitled to restoration in connection with military duty may appeal an agency's failure to properly carry out the law. The complaint may be filed with the Department of Labor (DOL), which will investigate the complaint and attempt to resolve it if the DOL investigation reveals that the agency violated the USERRA. The DOL website at <http://www.dol.gov/elaws/userra.htm> explains how to file a USERRA complaint.

(1) If the DOL is unable to resolve the complaint, it must provide written notification to the complainant, who may then file a USERRA appeal with the Merit Systems Protection Board (MSPB) or request that the DOL refer the complaint to the Office of Special Counsel. If a complaint is referred and the Special Counsel is reasonably satisfied that the complainant is entitled to the benefit sought, the Special Counsel may initiate an action and act as the complainant's attorney before the MSPB. If the Special Counsel declines to initiate an action on the complainant's behalf, the complainant may file an appeal with the MSPB.

(2) A person may elect to file a USERRA claim directly with the MSPB rather than seek the assistance of the Secretary of Labor and the Office of Special Counsel.

(3) Employees are encouraged to file appeals as soon as possible after the alleged violation occurs or after being notified that the DOL was unable to resolve the complaint or that the Office of Special Council has declined to initiate an action on an employee's behalf.

6. RESOURCES AND BENEFITS INFORMATION

Federal civilian employees who are members of the uniformed services and who are called to or volunteer for active duty are entitled to certain rights and continued benefits and entitlements. Employees should send questions about their rights to their commander, supervisor, manager, or the servicing CPAC. Questions about benefits and entitlements should be referred to an ABC-C counselor. Counselors are available Monday through Friday from 0600 to 1800, central standard time, to help employees and managers. Table 1 lists ABC-C telephone numbers to call from various locations.

a. Employee-Assistance Programs (EAPs). EAPs can help employees and their Families cope 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 Family-member-care problems. These services are available to employees who have been called to or volunteer for active military 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 civilian employees. More information about EAPs is available at www.FOH4you.com.

Table 1 ABC-C Telephone Numbers	
Location	Telephone Number
Belgium	0800-78245 or DSN 1986*
CONUS	1-877-ARMY-CTR (1-877-276-9287)
Germany	0800-1010282 or DSN 1986*
Italy	800-780821 or DSN 1986*
Japan	00531-1-20378
Korea	00798-14-800-4766
Kuwait	1-877-276-9287
Netherlands	0800-0232739 or DSN 1986*
Saudi Arabia	1-877-276-9287
United Kingdom	08-000857723 or DSN 236-2003
*NOTE: For Army bases located in Belgium, Germany, Italy, and the Netherlands, the DSN number has no prefix.	

Information about employee benefits and entitlements is also available on the ABC-C website at <https://www.abc.army.mil>.

b. Military OneSource (MOS). MOS is a toll-free information and referral telephone service available to active-duty, National Guard, and Reserve Soldiers; deployed civilian employees; and their Families worldwide. MOS provides information on issues ranging from everyday concerns to deployment and reintegration. Additionally, if there is a need for face-to-face counseling, MOS will provide referrals to professional civilian counselors. Outside CONUS, face-to-face counseling is provided through medical treatment facilities or contracted marriage and Family counselors. MOS supplements installation-based services and expands Army Community Service capabilities with a resource that is available 24 hours a day, 7 days a week. MOS is also available for Families residing off an installation. Table 2 lists MOS telephone numbers.

Table 2 MOS Telephone Numbers	
Service	Telephone Number
From the United States	1-800-342-9647
TTY/TDD	1-800-346-9188
<i>En Español</i>	1-866-607-6794
International (toll-free)	00-800-342-9647
NOTE: Callers having difficulty should call their local operator and ask to make a collect call to 484-530-5908.	

c. Pay. Employees performing active military duty will receive compensation from the Armed Forces according to the terms and conditions of their military enlistment or commission. They will not receive any compensation from their employing agency unless they elect to use military leave or annual leave as described in subparagraphs d and e below. The organization should continue to pay availability pay for criminal investigators and annual premium pay for administratively uncontrollable overtime work or regularly scheduled standby duty on days of military leave or annual leave.

d. Military Leave. Employees who are called to active duty in support of national emergencies are entitled to military leave under two separate provisions.

(1) 5 USC 6323(a) provides 15 days of military leave per fiscal year for active duty, active-duty training, and inactive-duty training that an employee may request. Military leave is credited to a full-time employee on the basis of an 8-hour workday (15 days x 8 hours = 120 hours). An employee may be charged military leave only for hours that he or she would otherwise have worked. Military leave accrues at the beginning of each fiscal year, and a maximum of 15 days of unused military leave may be carried over into a new fiscal year. Part-time career employees accrue military leave on a prorated basis. Employees who elect to use military leave will receive their full civilian salary as well as military pay. More information on charging military leave is available on the OPM website at <http://www.opm.gov/oca/leave/html/military.htm>.

(2) In addition to the military leave entitlement in subparagraph d(1) above, 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 10 USC 101(a)(13), may be granted 22 days of military leave under 5 USC 6323(b). For military leave under 5 USC 6323(b), an employee's civilian pay is reduced by the amount of military pay for the days of military leave. However, an employee may choose not to take military leave and instead take annual leave, compensatory time off for travel, or sick leave, if appropriate, in order to retain both civilian and military pay. An employee whose duty extends into the next calendar year may be granted up to an additional 22 days of military leave under 5 USC 6323(b).

(3) Employees who request military leave must give a copy of their military orders, a certificate of attendance, and a leave and earnings statement (LES) to their supervisor. The supervisor will submit these documents to the CPAC with the RPA returning the employee to duty. The CPAC will forward the documents to the Defense Civilian Pay System customer service representative (CSR) for processing through the payroll office.

e. Annual Leave. Employees who perform active military duty may request to use accrued annual leave under 5 USC 6303 and 6304 instead of leave of absence. The employing organization must grant such requests. Requests for advanced annual leave may be approved at the organization's discretion. 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.

f. Leave of Absence (Absent-Uniformed Service). The USERRA generally requires the Army to place an employee entering the military on leave of absence unless the employee chooses to be placed on military leave or annual leave or requests to resign. The employee's supervisor must submit an RPA to the servicing CPAC, documenting the beginning and end dates of the leave of absence. Employees who are in a leave-of-absence status for an entire pay period do not earn annual or sick leave for that period.

g. Lump-Sum Leave Payments. Employees who enter active military duty may elect to receive a lump-sum payment for accrued and accumulated annual leave or request to have the annual leave remain to their credit until they return from active duty.

(1) The Army must make a lump-sum payment for any annual leave previously restored under 5 USC 6304(d) when an employee enters active duty.

(2) There is no requirement to separate from a civilian position to receive a lump-sum leave payment under 5 USC 5552.

(3) When an employee who received a lump-sum payment for accrued and accumulated annual leave under 5 USC 5551 returns to civilian duty before the end of the period covered by the lump-sum payment, the employee must refund an amount equal to the pay that covers the period between the date of reemployment and the expiration of the lump-sum leave period. Annual leave restored under 5 USC 6304(d) that was included in a lump-sum payment, however, is not subject to refund if the Army reemploys the employee before the expiration of the lump-sum leave period. If the employee is permitted to refund the lump-sum payment in installments, he or she must refund the lump-sum payment in full within 1 year after the date of reemployment.

(4) When an employee pays a full refund to the Army in accordance with (3) above, the Army must recredit to the employee an amount of annual leave equal to the days or hours of work (including holidays) remaining between the date of reemployment and the expiration of the lump-sum period. The recredited annual leave is available for use by the employee on and after the date the annual leave is recredited. The Army may not recredit any restored annual leave to the employee. More guidance on the repayment of lump-sum payments for annual leave is available at <http://www.opm.gov/oca/leave/html/lumpsum.pdf>.

h. Retirement. Employees who are placed in a leave-of-absence status while performing active military duty and are covered under the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS) will continue to be covered by the retirement law. Employees who separate to perform active military duty will generally receive retirement credit for the period of separation if they later exercise restoration rights to their civilian position. (Paragraph 5b provides information on restoration requirements.) If separated employees do not exercise their restoration rights but later reenter Federal civilian service, the military service may be credited under the retirement system subject to the rules governing credit for military service.

(1) Retirement From Civilian Position During Active Duty. Employees who retire on an immediate annuity from their Federal civilian position while on active military duty and who meet the eligibility requirements to continue FEHB coverage during retirement may request reinstatement of their enrollment in the FEHB Program. The request must be made within 60 days after entering retirement status. The OPM will automatically reinstate the enrollment in the FEHB Program on the day an employee separates from uniformed services if he or she fails to request reinstatement. Employees should inform the OPM if they will be participating in the TRICARE TAMP for 180 days after separation from military service to enable OPM to properly effect the reinstatement of FEHB coverage.

(2) Deposit to Retirement System. On retirement from civilian service, the period of military service is creditable under both CSRS and FERS according to the rules for crediting military service. To avoid interest payments, an employee should ask about making a deposit to CSRS or FERS immediately on RTD in the civilian position. If the military deposit is paid before the interest-accrual date (that is, within 3 years after returning to a position covered by CSRS or FERS), no interest is charged on the military deposit. The deposit would be equal to either one of the following, whichever is less:

- 7 percent for CSRS or 3 percent for FERS of the military basic pay.
- 7 percent for CSRS or 0.8 percent for FERS of the civilian basic pay.

Employees are encouraged to keep all LESs that show pay received for intermittent leave used while on leave of absence (for example, military leave, annual leave, compensatory time, credit hours). Employees are not required to pay for these periods.

NOTE: The ABC-C website (<https://www.abc.army.mil>) provides details about service credit payments and retirement-system rules for military service.

(3) Disability Benefits. If an employee becomes disabled for his or her civilian position during the leave-of-absence or separation period and has the minimum amount of creditable civilian service necessary for entitlement to disability benefits (5 years for CSRS, 18 months for FERS), the employee will become entitled to disability benefits under the applicable retirement system.

(4) Death Benefits. For periods of leave of absence, death benefits will be paid to survivors as if the employee were still in the civilian position. Survivors of employees who separated from Federal service to perform active military duty (separation-US) and died before electing a refund of retirement contributions are eligible for survivor benefits paid on the death of a former employee. This may or may not include a survivor annuity.

i. Federal Employees Group Life Insurance (FEGLI) Coverage. Employees who separate or are placed in a leave-of-absence status to perform active-duty service are considered to be in a nonpay status for FEGLI purposes and continue to be covered at no cost for up to 12 months or until 90 days after the military service ends (whichever date comes first). After completion of 12 months of active duty, employees may elect to continue or terminate coverage. They may elect to continue FEGLI coverage for an additional 12 months (for a total of 24 months from the date of separation or the beginning of the nonpay status). If an employee elects to terminate FEGLI coverage, he or she gets a 31-day extension of coverage for conversion to a nongroup (individual) policy. When an employee who has been on military duty returns to civilian service, the FEGLI will be reinstated as long as the position is not excluded from FEGLI coverage. However, employees do not get an opportunity to elect more coverage unless they have been separated for 180 days or more.

j. TSP. Payroll contributions to an employee's civilian TSP account (and agency contributions for FERS) stop once an employee enters a nonpay status to perform military service or is separated from the civilian position. If the employee is reemployed in or restored to a civilian position covered by FERS or CSRS pursuant to 38 USC, chapter 43, retroactive contributions and TSP elections may be made to cover that period of service. Employees who are interested in making retroactive contributions must contact their servicing CSR within 60 days to set up a payment plan. (The employee's timekeeper will be able to provide contact information for the CSR.) FERS employees are entitled to receive matching funds based on contributions made from basic pay while in the uniformed services if they are restored to their civilian position. TSP Bulletin 11-6, available at <https://www.tsp.gov/PDF/bulletins/11-6.pdf>, provides more information on TSP benefits that apply to members of the military who return to Federal civilian positions.

(1) While in a nonpay status, an employee can contribute to his or her uniformed services account. The *Called to Active Duty* section of the TSP website provides more information (<http://www.tsp.gov/curinfo/data.html>).

(2) Employees who received a TSP loan from their civilian TSP account should be aware that loan payments are suspended while on active duty, but the interest continues to accrue. Employees have the option of making payments from their personal funds directly to the TSP while on active duty, using Form TSP-26.

(3) The *Uniformed Services* section on the ABC-C website (<https://www.abc.army.mil>) provides more information for employees entering or returning from active duty.

k. FEHB Program. Employees who are covered by the FEHB Program and who are either separated or placed in a nonpay status to perform military service may continue to be covered by the FEHB Program for up to 24 months (if placed on active duty for more than 30 days). If they do not want to continue their enrollment, they must notify their employing office in writing within 31 days after entering active duty that they wish to terminate their coverage. If they do not take action to terminate their coverage, their enrollment will continue for up to 24 months while on military duty. If an employee chooses to continue the FEHB Program and has been called to active duty under 10 USC in support of a contingency operation, the Army will pay the employee's share of the premium. If an employee's military service is not in support of a contingency operation, the employee is responsible for paying the employee's share of the premium for the first 12 months and 102 percent of the total premium for the final 12 months of continued coverage. During the first 12 months, employees may pay the premiums on a current basis (that is, every two pay periods, generally with after-tax funds) or incur a debt to be paid on their return (generally on a pretax basis if the employee participates in premium conversion). During the final 12 months, premiums must be paid on a current basis.

(1) DOD Policy and Procedures. Authorization and implementation guidance for full FEHB agency premium payment is at <https://www.abc.army.mil/UniformedServices/Entering/FEHB.htm>.

(2) Uniformed Service for 30 Days or Less. When an employee enters one of the uniformed services for 30 days or less, the FEHB Program enrollment will continue without change. Withholdings for the employee's share of the premium and Government contributions will also continue as long as the employee remains in a pay status or until the military orders are changed to a period of duty of more than 30 days.

(3) Uniformed Service for More Than 30 Days. When employees are placed on active duty or active duty for training in one of the uniformed services for more than 30 days, their FEHB Program enrollment will continue for up to 24 months unless they elect to terminate it. (The effective date of the termination will be the day before entering active duty.) If an employee terminates his or her enrollment, the servicing CPAC will promptly process SF 2810 to notify the employee's health-benefits carrier of the termination. Employees who terminate their FEHB coverage because of leave of absence or separation will be immediately eligible for FEHB coverage on their RTD in their civilian position or restoration to a civilian position. FEHB eligibility will automatically be reinstated on an employee's RTD or restoration under the provisions of the USERRA. Paragraph 4b(3)(b) provides instructions for reenrollment in the FEHB Program.

(4) Termination of FEHB Coverage. FEHB coverage will be terminated after 24 months. (Typically, FEHB coverage must terminate after 12 months in a leave of absence (absent-uniformed service) status.) Because the USERRA limits FEHB coverage to 24 months, the full premium payment for those who meet eligibility requirements may not exceed 24 months. Employees will get one 31-day extension of coverage during which they may convert to a nongroup policy. (These employees are not eligible for temporary continuation of coverage.) Termination is not considered a break in coverage for purposes of meeting the 5-year (or first-opportunity) requirement to continue FEHB coverage into retirement. Active-duty Servicemembers and their Families are entitled to medical care under military healthcare systems. Employees serving on active duty and their Families will not be without health coverage after termination of FEHB benefits at the end of the 24-month period of continued coverage because they will be covered by the military health system. FEHB eligibility will automatically be reinstated on RTD in the civilian position or on restoration to a civilian position under the provisions of the USERRA. Paragraph 4b(3)(b) provides instructions for reenrollment in the FEHB Program.

(5) 24-Month Eligibility Period Effective Dates and Procedures. The 24-month period of eligibility for continued FEHB coverage begins on the day the employee is placed on leave of absence or separated to perform active duty. It does not begin on the day the military orders are issued unless the leave-of-absence effective date and the issue date of the orders are the same.

(a) Employees who choose to remain in a paid leave status may not begin the 24-month period of eligibility for continued FEHB coverage until the first day of nonpay status (leave of absence (absent-uniformed service) or separation).

(b) The 24-month period of eligibility is not extended by using paid leave intermittently with leave of absence.

(c) U.S. law does not provide for extending the 24-month period of eligibility for continued FEHB coverage.

(d) A new 24-month period of eligibility may begin only when new orders (not an extension or amendment of orders) are issued and the employee has returned or been restored to duty. The employee is not required to return to pay and duty status for 4 consecutive months under civilian employment before a new 24-month period of service begins.

(e) Full agency premium payments will begin on the first pay period during which an employee is in a leave-of-absence or separation status for the full pay period. The 24-month period of eligibility, however, will begin on the first day of the leave of absence or separation, whether or not the employee is paying his or her share of the FEHB premium for the pay period in which the leave of absence or separation begins.

(6) Pay Periods for Which the Full Agency Premium Cannot Be Paid. Full agency premium payment will not be made for any pay periods in which the employee chooses to use paid leave. The employee is not considered to be in a nonpay status for that pay period and, therefore, the full agency premium payment would not be allowable. The full agency premium will be paid for the next pay period during which the employee is in a nonpay status for the entire pay period. If an eligible employee dies while on active duty, the full agency premium payment will be made through the date of death.

(7) Eligibility Requirements for Full Agency Premium Payment. To be eligible for payment of the employee's share of the FEHB premium, an employee must be—

(a) Enrolled in the FEHB Program and elect to continue that enrollment.

(b) A member of a Reserve component of the Armed Forces. The following are Reserve components:

1. United States Army National Guard.
2. Army Reserve.
3. Navy Reserve.
4. Marine Corps Reserve.
5. United States Air National Guard.
6. Air Force Reserve.
7. Coast Guard Reserve.

(c) Called or ordered to active duty (voluntarily or involuntarily) in support of a contingency operation as defined in 10 USC 101(a)(13).

1. The statutory authority listed on the orders must be 10 USC 12301(a), 12302, or 12304.

2. The orders must state that the duty is in support of a contingency operation and the statutory authority is a provision of 10 USC.

(d) Placed on leave of absence or separated from Federal civilian service to perform active military duty.

(e) On active duty for a period of more than 30 consecutive days (2002 National Defense Authorization Act, section 519 (http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ107.107.pdf)).

NOTE: Members of the Army National Guard and the Air National Guard ordered to duty under 32 USC or any provision of State, territorial, or District of Columbia code are not eligible for full agency payment of the FEHB premium. Additional information about requirements for full agency payment of the FEHB premium is available at <http://cpolrhp.belvoir.army.mil/eur/>.

I. LQA. Civilian employees assigned overseas who are activated under military orders may not receive LQA and military OHA simultaneously; otherwise, they would be overpaid and indebted to the Government. USAREUR does not have the authority to waive LQA indebtedness under these circumstances. Employees must provide SF 1190 to stop LQA along with a copy of their military LES to the servicing CPAC (para 4b(1)(g)). OHA has precedence over LQA.

APPENDIX A REFERENCES

SECTION I PUBLICATIONS

National Defense Authorization Act for Fiscal Year 2012

5 USC 5519, Crediting Amounts Received for Certain Reserve or National Guard Service
(<http://www.law.cornell.edu/uscode/text/5/5519>)

5 USC 5552, Lump-Sum Payment for Accumulated and Accrued Leave on Entering Active Duty;
Election
(<http://www.law.cornell.edu/uscode/text/5/5552>)

5 USC 6303, Annual Leave; Accrual
(<http://www.law.cornell.edu/uscode/text/5/6303>)

5 USC 6304, Annual Leave; Accumulation
(<http://www.law.cornell.edu/uscode/text/5/6304>)

5 USC 6323, Military Leave; Reserves and National Guardsmen
(<http://www.law.cornell.edu/uscode/text/5/6323>)

5 USC 8905, Election of Coverage
(<http://www.law.cornell.edu/uscode/text/5/8905>)

10 USC, Armed Forces
(<http://www.law.cornell.edu/uscode/text/10>)

10 USC 101, Definitions
(<http://www.law.cornell.edu/uscode/text/10/101>)

10 USC 12301, Reserve Components Generally
(<http://www.law.cornell.edu/uscode/text/10/12301>)

10 USC 12302, Ready Reserve
(<http://www.law.cornell.edu/uscode/text/10/12302>)

10 USC 12304, Selected Reserve and Certain Individual Ready Reserve Members; Order to Active Duty
Other Than During War or National Emergency
(<http://www.law.cornell.edu/uscode/text/10/12304>)

32 USC, National Guard
(<http://www.law.cornell.edu/uscode/text/32>)

Error! Hyperlink reference not valid. 38 USC Ch 43, The Uniformed Services Employment and
Reemployment Rights Act (USERRA) of 1994, as amended
(<http://www.dol.gov/vets/programs/userra/main.htm>)

Executive Order 12982, Ordering the Selected Reserve of the Armed Forces to Active Duty

Executive Order 13076, Ordering the Selected Reserve of the Armed Forces to Active Duty

Executive Order 13120, Ordering the Selected Reserve and Certain Individual Ready Reserve Members of the Armed Forces to Active Duty

Executive Order 13223, Ordering the Ready Reserve of the Armed Forces to Active Duty and Delegating Certain Authorities to the Secretary of Defense and the Secretary of Homeland Security, as amended

Thrift Savings Plan Bulletin 02-7, Thrift Savings Plan Participation of Individuals Who Return to Civilian Service or Pay Status Following Military Service
(<https://www.tsp.gov/PDF/bulletins/02-7.pdf>)

Thrift Savings Plan Bulletin 11-6, Revision of the TSP Fact Sheet, TSP Benefits that Apply to Members of the Military Who Return to Federal Civilian Service
(<https://www.tsp.gov/PDF/bulletins/11-6.pdf>)

AR 25-400-2, The Army Records Information Management System (ARIMS)

AR 690-300.301 and AE Supplement 1, Overseas Employment

AR 690-400, Total Army Performance Evaluation System

Army Benefits Center - Civilian
(<https://www.abc.army.mil/>)

SECTION II FORMS

DA Form 2028, Recommended Changes to Publications and Blank Forms

SF 1190, Foreign Allowances Application, Grant and Report

SF 2810, Notice of Change in Health Benefits Enrollment

Form TSP-26, Loan Payment Coupon

**APPENDIX B
SUPERVISOR CHECKLIST**

	Before Activation	Date
1.	Receive a copy of the activation orders from the employee.	
2.	Give a copy of AE Pamphlet 690-14 to the employee.	
3.	Answer the employee's questions about benefits and entitlements.	
4.	Refer the employee to the servicing civilian personnel advisory center (CPAC) for processing requirements and other information.	
5.	Determine the status of the employee (that is, leave of absence or separation).	
6.	Determine if the employee wants to use military or annual leave.	
7.	Submit the request for personnel action (RPA) (absent-uniformed service or separation).	
8.	Determine the return-to-duty (RTD) date.	
9.	Take care of performance-management requirements (AE Pam 690-14, para 4a(2)).	
	On Return to Duty	Date
10.	Keep in contact with the employee to determine changes in status or extension requirements.	
11.	Determine the RTD date.	
12.	Submit the RPA for RTD.	
13.	Refer the employee to the servicing CPAC for RTD processing and assistance.	

**APPENDIX C
EMPLOYEE CHECKLIST**

	Before Activation	Date
1.	Give a copy of the activation orders to the supervisor.	
2.	Review AE Pamphlet 690-14.	
3.	Ask the supervisor and civilian personnel advisory center (CPAC) representatives questions about benefits and entitlements.	
4.	Complete the Checklist for Employees Entering Extended Military Active Duty (AE Pam 690-14, para 4b(1)(c)).	
5.	Contact an Army Benefits Center - Civilian (ABC-C) benefits counselor for specific benefits questions.	
6.	Contact the servicing CPAC for processing or other information or assistance and submit SF 1190 to stop living quarters allowance (LQA).	
7.	Make benefits changes and update beneficiary information.	
8.	Determine desired status (absent-uniformed service or separation).	
9.	Decide whether to use military or annual leave.	
10.	Make benefits changes (Federal Employees Health Benefits (FEHB), Federal Employees Group Life Insurance (FEGLI), Thrift Savings Plan (TSP)).	
11.	Update beneficiary information (FEHB, FEGLI, TSP).	
12.	Provide information to the supervisor for completing the request for personnel action (RPA).	
13.	Discuss the return-to-duty (RTD) date with the supervisor.	
14.	Prepare a narrative self-assessment and provide it to the supervisor for preparation of an evaluation.	
	On Return to Duty	Date
15.	Keep in contact with the supervisor to provide changes in status or extension requirements.	
16.	Determine the RTD date.	
17.	Contact the servicing CPAC for RTD processing and information and submit SF 1190 to start LQA.	
18.	Make any benefits changes (FEHB, FEGLI, TSP).	
19.	Update beneficiary information (FEHB, FEGLI, TSP).	

GLOSSARY

SECTION I ABBREVIATIONS

ABC-C	Army Benefits Center - Civilian
AE	Army in Europe
CONUS	continental United States
CPAC	civilian personnel advisory center
CSR	customer service representative
CSRS	Civil Service Retirement System
DA	Department of Army
DOD	Department of Defense
DOL	Department of Labor
EAP	employee-assistance program
FEGLI	Federal Employees Group Life Insurance
FEHB	Federal Employees Health Benefits (Program)
FERS	Federal Employees Retirement System
LES	Leave and Earnings Statements
LQA	living quarters allowance
MOS	Military One Source
MSPB	Merit Systems Protection Board
OHA	overseas housing allowance
OPM	Office of Personnel Management
RIF	reduction in force
RPA	request for personnel action
RTD	return to duty
SF	standard form
TAMP	Transitional Assistance Management Program
TSP	Thrift Savings Plan
TTY/TDD	teletype/telecommunications device for the deaf
USAREUR	United States Army Europe
USC	United States Code
USERRA	Uniformed Services Employment and Reemployment Rights Act

SECTION II TERMS

TRICARE

A healthcare program for uniformed Servicemembers, retirees, and their Families worldwide.