

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

The USERRA Return To Duty (RTD) Technician Checklist assists Missouri National Guard Federal Employees who entered military service in ABSENT – UNIFORMED SERVICES status to understand and determine what elections and options are available to them at the time they Return to Duty from military service.

Required Documents needed by HR to process Return to Duty Action are:

1. Request for Personnel Action – Standard Form 52 (SF52).
2. Technician USERRA Return to Duty Checklist (This Form).
3. DD214 and/or Release from Active Duty (REFRAD) orders.

This document must be read and completed in its entirety. You are required to initial all applicable blocks to indicate your elections and understanding of the subject matter. Failure to complete this document properly can cause you and your family significant payroll and/or benefit issues.

I. INDIVIDUAL INFORMATION

1. Name:	2. SSAN:	3. Technician Unit:	
5. Street Address:	6. City:	7. State:	8. Zip:
9. Phone Number:	10. Email:		

II. RETURN TO DUTY (RTD)

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

Only a period of uniformed service that is characterized as “Honorable” provides the entitlement to return to duty under USERRA. Any other characterization (i.e. Other than Honorable, Dishonorable Discharge, etc.) negates any reemployment rights under USERRA.

Validity of Discharge

You must provide military orders or documentation such as your DD214 which indicates you were discharged or pending discharge from military service under honorable conditions. If you are unable to provide ANY documentation prior to or upon your RTD, the HRO will still honor your request. However, you are still obligated to provide the agency proof on the validity and type of discharge at a later time. If your documentation indicates your discharge is under other than honorable conditions, you are subject to a denial of reemployment or be terminated from employment.

Terminal Leave/Transition Leave

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

Initial Below and **INCLUDE EFFECTIVE DATE.**

I ELECT to Return to Duty. I have been released or am pending release from military service under honorable conditions and within the time period(s) listed above.

Effective Date:

III. TECHNICIAN PAY

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

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

To manage your pay information (i.e. Address, Direct Deposit, LES delivery, and Allotment information) you will need to access the DFAS My Pay Web Site at <https://mypay.dfas.mil/mypay.aspx>.

Initial Below:

I understand my Technician Pay conditions and requirements and will take the necessary steps as appropriate.

IV. PRESIDENTIAL LEAVE (FOR CONTINGENCY OPERATION ORDERS ONLY)

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

Eligibility

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

Conditions of Use

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

Initial **ONLY ONE** option below:

I **DID NOT** serve in support of a contingency and therefore Presidential Leave is not authorized for me upon RTD.

I understand the Presidential Leave conditions and requirements and will make the necessary coordination for its use.

V. EARNED LEAVE

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

Accumulated Leave

All earned leave (Annual, Compensatory, paid Military Leave, Sick, and Time Off Awards) which were saved in the system during your military service will resume effective on your RTD date unless leave was forfeited or requires restoration.

Forfeiture of Leave

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

Restore Leave

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

Lump Sum Payout

If you return to duty prior to the end of the period covered by the lump-sum payment, you are required to refund the portion of the lump-sum payment that represents the period between the date of reemployment and the expiration of the lump-sum period. Agency will re-credit to the employee's leave account the amount of annual leave equal to the days or hours of work remaining between the date of reemployment and the expiration of the lump-sum leave period.

Initial Below:

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

VI. NATIONAL GUARD ASSOCIATION OF THE UNITED STATES (NGAUS) Disability/Term Life Insurance

The NGAUS Disability and/or Term Life Insurance provider (ReliaStar) needs to be notified when a technician that is enrolled in either type of insurance returns from service in the uniformed services that is over **30 days**. This is to reinstate the insurance premiums for the disability and term life insurance and stop the direct billing for the term life insurance.

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

Initial Below:

I have reviewed my leave and earnings statement and I am not currently enrolled in NGAUS Disability or Term Life Insurance.

I am currently enrolled in NGAUS Disability and/or Term Life Insurance and have completed and attached the NG 76 form.

VII. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE (FEGLI)

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

Initial **ONLY ONE** below:

I DO NOT HAVE FEGLI.

I understand my FEGLI coverage becomes active upon my Return to Duty.

VIII. FEDERAL EMPLOYEE'S HEALTH BENEFITS (FEHB)

FEHB coverage will resume effective on your RTD date.

Changes in Enrollment

You have 60 days after returning to duty to make any changes in FEHB coverage. You may enroll and/or make changes to existing policies using EBIS (<https://www.ebis.army.mil/>) or by calling the Army Benefits Center-Civilian (ABC-C) at 1-877-276-9287.

Waiver

Upon returning to duty, you may waive immediate FEHB reinstatement or enrollment due to being enrolled in the Transitional Assistance Management Program (TAMP) through TRICARE so long as you complete the *Waiver of Immediate Reinstatement of FEHB* attached to this checklist and submit to HR. You must submit a new election through EBIS/ABC-C within two pay periods prior to TAMP coverage ending. *DO NOT WAIT UNTIL TAMP EXPIRES TO RE-ENROLL IN FEHB OR YOU WILL HAVE A LAPSE IN COVERAGE.

Initial below if applicable:

I DO NOT have FEHB. I understand I may enroll through EBIS or by calling ABC-C.

Initial **ONLY ONE** below:

I ELECTED TO CONTINUE my FEHB coverage.

I ELECT TO REINSTATE FEHB coverage upon Return to Duty.

I ELECT TO WAIVE REINSTATEMENT OF FEHB coverage at this time to take advantage of TAMP coverage through TRICARE. I understand I must complete the *Waiver of Immediate Reinstatement of FEHB* form and submit with this checklist. I also understand that it is MY responsibility to re-enroll in FEHB through EBIS or by calling the Army Benefits Center-Civilian at 1-877-276-9287.

IX. FEDERAL EMPLOYEES DENTAL and VISION INSURANCE PROGRAM (FEDVIP)

You must contact BENEFEDS Customer Service by email at service@BENEFEDS.com or call (877) 888-FEDS (877-888-3337) to coordinate all payment requirements and/or reinstatement requests. Additional information can be found at www.benefeds.com.

Initial **ONLY ONE** below:

I DO NOT HAVE FEDVIP.

I understand my FEDVIP options and will take the necessary steps as appropriate.

X. RETIREMENT BENEFITS

You are eligible to make Military Deposits for military service which may potentially be creditable towards retirement. In order to obtain federal retirement coverage for military service, a RI 20-97 (Estimated Earnings During Military Service) must be completed by the HRO and submitted to DFAS accompanied by a DD214 and/or Military Orders. Please ensure that a copy of your DD214 and/or Military Orders accompany this checklist when submitted to HR.

These forms must be submitted to HR. CSRS and FERS must make a deposit for the time to be creditable. Contact the Human Resources Office for additional information.

Initial Below:

I understand my Retirement/Military Deposit options.

I have attached my DD214 and/or Orders. Please calculate military deposits.

XI. THRIFT SAVINGS PLAN (TSP)

TSP Loans

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

Make-Up Contributions

You may elect to do make-up contributions to your existing civilian TSP account for the period of time that you missed as a result of your military service. You must complete the attached TSP Make-Up Contribution Request form and return **within 60 days** of returning to duty.

Agency Automatic 1% Contributions and Matching Funds

You are entitled to the Agency Automatic 1% Contributions regardless of whether you were contributing to the TSP civilian account prior to entering Absent-US status or to your military TSP account while on uniformed service. You are also entitled to restored Agency Matching Contributions for periods of military service if you have:

- 1) Contributed to your uniformed services TSP account from military basic pay, or
- 2) Elected to make up employee contributions to your civilian account when you returned from military service.

*The Federal Retirement Thrift Investment Board allows contributions from **only one** source of "basic pay". If you contributed to your TSP-Uniformed Services account while in military service, you are not eligible to make retroactive contributions to your civilian account. However you are still entitled to agency matching funds on what you contributed to your Uniformed Services Account. Matching is limited to 5% of your Civilian Basic Pay.

**Note: Military LES' must be submitted as verification of contributions to TSP. Please submit military LES' with the TSP Make-Up Contribution Request form. If military LES' are not included with this packet, HR will process for agency 1% only. You will receive a letter from DFAS letting you know what your contribution amount equals. You can submit your military LES' to them at that time. For more information, contact 1-TSP-YOU-FRST (1-877-968-3778) or visit www.tsp.gov.

Initial **ONLY ONE** Below:

I HAVE A TSP LOAN. Please submit a TSP-41, Notification to TSP of Non-Pay Status on my behalf.

I DO NOT have a TSP Loan.

Initial As Appropriate Below:

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

I have attached my military LES' for the time I was in a non-pay status to prove I did contribute on the military side while deployed.

TECHNICIAN SIGNATURE

I have read and understand my USERRA options, benefits, elections, and conditions.
SIGNATURE: _____

Date: _____

SUPERVISOR'S SIGNATURE

I have reviewed the technician's Return to Duty package and it is complete.

I have verified that the technician is using his Presidential Leave immediately upon being returned to duty and prior to physically returning to duty (if eligible).

Signature: _____

Date: _____

REMOTE DESIGNEE USE ONLY

Complete/check off each item to verify completion:

SF52 attached	DD214/Orders attached
TSP Make-up	TSP Loan
FEHB Waiver	SF2809Attached
Notes to HR: _____	

Completed by: _____

HRO USE ONLY

Complete/check off each item to verify completion:

SF52 attached	DD214/Orders attached
FEHB Waiver	SF 2809 attached
TSP Make-up	TSP Loan
Military LES'	Other: _____

Completed by: _____

EMPLOYEE REQUEST FOR TSP MAKE-UP CONTRIBUTIONS

ARMY

AIR

**Memorandum for the Human Resources Office-Employee Relations, 2302 Militia Drive,
Jefferson City, MO 65101-1203**

Subject: TSP Make-Up Contributions While on Active Duty

I wish to make-up my missed TSP Contributions while on active duty.

Name: _____

SSN: _____

Mailing Address: _____

Daytime Phone Number: _____

LWOP Date: (mm/dd/yyyy) _____

RTD Date: (mm/dd/yyyy) _____

Please check next to the following that applies:

I DID contribute to my TSP-Uniformed Services Account while on orders.

I want to add the Agency Automatic 1% and Agency Matching to my TSP account .

I did NOT contribute on the Military Side.

I understand that I have 60 Days from Return to Duty is the Maximum Timeframe to claim this benefit.

Enclosed you will find:

DD214(s) or military orders showing to and from dates of activation.

Military Leave and Earnings Statements (LES's) for verification of contributions while on active duty.(You can send a request to ampo-verify-les@dfas.mil and include your name, SSN, address and Time frame for copies of your les's)

SF 50's that my Human Resource Office will provide.

TSP Rate on the Civilian Side is: _____ % or \$_____

Employee's Signature and Date: _____

OR

HR Specialist Signature and Date: _____

If you have any questions please call Employee Relations at: (573) 638-9500 ext. 37496 Agency: Fax all documents to: DFAS TSP TEAM @ Toll Free: (866) 401-5849

WAIVER OF IMMEDIATE REINSTATEMENT OF FEHB

Note: Only fill out this waiver if you elected to Terminate/Cancel FEHB coverage during your leave without pay (LWOP) status. DO NOT fill this waiver out if you elected to keep your FEHB coverage during LWOP status.

I, _____ was discharged from military service on _____, and I qualify for Transitional TRICARE and/or TRICARE Reserve Select until _____.

Employees: I understand that, pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), I have a right to reinstatement of my Federal Employees Health Benefits (FEHB) coverage on the day I am restored to my civilian position under the provisions of 5 CFR part 353 or similar authority. However, I hereby clearly and unequivocally waive my FEHB coverage until _____.

You may select any date between the date you are restored to your civilian position and the date after your Transitional TRICARE and/or TRICARE Reserve Select coverage ends.

Annuitants: I understand that pursuant to the USERRA, I have a right to reinstatement of my FEHB coverage on the day I am separated from the uniformed services. However, I clearly and unequivocally waive my FEHB coverage until _____.

You may select any date between the day you are separated from the uniformed services and the day after your Transitional TRICARE and/or TRICARE Reserve Select coverage ends.

I fully understand that until my FEHB enrollment is reinstated, I will not be eligible for any health benefits that would have been available to me under an FEHB plan. This waiver will terminate upon my death.

Signature: _____ **Date:** _____

Employees and annuitants who later decide to revoke the waiver must complete this section.

I revoke my waiver of FEHB coverage and invoke my right to immediate FEHB coverage.

Signature: _____ **Date:** _____