



Updated 24 March 2003

Information for Employees Returning from Military Active Duty

(Full Service)

The following is designed to provide information regarding your benefits and entitlements upon your reemployment or restoration to civilian employment from military active duty.

RESTORATION RIGHTS: In accordance with the provisions of USERRA, Department of Defense (DoD) employees who are absent from a position of employment by reason of service in the uniformed services shall be entitled to reemployment rights if (1) they gave advance written or verbal notice of the active service to their employer, (2) the cumulative length of this and all previous absences from DoD employment for military service does not exceed 5 years, and (3) they report to or submit an application for reemployment. In some instances, the period of service is exempt from the 5-year cumulative limit; in these cases the active duty orders should cite the specific statutory reference covering the exemption. For example, if employees are called to active duty under 10 U.S.C. 12304, the orders should include a remark such as "In accordance with Title 38, Chapter 43, section 4312(c)(4)(A), this period of active service is exempt from the 5-year cumulative limit under USERRA."

(1) If your period of active duty is for more than 180 days, you must apply for reemployment within 90 days of your release from the service and your separation must be under honorable conditions. You may submit a letter to your local Civilian Personnel Flight (CPF) advising them of the date you were/will be separated from active service. You are also allowed to return to your civilian position while on military terminal leave, if you so desire. You will be reemployed to your last permanent position only if that position is vacant at the time of your reemployment. If you cannot be reemployed in that position, you will be assigned to an equivalent vacant position for which you qualify. If a suitable vacancy does not exist, you will only be entitled to displace an employee occupying a continuing position under a temporary appointment. If there is no such position available in the commuting area, your reemployment rights will be agency-wide and you may be offered a position anywhere within the Air Force.

(2) If your period of active duty is for more than 30 days but less than 181 days, you must submit an application for reemployment (or a letter as explained in the above paragraph) not later than 14 days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of your own, the next first full calendar day when submission of such application becomes possible. You may return to your civilian position while on military terminal leave, if you so desire.

(3) If your period of active military service is for less than 31 days, you must report not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for your safe transportation from the place of service to your residence; or as soon as possible after the expiration of the eight-hour period referred to above if reporting within the period above is impossible or unreasonable through no fault of your own.

ACTIONS TO BE PROCESSED WHEN YOU RETURN TO DUTY: Any pay adjustments, within-grade increases, and promotions to which you were entitled during your absence will be processed upon your restoration. If you receive a promotion while in military status, your reemployment rights will be to the position you are promoted to. A Request for Personnel Action (RPA) or SF-52 requesting Return to Duty must be submitted by your organization.

ANNUAL LEAVE: Your annual leave account will automatically be restored upon your return to duty unless you chose to receive a lump sum payment for the balance of your unused annual leave upon your entry into active duty military service.

SICK LEAVE: Your sick leave balance will automatically be restored upon your return to Federal civilian service. If for some reason your sick leave balance is incorrect, you should refer the matter to your local Civilian Personnel Flight or your payroll liaison.

LIFE INSURANCE: Your Federal Employees Group Life Insurance (FEGLI) coverage (if enrolled) should have continued for one year at no cost to you during your nonpay status. Upon your return to duty, payroll will automatically start deductions for your FEGLI coverage. If your nonpay status lasted more than one year, your FEGLI coverage was terminated. It will be reinstated upon your return to duty.

Did you have a qualifying life event (QLE) (marriage, divorce, death of spouse, or acquiring a child) while in a nonpay status? If you wanted to enroll in or increase your Option B and/or Option C coverage as a result of the QLE, you should have reported it to BEST within 60 days of the event. If this applies to you, don't forget to notify BEST immediately that you have returned to a pay and duty status so we may take the necessary steps to effect your enrollment change. (If the QLE occurred before your FEGLI coverage stopped due to 12 months in a non pay status, enrollment in or an increase in Option C was effective when you made your election. If the QLE occurred after FEGLI coverage stopped, Option C will be effective the day you return to pay and duty status. Enrollment in or increase in Option B is always effective on return to pay and duty status, regardless of when the event occurred.)

HEALTH BENEFITS: Your enrollment in the Federal Employees Health Benefit (FEHB) program automatically continued for a maximum of 18 months unless you chose to terminate it. Whether your coverage terminated at the end of 18 months or you elected to terminate it earlier, your health benefits coverage will usually be reinstated when you are restored to your civilian position. Your local Civilian Personnel Flight (CPF) will complete the SF 2810 (Notice of Change in Health Benefits Enrollment) reinstating your FEHB coverage and provide copies to the carrier and the Benefits and Entitlements Service Team (BEST). Your CPF will also annotate the return to duty Request for Personnel Action (RPA) with your FEHB plan code, and your FEHB coverage will be restored in the personnel and payroll systems upon the processing of the return to duty SF 50. If your Leave and Earnings Statement (LES) does not show your health benefits have been reinstated, you should contact BEST promptly for assistance.

You may be eligible for transitional TRICARE health benefits coverage for a period of 60 or 120 days after release from active duty. If you wish to waive reinstatement of your FEHB coverage to use the transitional TRICARE coverage, you will need to sign the "Waiver of FEHB Reinstatement" attached to this brochure and provide to your local CPF. Also, please fax a copy to BEST at DSN 665-2936 or (210) 565-2936. If you waive immediate reinstatement of your FEHB coverage, it is **your** responsibility to contact BEST when the transitional TRICARE ends so that you can enroll in FEHB again. Your FEHB coverage will be effective at the beginning of the pay period after you notify BEST. We recommend you time the call so you will not have a lapse in coverage.

Whether you were called to active duty in support of a contingency operation or not, if you continued your FEHB coverage for a period of time and later cancelled it through the BEST phone system or EBIS web application, your FEHB coverage will **NOT** be restored upon return to duty. Cancellation is not the same as termination. (Your CPF will include this information on the return to duty RPA). If you wish to have FEHB coverage after reemployment/restoration to duty, you have 60 days from the date of restoration to elect coverage.

All employees returning to duty from military service are eligible to make another health benefits election within 60 days of the date of restoration. You can change from not enrolled to enrolled, from self only to self and family, from one plan to another, or any combination. You will need to call the BEST

phone system at 1-800-997-2378 (or commercial 527-2378 within the San Antonio area), enter the FEHB module, and transfer to a benefits counselor to make the election.

You may also make a new Premium Conversion election within 60 days of returning to civilian duty from nonpay status. The Premium Conversion waiver/election form may be obtained from our web site at <http://www.afpc.randolph.af.mil/dpc/BEST/fehb.htm>, or by requesting fax document #1005 through the BEST phone system. Mail the Premium Conversion waiver/election form to AFPC/DPCMB at the address below, or fax it to DSN 665-2936 or 210-565-2936.

LONG TERM CARE (LTC) INSURANCE: If you are enrolled in LTC insurance and changed your billing option while in a nonpay status for military service (LWOP-US), you will need to contact LTC Partners if you want to change it back to payroll deduction. If your LTC premiums were being deducted from your military pay, you will need to contact LTC Partners to switch your payroll identifier number. If you were on LWOP-US for at least one-half of the Open Season (1 Jul - 31 Dec 02) and are now in a pay and duty status, you can apply (if eligible) for LTC insurance using the abbreviated underwriting application. For more information, contact LTC Partners at 1-800-LTC-FEDS (1-800-582-3337) or go to www.ltcfeds.com.

THRIFT SAVINGS PLAN (TSP): You were unable to make contributions to your civilian TSP account while on LWOP for military duty, or while separated for military duty, nor could the agency contribute matching funds (FERS only). However, if you are restored to a civilian position in accordance with USERRA, 38 U.S.C. Chapter 43, you may elect to make up TSP contributions for all or part of the period of your military status. If you contributed to your uniformed services TSP account while on military active duty, the amount of employee contributions you may make up must be reduced by the amount of your contributions to your uniformed services account and payroll will require copies of all your military Leave and Earnings Statement(s). You may also submit a TSP election for each TSP open season you missed or for which you would have been otherwise eligible to make a contribution election.

TSP elections for missed Open Seasons may be made by completing a Form TSP-1 (Thrift Savings Plan Election Form) and faxing it to BEST along with a copy of your orders. You will need a separate Form TSP-1 for each missed open season. If you wish to make up missed TSP contributions, you will need to mail or fax the "Thrift Savings Plan (TSP) Make Up Contributions Under USERRA" request attached to this brochure to BEST at the address or fax number at the bottom of this handout. A request to make up missed contributions and/or submit Form TSP-1(s) for missed open seasons must be submitted to BEST **within 60 days** of your reemployment/restoration, with a copy of your military orders attached. If you are a FERS employee you will receive the Agency Automatic 1% contribution you would have received had you remained in your civilian job, regardless of whether you decide to make up missed TSP contributions or not. If this fails to occur, you may contact your payroll liaison at your base or speak with a benefits counselor and we will contact DFAS on your behalf.

If you are a FERS employee and otherwise eligible, you will receive agency matching contributions on the missed civilian contributions you choose to make up. However, if you contributed to TSP as a member of the uniformed services, the amount of your make up contributions will be offset by the amount of your uniformed services contributions during your period of LWOP-US or separation. If you made contributions to your uniformed services TSP account, you will receive agency matching contributions to your civilian account based on the contributions that were deducted from the **basic pay** you received while performing active duty. This is true whether or not you decide to make up your civilian contributions.

If you had a TSP loan for which payments were suspended because you entered LWOP status to perform military service, your loan payments will resume when you return to duty. However, you may be required to reamortize your loan (which will include interest accrued during the period of your military service) and the time frame for repaying your loan will be extended by your period of military service.

Consequently, it is important that you notify the National Finance Center (NFC) immediately of your military service ending date and provide that office a copy of your DD 214 or certified orders (AF Form 938 or the equivalent). It is your responsibility to check your LES to make sure your loan payments resume.

If you separated from civilian service to perform military service and your TSP account was automatically cashed out, you may return to the TSP an amount equal to the full amount of the payment. This right to return your TSP cashout will expire within 90 days of the date of your reemployment. Consequently, you must provide the NFC with a copy of the SF 50 showing your reemployment under 38 U.S.C. 43 promptly upon reemployment. TSP will then notify you of the amount you must return. You may *not* return a voluntary withdrawal.

If you had a TSP loan that was closed as a taxable distribution because you were separated or placed in LWOP status to perform military duty, you may be eligible to have the taxable distribution reversed. If you received an automatic cashout on separation as discussed above, you must return the cashout to be eligible for a reversal of the taxable distribution on your loan. To reverse the taxable distribution, you must notify the NFC within 90 days of the date of your return to civilian service, provide a copy of SF 50 showing your return to duty and a copy of your DD 214 or certified orders (AF Form 938 or the equivalent) showing your period of military service. If you voluntarily withdrew your TSP account on separation, you are not eligible to have the taxable distribution of your loan reversed.

If you separated from Federal civilian service to enter active duty, you have 60 days from the date of reemployment to make an election to resume contributions to your civilian TSP account. If you were contributing to your civilian TSP account when you entered LWOP-US, your contributions will automatically resume upon restoration; however, you may, within 60 days of restoration, submit a new contribution election. If you were contributing when you started LWOP and later used the BEST phone or EBIS web systems to submit an election to stop contributions, then your contributions will not automatically resume upon restoration to duty. Instead, you have 60 days from date of restoration to submit an election to contribute.

The TSP Fact Sheet, *TSP Benefits that Apply to Members of the Military Who Return to Federal Civilian Service*, explains your TSP entitlements in more detail, including how agency matching contributions are computed. We recommend you read this fact sheet, which may be found on the web at <http://www.tsp.gov/forms/oc95-5.pdf>.

RETIREMENT SERVICE CREDIT:

1) If you are a Civil Service Retirement System (CSRS) employee first hired before 1 Oct 82, this period of LWOP for military duty is creditable toward potential civilian retirement and annuity computation without making a service-credit deposit. If you choose not to make a deposit to cover this period of service, your annuity will be recomputed to delete credit for this service when you turn age 62 if you are eligible for Social Security at that time. You may ensure continued retirement credit for military service by making a service-credit deposit.

2) If you are a Civil Service Retirement System (CSRS) employee first hired after 30 Sep 82, this period of LWOP for military duty is creditable toward civilian retirement only if you make a service-credit deposit to cover this period of service.

3) If you are a Federal Employee Retirement System (FERS) employee, this period of LWOP for military duty is creditable toward civilian retirement only if you make a service-credit deposit to cover this period of service.

MILITARY DEPOSIT PROCEDURES: Military deposit under the provisions of USERRA (38 USC 43) applies only where military service interrupts civilian service and reemployment occurs on or after 1 Aug 90. Under USERRA, the military deposit is the lesser of (1) the amount of CSRS or FERS contributions that would have been deducted from your civilian pay had you remained in your civilian job, or (2) the deposit amount based on your military earnings for the period of active duty. If you wish to make a military deposit under USERRA, please take the following steps as soon as you receive the DD 214 or certified copy of your orders (AF Form 938 or the equivalent) documenting your military service:

1. Request your military earnings from your military finance center or reserve unit. To do this, complete Form RI 20-97 (Estimated Earnings During Military Service). When completing the form, be sure to exclude any periods of military service during which you were on military or annual leave from your civilian position. At the bottom of the RI 20-97, be sure to write down the dates you were on paid leave. This will explain to the military finance center why the dates you enter in the middle part of the RI 20-97 are different from the dates on your DD 214 or certified orders. You may obtain RI 20-97 from the OPM website at http://www.opm.gov/forms/pdf_fill/RI20-97.pdf. Attach a copy of your DD 214 or certified orders (AF Form 938 or the equivalent) to the completed RI 20-97 and mail to the appropriate military finance center. Addresses are on page 2 of the form.

2. Upon receipt of your military earnings from the military finance center, fax the earnings form and your DD 214 or certified orders (AF Form 938 or the equivalent) to BEST at DSN 665-3186 or (210) 565-3186. The subject line on your fax cover sheet should be "Request for USERRA Military Deposit Computation." Be sure to provide your fax number and/or mailing address.

3. BEST will prepare the deposit comparison computations and return the appropriate one to you along with a deposit application (SF 3108 if FERS, SF 2803 if CSRS), a military deposit worksheet (OPM Form 1514), your DD 214 or certified orders (AF Form 938 or the equivalent), and the earnings information (RI 20-97).

4. Upon receipt, you will need to complete and sign the deposit application and forward all items mentioned in #3 above to your local civilian Defense Finance Accounting Service (DFAS) office.

5. You will make arrangements with your local DFAS office for payment of the military deposit.

6. When the military deposit is paid in full, DFAS will provide you with documentation verifying the deposit has been completed. Be sure to fax a copy of this documentation to BEST for inclusion in your personnel records, and keep the original with your permanent personal documents.

If you have "regular" active duty military time for which you owe a deposit, you may also make your military deposit for this time. You will need to specify your intent of paying both your regular active duty military deposit and/or your reservist active duty military deposit when you speak with the benefits counselor. We will prepare the necessary paperwork and send it to you for your action.

QUESTIONS OR CONCERNS: Please direct questions concerning your retirement, military deposit, health and life insurance or TSP entitlements to the Benefits and Entitlements Service Team (BEST) at the phone numbers listed below. Benefits Counselors are available Monday through Friday, 7 a.m. to 6 p.m., Central Standard Time (CST).

PLEASE NOTE: Questions concerning restoration rights, return to duty action, leave, or personnel actions processed while you are in a non-pay status must be directed to your local Civilian Personnel Flight.

Attachments:

1. Waiver of FEHB Reinstatement
2. TSP Make Up Contributions Under USERRA

**HQ AFPC/DPCMB
550 C Street West Ste 57
Randolph AFB TX 78150-4759**

BEST PHONE NUMBERS:

U.S. Toll-Free Number: 1-800-997-2378 Local: (Commercial) 527-2378

Overseas: Dial a toll-free AT&T direct access number for the country you are in, then 800-997-2378. AT&T direct access numbers can be obtained from http://www.att.com/international_business/dialing_guide/country-diallist.cgi, or from your local CPF

BEST Fax Number: DSN 665-2936 or 210-565-2936

BEST Homepage: <http://www.afpc.randolph.af.mil/dpc/BEST/menu.htm>

National Finance Center: (504) 255-5110

ALWAYS REVIEW YOUR LEAVE AND EARNINGS STATEMENT!

RECEIPT ACKNOWLEDGEMENT

I acknowledge receipt of the brochure, "Information for Employees Returning from Military Active Duty – Full Service" (24 Mar 03 edition).

Signature

SSN

Date

WAIVER OF FEHB REINSTATEMENT

This form applies only to employees eligible for Transitional TRICARE Health Care Benefits.

Instructions: Read this waiver carefully. After signing, give to your local Civilian Personnel Flight (CPF), preferably at the same time you are going through your return to duty in-processing, and fax a copy to BEST at DSN 665-2936 or (210) 565-2936. We also recommend you keep a copy for your personal records.

I elect to waive immediate reinstatement of my FEHB coverage to use my transitional TRICARE coverage.

I also understand:

It is MY responsibility to contact the Benefits and Entitlements Service Team (BEST) to enroll in FEHB again.

My FEHB coverage will be effective at the beginning of the pay period after I call BEST.

In order to avoid a break in coverage, I should notify BEST before TRICARE ends.

If I forget and call BEST after my transitional TRICARE coverage expires, there is a possibility the break in coverage will be considered a break in the continuous coverage needed to be eligible to take FEHB into retirement.

Print Last Name, First Name, Middle Initial

Signature

Social Security Number

Date

Thrift Savings Plan (TSP) Make Up Contributions Under USERRA

I, (print full name) _____, SSN _____, have been restored to my civilian position in accordance with USERRA, 38 U.S.C. Chapter 43. I understand that I may elect to make up TSP contributions for all or part of the period of my military status and/or submit a TSP election for each TSP Open Season I missed for which I would have been otherwise eligible to make a contribution election.

For Civil Service Retirement System (CSRS) Employees:

I wish to obtain information regarding my makeup TSP contributions based on the following election:

- _____ I contributed to my uniformed service TSP account while on active duty. Copies of ALL my military Leave and Earnings Statement(s) are attached and I understand that the amount of those contributions may affect the amount of my makeup contributions. I request that DFAS calculate the amount of missed makeup contributions still attributable to my civilian pay.
- _____ I did not contribute to my uniformed services TSP account while on active duty. I request that DFAS calculate the amount of my missed makeup contributions.

For Federal Employees Retirement System (FERS) Employees:

As a FERS employee, I understand that if I contributed to the TSP while on active duty military service, I am entitled to agency matching contributions (in addition to the agency automatic 1% contribution).

I wish to obtain information regarding my makeup TSP contributions based on the following election.

- _____ I contributed to my uniformed service TSP account while on active duty. Copies of ALL my military Leave and Earnings Statement(s) are attached and I understand that the amount of those contributions may affect the amount of my makeup contributions. I request DFAS calculate the amount of missed makeup contributions still attributable to my civilian pay. I also request that DFAS remit agency matching contributions based on my contributions to the TSP while on active duty military service plus any agency automatic 1% contributions, if not yet remitted.
- _____ I did not contribute to my uniformed service TSP account while on active duty. I request that DFAS calculate the amount of my missed makeup contributions. I also request that DFAS remit any agency automatic 1% contributions I would have received had I remained in a civilian pay status.

Whether I am CSRS or FERS, I understand that I need to attach a copy of my military orders if I am enclosing Form TSP-1(s) for missed open seasons.

Employee Signature

Date

Daytime Phone Number

Mailing Address:

Attachments:

- Military Leave and Earnings Statement(s), if applicable
- Form TSP-1(s), if applicable
- Copy of Military Orders, if applicable