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| **UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT West Virginia National Guard Technician USERRA Benefits Out-processing Checklist** |
| The USERRA Technician Checklist assists WV National Guard Federal Employees with understanding and determining elections and options available to them when they perform military service. This checklist along with a Standard Form 52 (Request for Personnel Action), a copy of the most current civilian Leave and Earnings Statement, and a copy of their military order(s) (if available) or compatible notification from their military component must be completed and submitted to the Human Resources Office prior to entrance of military service. Except for employees who choose to separate, technicians whose service is less than 30 total days do not submit the above items to the HRO. *You are required to review the AUS slide presentation which follows the format of this checklist and initial all applicable blocks to indicate your elections and understanding of the subject matter.*  |
| **I. INDIVIDUAL INFORMATION** |
| 1. Name: | 2. Last 4 SSAN:xxx-xx- | 3. Military Component:ARNG 130th AW 167th AW | 4. Current Position Title: |
| 5. Street Address: | 6. City: | 7. State: | 8. Zip: |
| 9. Cell or Home Phone Number: | 10. Email Address (where you may be reached during military service): |
| 11. ATTAPS Certifier  | 12. Supervisor Name and Phone: |
| 13. Alternate POC: *I give my consent to contact the following individual for information if I cannot be reached through my contact information or those listed above. NAME: CONTACT*  |
|  **II. USERRA ELECTION TYPE**ABSENT – UNIFORMED SERVICE: This election will place technicians in approved/authorized absence in either a paid or non-paid status depending upon the leave he/she may chooses to use. Choose this option if you expect to return to duty after military service with seniority rights to the position. SEPARATION – UNIFORMED SERVICES (SEPARATION - US): This election is a form of resignation, but allows USERRA protections. Choose this option if you do not expect to return to duty from military service. This selection does not prevent you from applying for reemployment with the WVNG. NOTE: (1) You must provide Military Orders or compatible notification with this checklist, or as soon as possible. (2) Effective date of USERRA election will coincide with the start date of the military order (\*See Note on page 2).  |
| **Permanent Technicians**  |
|  | **I ELECT ABSENT – UNIFORMED SERVICE (Effective date will be determined by orders and comp time)** |
|  | **I ELECT SEPARATION – US**I elect to separate and understand I retain USERRA protection(s). | **Effective Date**:  |
| **Temporary Technicians** |
|  | **I ELECT ABSENT – UNIFORMED SERVICE (Effective date will be determined by orders and comp time) I understand I have the right to enter AUS only through the duration of my appointment not to exceed date. If I fail to request restoration prior to that date, I will be separated on my NTE date. I will not be extended while in AUS as a temporary technician.**  |
|  | **I ELECT SEPARATION – US** | **Effective Date**:  |
|  **III. RESTORATION PERIODS** |
| **Initial All:** |
|  | I understand if I serve **less than 31 days**, I must report back to work at the **beginning of the next regularly scheduled workday** following completion of my service |
|  | I understand if I serve **more than 30, but less than 181 days**,Imust apply for reemployment no later than **14 days** following completion of my service.  |
|  | I understand if I serve **more than 180 days**, I must apply for reemploymentno later than **90 days** after completion of service to apply for restoration. |
|  | I understand I have **NO RE-EMPLOYMENT RIGHTS** if I serve more than a **cumulative total of 5 years** (unless mobilized under contingent operations such as operations Enduring Freedom, Noble Eagle, and Iraqi Freedom). |
|  **IV. EARNED LEAVE**Use: A technician may use the following approved paid leave while in Absent- Uniformed Service: Annual Leave, Military Leave\*, Compensatory Time for Travel, or Sick leave if appropriate. \*\* Comp Time (CT) A technician may use regular compensatory time earned while on military orders; however, to use Comp Time Earned, the effective date of Absent-Uniformed Service must be delayed until the technician uses all desired Compensatory Time Earned. It must be used exclusively and consecutively, and **prior** to the use of any other leave type. Once the desired amount of Comp Time Earned is exhausted, the HRO will process the personnel action and the technician will remain on A-US for the duration of the order.\*Military Leave (LM) is no longer permitted for AGR or FTNGD orders in excess of 180 days. (*See slides 10 and 11)*\*\* Sick Leave (LS) is only permitted for use in AUS status if appropriate documentation is provided (*See slides 10 and 11)* ***Accumulated Leave***ABSENT – UNIFORMED SERVICE members. Your earned leave will be saved in the pay system unless you elect to use it. SEPARATION – US members. Your Annual Leave will be paid out in a lump sum payment.**IV. EARNED LEAVE (con’t)*****Forfeiture of earned leave***ABSENT – UNIFORMED SERVICE status:(1) A maximum of 240 hours of Military Leave can be accumulated. Military Leave over 240 hours will be forfeited and cannot be restored. (2) A maximum of 240 hours of Annual Leave can be accumulated. Annual Leave over 240 hours will be forfeited, but may be restored upon submission of an appropriate request.(3) Compensatory Time and Time off Awards cannot be conserved nor restored and will forfeited if not used within 1 year from date they were earned. Employee must show proof of lost comp time due to deployment, such as LES’ and pay documentation. SEPARATION – US status: If using earned leave, your separation effective date will be the last day of your earned leave. Otherwise; (1) Paid Military Leave, Compensatory Time, and Time Off Awards will be forfeited if not used prior to separation and cannot be restored.(2) Annual Leave – you will receive a lump sum payment. SEPARATION – US members. You will automatically receive a lump sum payment paid out by DFAS, which will be on your last LES. |
| **Initial ONLY ONE:** |
|  | I **DO** have compensatory time earned and I elect to use it before being placed in Absent-US status. I will provide the HRO with my ATAAP leave plan to determine the effective date.  |
|  | I **DO NOT** have compensatory time earned that I would like to use prior to being placed in A-US. My Absent Uniform Service date will be the same date as the start of my military order. |
| **Initial:** | **Initial:** |
|  | I understand my absence or separation allows use of and has certain effects on my technician leave while in Absent-US/Separation US. |
| **V. TECHNICIAN PAY**  ABSENT – UNIFORMED SERVICE members. 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 (866) 859-1845.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 if you are in support of *contingent* operations as Bosnia, Iraqi Crisis, Kosovo, Enduring Freedom, and Noble Eagle (Title 10 USC 331, 332, 333, 688, 12301 (a), 12302, 12304, 12305, or12406). 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/>. It is your responsibility to notify the HRO if you believe you qualify for Reservist Differential.SEPARATION – US members. You will have your Technician Pay and all Employee Benefits such as automated deductions, investments and/or garnishments discontinued. You will receive a separation packet containing forms and directions informing you how to handle your former benefits and/or pay information. It is **your** responsibility to coordinate for or meet your deduction or garnishment requirements/obligations. 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:** |
|  | I understand my absence or separation will have certain effects on my technician pay while in Absent-US/SEP-US. |
| **VI. FEDERAL EMPLOYEE’S HEALTH BENEFITS (FEHB)*****Continuing FEHB during Non-contingency Operations*** If you are entering military service for non-contingent operations such as Active Guard Reserve, Active Duty for Special Work, Military School, etc, you may continue FEHB for up to 12 months and pay your share of your premiums. You may continue your FEHB for an additional 12 months (NTE 24 total months) by paying 102% of the premium which includes your premium share, the Government’s share, and a 2% administrative fee. If electing to continue FEHB coverage, you may pay the premiums on a continuous basis to avoid an FEHB debt upon your return to duty. **Checks should be made payable to DFAS Disbursing Officer, P.O. Box 998009, Cleveland, OH 44199-8019**. **Payments should include the member’s SSN and annotate USERRA FEHB payment in the memo part of the check**. ***Continuing FEHB during Contingency Operations***Your FEHB premiums (both the employee and government contributions) will be paid by the agency up to 24 months if you are in support of *contingent* operations such as Bosnia, Iraqi Crisis, Kosovo, Enduring Freedom, and Noble Eagle, so long as you are: (1) Called or ordered to active duty (voluntarily or involuntarily) in support of contingency operation as defined in 10 USC, section 101(a)(1(3).(2) Placed in either ABSENT – UNIFORMED SERVICE to perform active duty. (3) Serving on active duty for a period of more than 30 consecutive days. \*\*Use of Intermittent Leave: Normal FEHB deductions (your share + Gov’t share) will resume during any period you receive paid leave. SEPARATION – US members: You will continue to have FEHB coverage until your date of separation.***Continuing FEHB during Personal (not military related) LWOP/ Insufficient pay)***If you are placed in personal LWOP status (INCAP, personal reasons), you may elect to retain FEHB for up to 12 months (365 days) during your Non-Pay status. You will be responsible for premiums incurred during your absence. You may pay on a continuous basis OR incur an FEHB debt which will begin upon your RTD. Your enrollment will terminate at the end of the pay period which includes the 365th day in consecutive leave without pay status. You will have a 31-day extension of coverage and conversion rights. You will be eligible to reinitiate FEHB upon your return to duty/reemployment. ***Terminating Coverage (Contingent, Non-contingent)***(1) ABSENT – US members. You may terminate your FEHB providing: (1) military service is more than 30 days and (2) termination is effective the date of or after entering military service unless covered by early TRICARE (Qualifying Life Event). The HRO will complete a Standard Form (SF) 2810 along with this checklist to terminate your FEHB if elected. ABSENT – US members have the option to terminate FEHB up to 60 days after being placed in non-pay status. (2) SEPARATION – US members. You will have your FEHB coverage automatically terminated on the day you are separated unless you elect to cancel at an earlier date. **FEHB terminations allow for a 31-day extension of coverage.*****Reinstatement/Enrollment*** You have 60 days after returning to duty/reemployment to reinitiate/reenroll in FEHB. If you are covered by TRICARE (TAMP coverage) following your military service period, you may elect to submit a Waiver of Immediate Reinstatement of FEHB to our office. This form allows you to push your FEHB reenrollment period to coincide with your loss of TRICARE insurance, rather than the end of your military order.  |
| **FEHB ELECTION OPTIONS**  |
| **FEHB TERMINATION or CANCELLATION OPTIONS: (Please Initial only One)**  |
|  | **I REQUEST HRO TERMINATE MY FEHB.** I understand termination will be effective on the beginning of my military order. If Compensatory Time is used at the beginning of my order I understand the effective date will follow use of my Compensatory Time.  |
|  | **I ELECT TO CANCEL MY FEHB.** I will contact the Army Benefits Center-Civilian at 1-877-276-9287 or cancel online via [www.abc.army.mil](http://www.abc.army.mil).  |
| **FEHB RETENTION OPTIONS (Please Initial All in Understanding)**  |
|  | **I ELECT TO RETAIN FEHB**.  |
|  | I understand that if I am in support of a contingency operation the agency will pay my premiums for a period not to exceed 24 months. I understand that normal FEHB deductions will occur for any pay period that I use paid leave. |
|  | I understand that if I am NOT in support of a contingency operation I will incur a debt for premiums owed. I understand I will receive double deductions from my pay upon my return to duty to satisfy the debt owed.  |
|  | I understand I have the option to pay premiums on a continuous basis during my absence to avoid double deduction. Instructions for direct payment to DFAS are available at [www.abc.army.mil](http://www.abc.army.mil) |
|  | **I DO NOT HAVE FEHB** |
| **TAMP from Previous AUS period** |
|  | I have recently returned from a deployment and have TAMP coverage. I understand this may impact my FEHB options.   |
| **VII. FEDERAL EMPLOYEE’S GROUP LIFE INSURANCE (FEGLI)**ABSENT – UNIFORMED SERVICE **and** SEPARATION – US members. FEGLI coverage will continue for up to 24 months in accordance with (IAW) the Department of Homeland Security (DHS) Appropriations Act 2008, Section 1102 so long as military service is for more than 30 days. FEGLI will continue for up to 12 months at no cost to you. However, you may continue FEGLI for an additional 12 months if your military service is beyond 12 months. To qualify for the additional coverage beyond the first 12 months, you are responsible for both your share and the agency share of premiums for the Basic coverage, and the entire cost for any Optional insurance. Failure to pay the premiums as specified will constitute a voluntary cancellation of your coverage, subject to the 31-day extension of coverage and the right to convert to an individual policy.**TERMINATION:** Your FEGLI coverage will be terminated at the end of 12 months of non pay status if you indicate that you elect to terminate coverage. Coverage will continue for an additional 31 days at no cost to you. During those 31 days, you will be eligible to convert to an individual policy and you will be given information regarding your right to convert. **CONTINUATION:** You must pay the employee and agency share of your premiums if you elect to continue your FEGLI coverage for Basic coverage and the full premium for any Optional coverage, for the additional 12 months. Payment arrangements must be made before you leave for active duty service. Your current FEGLI elected options will be automatically restored in upon your return to duty or reemployment. |
| **Initial if you DO NOT have FEGLI:** |
|  | **I DO NOT HAVE FEGLI. SKIP TO PART VII.**  |
| **Initial ONLY ONE:** |
|  | **I ELECT TO ALLOW HRO TO TERMINATE** my FEGLI coverage at the end of my 12 month free period. |
|  | **I** **ELECT TO CONTINUE** my FEGLI coverage for an additional 12 months and incur any cost associated with the continuation of coverage. |
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| **VIII. FEDERAL EMPLOYEES DENTAL & VISION INSURANCE PROGRAM (FEDVIP)**FEDVIP is separate from FEHB and does mirror the same coverage stipulations. You may elect to continue FEDVIP coverage, cancel, or have it automatically terminated at the time you enter military service.***Continued Coverage / Direct Billing***ABSENT – UNIFORMED SERVICE members. You may elect to continue FEDIVP coverage throughout the duration of your military service. Benefits will send a direct bill to your home of record. Failure to pay premiums by direct bill may result in termination of coverage. ***Cancellations*** ABSENT – UNIFORMED SERVICE and SEPERATION – US members. You may cancel your FEDVIP so long as cancellation is effective the date of or after and not prior to entering military service. There is no stipulated time frame to cancel your coverage; therefore, if you forget to submit your cancellation request, your coverage is subject to automatic termination. ***Automatic Termination Due To Nonpayment***ABSENT – UNIFORMED SERVICE members. Failure to comply with FEDVIP’s Direct Billing procedures or to submit your cancellation request may cause your coverage to be automatically terminated.SEPARATION – US members. You will have your FEDVIP coverage automatically terminated on the day you are separated unless you elect to cancel at an earlier date. ***FEDVIP Contact***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 cancellation requests. Additional information can be found at [www.benefeds.com](http://www.benefeds.com).  |
| **Initial ONLY ONE:** |
|  | **I DO NOT HAVE FEDVIP.**  |
|  | I understand my FEDVIP options and will take the necessary steps above as appropriate.  |
| **IX. RETIREMENT BENEFITS**ABSENT – UNIFORMED SERVICE members will have death and disability benefits continued under their current retirement system. If you are in a non-pay status during your military service for more than a full pay period, you may need to make a deposit into your civilian retirement fund in the amount you would have contributed had you never left. Failure to make a deposit could result in a loss of civilian service retirement credit. SEPARATION – US members: Death and disability benefits will be discontinued upon the date of separation.  Both A-US and SEP-US members may be eligible to make Military Deposits for military service which may potentially creditable. Contact your Human Resource Office for additional information about making a military deposit. The forms must be submitted to avoid a reduction in civilian retirement credit. Contact the Human Resources Office for additional information and/or to receive the form. |
| **Initial:** |
|  | I understand my Retirement/Military Deposit options. |
| **X. NGAUS Disability/ Life Insurance** |
| **Initial Applicable Areas:**  |
|  | I am entering A-US and have NGAUS Disability Income Insurance. I understand HRO will notify NGAUS of my absence to avoid creation of a debt while in A-US Status |
|  | I am entering A-US and have NGAUS Life Insurance. I elect to Maintain my NGAUS coverage and will incur a double- deduction for any missed premiums upon my RTD. |
| **XI. THRIFT SAVINGS PLAN (TSP)**ABSENT – UNIFORMED SERVICE members. If you have TSP Loan(s), your loan deductions will temporarily be frozen while in **Non-Pay** status. A TSP-41, Notification to TSP of Non-Pay Status form will be generated on your behalf notifying TSP of your entrance into military service. If you wish to continue making loan payments while in A-US status, please utilize the TSP loan coupons (TSP 26) available on the TSP website for direct payments.SEPARATION – US members. TSP Loan deductions will stop upon separation. If you do not pay the loan in full prior to separation it will process as a taxable distribution and will be subject to taxes, and an early withdrawal penalty when applicable. You may contact the TSP Office at 1-TSP-YOU-FRST (1-877-968-3778) to make other payment arrangements. CONTRIBUTING TO YOUR MILITARY TSP ACCOUNT– If you contribute to your Military TSP account during your military service period, your military contributions can be used as credit to receive your technician agency matching contributions upon your return to technician status. You may also make retroactive TSP contributions to your civilian TSP account if your military TSP contributions are less than the missed technician TSP amount. To do this, you must contact the HRO within 60 days of your return to civilian service. To receive matching contributions, you must show the HRO proof of contributions to your military TSP account by providing all Military LESs during period of service which clearly shows military TSP deduction amounts.  |
| **Initial ONLY ONE:** |
|  | **I DO have a TSP Loan**. HRO will submit a TSP-41, Notification to TSP of Non-Pay status, to the TSP. |
|  | **I DO NOT have a TSP Loan.** |
| **Initial Both:** |
|  | **MATCHING TSP CONTRIBUTIONS.**  I understand my Military TSP contributions may be used as credit for Civilian TSP agency matching contributions. |
|  | **RETROACTIVE CONTRIBUTIONS.** I understand I may make retroactive contributions and elections to my TSP account by submitting a written request to the HRO within **60** days of my return to civilian service if I exercise restoration rights. |
| **LEAVE SCHEDULE WHILE A-US (Please indicate the types of leave you plan to use while absent for military service)** **ATAAPS Printouts are also acceptable for leave documentation.** |
| **Leave Type**  | **Please enter the dates you plan to utilize the different types of leave below.**  **COMP Time must be used before any other leave. Total Number of Hours** |
| **Comp Time** | **From: To:**  |
| **Military Leave** | **From: To:** |
| **Annual****Leave** | **From: To:** |
| **Time Off Award** | **From: To:** |
| **Leave****WithoutPay** | **From: To:** |
|  |
| **TECHNICIAN SIGNATURE** |
| I have read and understand my USERRA options, benefits, elections, and conditions. I have also reviewed the AUS slide presentation. SIGNATURE: | Date: |

\* The Human Resource Office does NOT brief on TRICARE entitlements for military members or for their dependents.

\*\*The Tricare Dental Program is separate from Tricare Medical unless you enroll and pay a premium.

For questions regarding Tricare please contact Mr. Toney Colagrosso at 304-522-2938.