

Personnel Employee Bulletin

May 16, 2007

DLA Human Resources Centers (DHRC)
New Cumberland, PA and Columbus, OH

Benefits for Federal Civilian Employees Who Perform Active Military Duty

Pay - Employees performing active military duty will receive compensation from the military component in accordance with the terms and conditions of the military enlistment or appointment. **Employees will not receive any compensation from the civilian employing agency unless the employee elects to use available military leave or annual leave.**

Military Leave - Employees who perform active military duty may request the use of paid military leave. Eligible full-time employees accrue 15 calendar days (120 hours) of military leave per fiscal year, and may carry over a maximum of 15 days into the next fiscal year. Military leave is charged in hourly increments, and charged based on the employee's civilian position scheduled workdays.

Annual Leave - Employees who enter into active duty may choose to have their annual leave remain to their credit until they return to their civilian position, or receive a lump-sum payment for all accrued annual leave. This provision applies whether or not an employee is placed on LWOP or separates.

Additional 22 days of Military Leave - Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property or in support of a contingency operation are eligible for an additional 22 workdays of military leave under 5 U.S.C. 6323(b). An employee is entitled for the additional 22 days of leave **only when** activated for full time military duty under sections 331, 332, 333, or 12406 of Title 10, or other provision of law, as applicable, **or** when activated for full time military service for his or her state. (The Office of the Assistant Secretary of Defense for Reserve Affairs has determined that military orders based on 10 U.S.C. 12301 or 12302, which cover most of the National Guard members and Reservists called up under Presidential authority, are not entitled to the additional 22 days). **An employee is entitled to the greater of his/her civilian or military pay but not both.** The military pay received by an individual who has been activated in support of civil authorities or a contingency operation must be credited (less any travel, transportation, or other per diem allowances) against any Federal civilian pay the employee received during the 22 workdays of military leave. For additional information on military leave please reference the following link, <https://www.opm.gov/oca/LEAVE/HTML/MILQA.asp>

Health Benefits - Employees who are covered by the Federal Employees Health Benefits Program (FEHBP) and are either separated or placed in a Leave Without Pay (LWOP) status to perform military service may continue to be covered by FEHB for up to 24 months, after which the coverage would be terminated, unless the employee elects in writing to have the enrollment terminated beforehand.

If the employee chooses to continue the FEHB, and the employee has been called to active duty in support of a contingency operation, the agency will pay the employee share of the premium for up to 24 months before termination.

If the employee's military service is not in support of a contingency operation, he/she is responsible for paying the employee share of the premium for the first 12 months, and the employee share, government share and a 2% administrative fee for the last 12 months of continued coverage. The first 12 months of premiums may be paid currently (generally with after-tax monies) or the employee may incur a debt to be paid upon his/her return (generally on a pre-tax basis if the employee participates in premium conversion). The second 12 months of premiums must be paid on a current regular basis; the employee may not incur a debt. After the 24 month period the FEHB coverage would be terminated.

Note: Termination is not considered a break in coverage for purposes of meeting the 5-year/first opportunity requirement to continue FEHB into retirement.

Life Insurance - Employees who separate or are placed on LWOP to perform active duty service continue to be covered by the Federal Employees' Group Life Insurance (FEGLI) for up to 12 months at no cost to the employee. At the end of the 12 month period the life insurance will be terminated.

Retirement - An employee who is placed on LWOP while performing active military duty continues to be covered by the retirement law, i.e., CSRS or FERS. Death and disability benefits under the civilian retirement rules would apply if the employee continues in LWOP. If an employee separates to perform active military duty, he/she would generally receive retirement credit for the period of separation if a deposit for the military service is made. Upon restoration to the civilian position, the employee may make a deposit for the military service. The deposit would equal the lesser of (1) 7% (or 3% for FERS) of the military basic pay OR (2) 7% (or .8% for FERS) of the civilian pay. Deposit amounts may vary by year because of law or regulation. If the military deposit is paid before the interest accrual date (within 3 years of returning to a covered position), no interest is charged on the military deposit. Please note, FERS employees must make a military deposit for the military service to be creditable.

Thrift Savings Plan - No contributions can be made to the TSP while on LWOP or if separated from the civilian position. However, if the employee is restored to his/her civilian position, retroactive contributions and TSP elections may be made to cover that period of service. Employees interested in making retroactive contributions must contact their servicing payroll office to setup a payment plan. The employee should be aware the money he/she contributes retroactively to his/her civilian account will be offset by any contributions made to the employee's uniformed services TSP account while on active duty. FERS employees are entitled to receive matching funds based on contributions made from basic pay while in the uniformed services if the employee is restored on his/her civilian position.

Uniformed services accounts are maintained separately from civilian accounts. However, if you contribute to both, the sum of your contributions to the two accounts during the same calendar year cannot exceed the applicable IRS annual deferral limits. Members of the uniformed services have access to the TSP loan program; however, reservists who only attend monthly drill should think seriously before taking a loan from their military accounts because they may be unable to repay the loan in the time frame required by law. Employees are prohibited from repaying a uniformed service TSP loan from civilian pay, or vice versa. Once separated from either the uniformed service or the Federal civilian service, employees will be able to combine both TSP accounts by contacting the TSP Service Office.

Upon Return to Duty (5 workdays of Excused Leave) – Five workdays of excused absence, without charge of leave, will be granted for employees returning to Federal civilian employment when activated in connection with Operation Noble Eagle, Operation Enduring Freedom, and Operation Iraqi Freedom. Further guidance may be found at the following link, <http://www.opm.gov/oca/compmemo/2003/2003-14.asp>.

For additional information, please contact your servicing DLA Human Resources Center, <http://www.hr.dla.mil/cntctus.htm>. The Personnel Employee Bulletin will be published on the first and third Wednesday of each month.