

NJNG LWOP Frequently Asked Questions

Question

I am a Temporary Employee, do I have USERRA Rights (*Job protection while performing military duty*)?

Answer

Yes, you do have USERRA Rights up until your current NTE Date. However, as a Temporary Employee your appointment can be terminated at any given time for any reason without prior notification.

Question

While on LWOP can I use Military Leave?

Answer

See below for information regarding Military Leave (*LM*) as the answer differs based on the order type and duration.

- Only **Permanent** Employees and Temporary Employees whose non-consecutive appointment exceeds one year are entitled to military leave are eligible for Military Leave which renews every physical year with a max carryover of 240 hours.
- IAW CNGBI 1400.25, Vol. 630 17 November 2020, all NJNG technicians on Title 32 AGR and either Title 32 or Title 10 OTOT (*One Time Occasional Tour*) tours over 180 days are ineligible to use Military Leave (LM).
 - If your initial order end date is less than 180 days, you are eligible to utilize Military Leave up until the time you are notified that your orders will exceed 180 days.
- If you are on Title 10 Contingency orders you are eligible to utilize Military Leave regardless of your order end date.
 - If you complete your Contingency Tour and enter an AGR tour exceeding 180 days, Military Leave cannot be used. (*HRO needs to be notified of your change on order status*)
- If you are on Title 10 Non-Contingency (*not OTOT*) orders you are eligible to utilize Military Leave regardless of your order end date.
 - If you complete your Tour and enter an AGR tour exceeding 180 days, Military Leave cannot be used. (*HRO needs to be notified of your change on order status*)
- Military Leave **CANNOT** be utilized while on SAD Orders.

Question

I am about to enter a Title 10 Contingency Tour and I'm eligible for Early Tricare. Can HRO Terminate my FEHB before my order start date?

Answer

No, HRO can only suspend your FEHB effective the start of your LWOP.

- If you wish to completely cancel your FEHB coverage, it is your responsibility to cancel it via the GRB Platform (*Formally Ebis*) or by contacting ABC-C at 877-276-9287. It is also your responsibility to enroll in a FEHB plan within 31 days prior to or 60 days post your Return to Duty or expiration of TAMP Coverage.

Question

I'm currently on a non-pay status for military duty, can I use sick leave?

Answer

Yes, sick leave can be used. The request and approval of sick leave must be consistent with the statutory and regulatory criteria for using sick leave. The leave must be as a result of one or more of the following situations:

- To receive medical, dental, or optical examination or treatment.
- Incapacitation for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth.
- When the presence of the employee would jeopardize the health of others on the job because of exposure to a communicable disease, or as determined by the health authorities having jurisdiction or by a health care provider.
- Any activities relating to adoption of a child, including appointments with social workers, adoption agencies, travel, court proceedings, etc.

Additionally, written documentation must be given from the Military Supervisor to the Technician Supervisor then submitted to J1-HRO-ERS.

Question

What serves as a Qualifying Life Event (QLE)?

Answer

Below are examples of QLE's which allow you to make benefit elections outside of open season.

- Change in Family Status
- Change in Employment Status
- Change in Pay Status
- Change in Residence/Worksite
- Change in Coverage

Question

Initially I was on AGR orders for 22 days, I just found out that my orders are extending to 60 days in total duration. When I submitted my LWOP Checklist, I elected to leave my FEHB on because I needed coverage for my family and did not qualify for Tricare. Can HRO Terminate my FEHB?

Answer

HRO can terminate the coverage, but the termination effective date would be the start date of your orders. FEHB Providers grant a 31 day grace period from the termination effective date in the event that you used the coverage. *(HRO would need to be informed of your decision to suspend coverage and stop deductions within 31 days of your order start date.)*

Question

I'm on SAD Orders, can I use Military Leave?

Answer

SAD Orders are State Orders and do not qualify for the use of Military Leave. Additionally, while on SAD orders only a Personal LWOP may be processed for that time frame.

NJNG RTD Frequently Asked Questions

Question

I'm returning from a Contingency Tour; when I submitted my LWOP Checklist I elected to keep my FEHB on and have the agency pay for the premiums. I understand that the FEHB deductions will resume upon my Return to Duty, but I'm eligible for TAMP (*Tricare Post Contingency Tour*). Can HRO Terminate my FEHB so I can utilize Tricare as my only coverage?

Answer

No, HRO can only suspend your coverage the day before entering LWOP for Military Duty. If HRO suspended your coverage, HRO is responsible for reinstating it upon your Return to Duty.

- If you wish to completely cancel your FEHB coverage to utilize Tricare as your only coverage, it is your responsibility to cancel it via the GRB Platform (*Formally Ebis*) or by contacting ABC-C at 877-276-9287. It is also your responsibility to enroll in a FEHB plan within 31 days prior to or 60 days post the expiration of TAMP Coverage.

Question

I just got off of orders. Do I have to return to work right away?

Answer

IAW the USERRA Law:

- If you were on orders for 30 days or less, you must Return to Duty the day after your orders end.
- If you were on orders for 31 to 180 days, you can request up to 14 days off. *(Non-paid)*
- If you were on orders for 181 days or more, you can request up to 90 days off. *(Non-paid)*
 - If you wish to exercise your right to not immediately return to work, HRO will return you to a pay status and place you in a Personal LWOP Effective the same day.

Question

I returning to work soon, will I get contributions to my TSP account?

Answer

Yes, you will get an automatic 1% contribution from the agency effective the LWOP start date throughout the duration of your orders.

You can request Retroactive TSP Contributions and/or Matching Government Funds for the periods on a non-pay status for military duty. You have 60 days from your Return to Duty date to submit all Military LES's to HRO as proof of service and contributions.

- *Note: If you are formally placed on a non-pay status, the above applies to you. This does not apply to members on a Personal LWOP. As well as members who "soft code" themselves "KG" in ATAAPS.*

Question

I was on a Contingency Tour and I qualify for Presidential Leave. When do I use it?

Answer

Presidential Leave is a form of Administrative Leave granted to employees that were on a Contingency Tour for over 42 consecutive days. Presidential Leave can only be earned once per calendar year and must be used all at once immediately upon your Return to Work.

- If you are exercising your USERRA Rights to not immediately Return to Duty and enter a Personal LWOP, Presidential Leave may be used upon the expiration of your Personal LWOP.