Chapter 16. Return to Duty from Nonpay Status (Natures of Action 280 and 292)

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Chapter 16. Return to Duty from Nonpay Status

1. Coverage.

a. This chapter covers actions that bring an employee back to pay status and duty after a 460/LWOP, 473/LWOP-US, 430/Placement in Nonpay Status, 472/Furlough NTE, or a Suspension Action.

b. This chapter does not cover return to duty from:

(**1**) a brief period of leave without pay for which no Standard Form 50, Notification of Personnel Action, was processed; a Standard Form 50 for a return to duty is not needed in these cases.

(**2**) Other paid leave, such as annual leave granted for a vacation or sick leave. A Standard Form 50 is not issued for these purposes.

(**3**) Discontinuous furlough or discontinuous suspension; a Standard Form 50 for return to duty is not needed in these cases.

2. When to Process a Return to Duty.

You must process a return to duty action whenever an employee returns from a nonpay status that was documented by a Standard Form 50, except as noted in 1b(3) above. If an employee is approved leave through the Leave Transfer Program (5 CFR 630.901) while on leave without pay that was documented by a Standard Form 50, a return to duty action must be processed prior to placing that person on paid leave.

3. Instructions.

a. Compare data on the Standard Form 52, Request for Personnel Action, submitted by requesting office with the last action in the employee's Official Personnel Folder to be sure they are correct.

b. Use job aid, **Effect of Nonpay Status on Service Dates**, to decide if service dates will change due to the length of time the employee was in nonpay status. If the service computation date for leave accrual (SCD-leave) will change, compute the new one and enter it in item 31 of the Standard Form 52 and in any suspense date system your agency maintains.

c. Follow instructions in **The Federal Employees' Health Benefits Handbook for Personnel and Payroll Offices** to take action on health benefits by which the employee was covered before the period of time in nonpay status began. Follow instructions in **The Federal Employees' Group Life Insurance - Handbook for Employees, Annuitants, Compensationers and Employing Offices** to take action if employee had life insurance coverage.

d. Use Table 16-A to select nature of action and authority for the action, and put them in blocks 5A-F of the Standard Form 52. If the action is being taken under an authority that is unique to your department or agency, cite that authority (along with the

authority code approved by the office of Personnel Management) instead of the authority and code shown in this chapter.

e. Use Table 16-B to select the remarks/remarks codes required by the Office of Personnel Management for the action and enter them in Part F. Also enter in Part F any additional remarks/remarks codes that are required by your agency's instructions or that are necessary to explain the action.

f. If another action is effective on the same date as the return to duty, use the chapter that covers the second action to select the nature of action, authority and remarks for the second action. Document them in blocks 6A-F and Part F of the return to duty action or on a separate action. If both actions are documented on the same Standard Form 50, show in blocks 15-22 the position and pay to which the second action moves the employee.

g. Complete Standard Form 52 as required by instructions in Chapter 4. Follow your agency's instructions to obtain approval signature in Part C, block 2, of the Standard Form 52.

h. Follow instructions in Chapter 4 to complete the Standard Form 50. Follow your agency's instructions to have it signed or authenticated.

i. Update any suspense dates in any reminder system your agency uses. These dates may include:

— ending date for trial or probationary period;
— date for change in tenure action; or
— date eligible for within-grade increase.

j. Check **The Guide to Personnel Recordkeeping** to decide if any of the documents submitted with or created in connection with the action should be filed on the right side of the Official Personnel Folder. Follow your agency's instructions to dispose of those not filed in the folder.

k. Prepare and distribute required notices.
(1) ***
(2) Follow your agency's instructions to distribute documentation of the personnel action.

Job Aid

Effect of Nonpay Status on Service Dates

Instructions: Use this table to determine whether time in nonpay status affects the employee's benefits or status. More than one rule may apply.

RULE	*If time in nonpay status was more than (See note below)*	*Then*	*And you must*
1	40 hours since last within-grade increase under the Federal Wage System	Next Federal Wage System within-grade increase may be delayed	Extend the within-grade increase ending date by the amount of time in nonpay status in excess of 40 hours for the step 2 waiting period, 120 hours for the step 3 waiting period, and 160 hours for the steps 4 and 5 waiting periods.
2	80 hours since last General Schedule within-grade increase	next General Schedule within-grade increase may be delayed	Extend the within-grade increase ending date by the amount of time in nonpay status in excess of 80 hours for the steps 2, 3, and 4 waiting periods, in excess of 160 hours for the steps 5, 6, and 7 waiting periods, and in excess of 240 hours for the steps 8, 9, and 10 waiting periods.
3	22 workdays since initial probationary period began	Probationary/trial period completion (ending) date may be adjusted	Extend the completion date by the number of workdays in nonpay status in excess of 22.
4	22 workdays since supervisory/managerial probationary period began		
5	22 workdays since term appointment trial period began		
6	30 calendar days during the period of nonpay that ends with the return to duty or Placement in Pay Status action you are processing	Career tenure due date must be adjusted	Compute a new date for completion of service for career tenure. Extend the completion date by the number of calendar days in nonpay status in excess of 30 for each period of absence.
7	6 months total in the calendar year	Service computation dates for leave accrual and reduction in force must be adjusted	Add to employee's current service computation date the amount of nonpay time in excess of 6 months in one calendar year. See Chapter 6 of this **Guide**.

NOTE: If absence is to perform duty with the uniformed services or because of compensable injury, there is no penalty for the nonpay status—time is credited for length of service purposes just as though the employee had remained in pay and duty status.

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Table 16-A. Documenting Return to Duty Actions

R U L E	>see Note 1< *If return to duty is from*	*And*	*Then Nature of Action Code is*	*Nature of Action is*	*Authority code is*	*Authority is*
1	Placement in Nonpay Status	Seasonal employee is returned to pay and duty status	280	Placement in Pay Status	CUL	5 CFR part 340
2	LWOP—US >(see Note 2)<	Employee is exercising restoration rights after serving on duty with the uniformed services	292	RTD	Q3K	5 CFR part 353
3		Return is directed by the Merit Systems Protection Board after employee serves on duty with the uniformed services			ALM	MSPB Directive-US
4	Furlough	Employee is recalled to work after reduction in force furlough			PSM	Reg. 351.604(d)
5		Employee was furloughed for less than 30 days under circumstances not described in Rule 4			CGM	5 U.S.C. 552a(e)(5)
6	Suspension					
7	LWOP	Employee is returning from temporary assignment to state or local government or institution of higher learning			NYM	Reg. 334.101
8		Leave without pay was granted because of an on-the-job injury			Q3K	5 CFR part 353
9		Return is directed by the Merit Systems Protection Board after employee recovers from compensable injury			AQM	MSPB Directive-Inj
10		Leave without pay was granted for other reasons not covered in Rules 7-9			DAM	Reg. 630.101

Notes:

>1.< Column A reflects natures of action placing employee in nonpay status. Refer to Chapter 15 of this **Guide** for information on those natures of action.

>2. Periods of LWOP-US may be interrupted by periods of annual leave or military leave without any additional personnel action processing.<

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Table 16-B. Remarks

R U L E	If	And	Then Remark Code	And Remark is
1	Service computation date for leave accrual is adjusted due to nonpay time which is not creditable	All the nonpay time has been recorded on a Standard Form 50	B32	Changes SCD from (date) to reflect excess time in nonpay status during calendar year (year)
2		All of the nonpay time has not been recorded on a Standard Form 50	G31	Nonpay time not previously recorded in calendar year (year) totaled (number) hours
3	Due date for within grade increase is adjusted due to nonpay time which is not creditable		P12	Eligibility date for WGI adjusted to reflect excess time in nonpay status. New estimated eligibility date is (date)
4	Probationary (or trial) period is extended due to nonpay time which is not creditable		E05	Date for completion of probationary (or trial) period has been adjusted to reflect excess time in nonpay status. New estimated completion date is (date)
5	Waiting period for career tenure is extended due to nonpay time which is not creditable		T06	Date for conversion to career tenure has been adjusted to reflect excess time in nonpay status. New estimated conversion date is (date).
6	Employee received injury compensation during the nonpay time		G11	Employee paid under 5 U.S.C. chapter 81 from (date) through (date). The entire period shall be credited for all rights and benefits based on length of service.
7	Employee is being returned to duty under 5 CFR part 353 after absence due to compensable injury or duty with the uniformed services	Position and pay reflect actions effective during the period of absence	P20	Position and pay reflect the following actions effective during employee's absence: (list actions). (see example at the end of this table)

Table 16-B. Remarks (Continued)

R U L E	If	And	Then Remark Code	And Remark is
8	Employee is on grade retention		X37	Employee is entitled to retain grade of [pay plan and grade] through [date].
			X45	Retained grade will be used to determine employee's pay, retirement and insurance benefits, and promotion and training eligibility.
			X61	Retained grade will not be used for reduction-in-force purposes.
>9	Employee's pay or step changed during period of nonpay	New pay or step were not recorded on a previous personnel action	P09	Pay or step adjusted (date) by (authority).<

Example: "Position and pay reflect the following actions effective during employee's absence: 702/Promotion, 11-20-94 to GS-202-7/1 @ $22,717pa."