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## Chapter 15. Placement in Nonpay or Nonduty Status (Natures of Action 430, 450, 452, 460, 471, 472, 473, 480, 772, 773)

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## Chapter 15. Placement in Nonpay or Nonduty Status

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### 1. Coverage.

This chapter covers furloughs, and extensions of furloughs, placements in leave without pay status and extensions of leave without pay, suspensions, placements of seasonal employees in nonpay and nonduty status at the end of a peak workload period, and sabbaticals for employees in the Senior Executive Service.

It does not cover:

- Changes to service computation dates for leave, when time in a nonpay status exceeds six months during a calendar year. (See Chapter 6 for instructions.)
- An employee using annual or sick leave. No personnel action is required to document use of annual leave or use of sick leave.
- Recording of absence without leave, an absence for which the employee did not receive approval. A Standard Form 50, Notification of Personnel Action is not required to document absence without leave.

### 2. Definitions.

**a. Furlough** is the placement of an employee in a temporary nonpay and nonduty status (or absence from duty) because of lack of work or funds, or for other nondisciplinary reasons.

**b. Suspension** is the placement of an employee in a temporary nonpay status and nonduty status (or absence from duty) for

disciplinary reasons or other reasons pending an inquiry.

**c. LWOP** (leave without pay) is a temporary nonpay status and nonduty status (or absence from a prescheduled tour duty) granted at the employee's request.

**d. LWOP-US** is leave of absence to perform duty with the uniformed services.

**e. Seasonal employee** is one who works on an annual recurring basis and for less than 2,080 hours per year.

**f. Sabbatical** is an absence from duty, without charge to pay or leave, that an agency may grant to a Senior Executive Service career appointee to engage in study or uncompensated work experience.

### 3. Selection of Legal Authority.

**a. Meaning of “equivalent to CS Regs.”** For some actions covered by this chapter, the legal authority you place on the action indicates it is being taken under Civil Service laws or regulations, under agency procedures that are similar or equivalent to those required under Civil Service laws or regulations, or under other procedures. The rule you follow to select the legal authority will depend upon your knowing what procedures are being used. For example, you may have to know if the action is being taken under “5 U.S.C. 75” (chapter 75 of title 5 of the U.S. Code, “Adverse Actions”),

under agency procedures that are equivalent to 5 U.S.C. 75 (“5 U.S.C. Eq”), or under other procedures. There are some agencies that are not covered by the Civil Service laws and regulations, and there are some employees who are not covered because of the appointments on which they serve. If your agency is not covered by Civil Service procedures, or the employee who is the subject of the action is not covered, your agency may have used other procedures that are different from those required by the Civil Service laws or regulations. If you are not sure whether your agency, or whether the employee who is the subject of the action, is covered by Civil Service procedures applicable to that particular action, or by equivalent agency procedures, ask the personnel specialist who approved the action. *You cannot determine the correct authority without knowing the procedures being used to effect the action.*

**b. Actions for Which the Agency Must Select the Authority.** For some actions covered by this chapter, you will be given a Legal Authority Code and be told to cite the appropriate authority. To document one of these actions, ask the personnel specialist who approved the action how that action was handled:

(1) If a specific law, Executive Order, or regulation was the basis for the action, that law, Executive Order, or regulation should be cited in the authority block on the Standard Form 50, *along with the legal authority code shown in the table.*

(2) If the agency has internal regulations, an agency manual, or an employee code of conduct or ethics that provides penalties for violations or misdeeds, cite the agency regulation or the agency manual or code of conduct reference in the authority block on

the Standard Form 50 *along with the legal authority code shown in the table.*

(3) 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.

(4) For actions where a specific legal authority is not cited in the table and where the action is not covered by paragraphs (1) - (2) above, show in the authority block on the Standard Form 50 “5 U.S.C. 302”, *along with the legal authority code shown in the table.* (5 U.S.C. 302 is the general authority for an agency head to delegate authority to take actions necessary to carry out personnel actions. Cite it only when no other authority is appropriate for the action being processed.)

#### 4. When to Process an Action.

Process a personnel action for:

- Leave without pay of 80 hours or more granted because of an on-the-job illness or an on-the-job injury.
- Leave without pay, not described above, that is scheduled for more than 30 days.
- Suspension that is scheduled for one day or more.
- Furlough that is scheduled for one day or more.
- Placement in nonpay status actions for seasonal employees.

Use job aid, **Instructions for Processing Personnel Actions on Placement in Nonpay or Nonduty Status**, when documenting the actions above.

**Job Aid****Instructions for Processing Personnel Actions on Placement in Nonpay and Nonduty Status**

<b>STEP</b>	<b>ACTION</b>
1	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.
2	Use job aid, <b>Effects of Nonpay Status</b> , to identify actions necessary when an employee is placed in a nonpay status.
3	Use Table 15-A to select the nature of action and authority. Put them in blocks 5A-F of the Standard Form 52.
4	Use Table 15-B to select remarks/remarks codes required by the Office of Personnel Management for the action. Enter them in Part F of the Standard Form 52.  Also enter any additional remarks/remarks codes that are required by your agency's instructions or that are necessary to explain the action.
5	Complete the Standard Form 52 as required by instructions in Chapter 4 of this <b>Guide</b> .  When a suspension is not to be imposed on consecutive workdays, explain in remarks the schedule for the days on which the suspension will be carried out. For example, "suspension to be imposed on Monday - Wednesday of each week for a total of 45 days."
6	Follow your agency's instructions to obtain approval signature in Part C, block 2, of the Standard Form 52.
7	Follow instructions in Chapter 4 of this <b>Guide</b> to complete the Standard Form 50, Notification of Personnel Action. Follow your agency's instructions to have it signed or authenticated.

## Job Aid

### Instructions for Processing Personnel Actions on Placement in Nonpay and Nonduty Status, continued

STEP	ACTION
8	<p>Enter or update not-to-exceed date of action in any tickler system your agency uses.</p> <p>Use job aid, <b>Effects of Nonpay Status</b>, to identify any changes (for example, within-grade increase eligibility date) that will change as a result of the employee's nonpay status and make the necessary changes in your tickler system.</p>
9	<p>Check <a href="#">The Guide to Personnel Recordkeeping</a> 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 employee's Official Personnel Folder. Follow your agency's instructions to dispose of those not filed in the Folder.</p>
10	<p>Issue any notices required for the action, including the following if appropriate:</p> <p>—When the employee will be in nonpay status for more than 7 consecutive days, give the employee a completed Standard Form 8, Notice to Federal Employee About Unemployment Insurance, showing the full address of the payroll office where the individual's records are maintained.</p> <p>—When the employee is to enter active duty with the Armed Forces, provide information about restoration rights after service is completed, explain those rights (see 5 CFR part 353) or refer employee to a specialist who can explain them. Also, ask him or her to state in writing whether he or she wants the unused annual leave to be paid in a lump sum or wants it to be held until he or she returns (see 5 U.S.C. 5552).</p>
11	<p>Follow your agency's instructions to distribute documentation of the personnel action.</p>

**Job Aid****Effects of Nonpay Status**

This job aid provides information on how nonpay status affects certain personnel actions and benefits. It will also assist you in determining appropriate remarks to place on the Standard Form 50, Notification of Personnel Action.

<b>Determination</b>	<b>Number of Days/Hours in Nonpay Status Allowed Without Penalty (See Note below)</b>	
Initial Appointment Probationary Period	Any nonpay time in excess of 22 <i>workdays</i> extends the probationary period by that number of days.	
Supervisory/Managerial Probationary Period		
Career Tenure	Any nonpay time in excess of 30 <i>calendar</i> days for each period of absence extends the service date for career tenure by that number of days.	
Leave Earnings	If employee is in nonpay status for an entire pay period, no annual or sick leave is earned for that pay period. If nonpay time occurs during part of one or more of a full-time employee's pay periods, the employee continues to earn leave until the nonpay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period.	
Service Computation Dates	6 months of nonpay time is creditable. The employee's service computation date must be adjusted by the amount of nonpay time in excess of 6 months in one calendar year. (Excess time is added to employee's service computation date.)	
Within-grade Increase General Schedule	Waiting Period for Step	Nonpay Time Allowed
	2-3-4	2 workweeks (80 hours for full-time employee)
	5-6-7	4 workweeks (160 hours for full-time employee)
Within-grade Increase Federal Wage System	Waiting Period for Step	Nonpay Time Allowed
	2	1 workweek (40 hours for full-time employee)
	3	3 workweeks (120 hours for full-time employee)
	4 - 5	4 workweeks (160 hours for full-time employees)
<i>Continued on next page</i>		

## Job Aid

**Effects of Nonpay Status, continued**

<b>Determination</b>	<b>Number of Days/Hours in Nonpay Status Allowed Without Penalty (See Note below)</b>
Federal Employees Group Life Insurance	>If an employee is in active duty military status while in nonpay status, FEGLI coverage continues at no cost to the employee until time in nonpay status totals 12 months. The employee may elect to continue FEGLI coverage for an additional 12 months by paying both the employee and agency premiums (Basic coverage) and by paying the entire cost (Optional coverage). Per Section 1102 of Public Law 110-181, such an election must be made before the end of the first 12 months in nonpay status. For other employees,< coverage continues without cost to the employee for up to 12 months in nonpay status. Coverage is terminated after employee has been in nonpay status for 12 months. (Previous time in nonpay status counts toward the 12 months if employee did not return to duty for at least 4 consecutive months.)
Federal Employees Health Benefits	You must give an employee who begins nonpay status an opportunity to elect to either: (1) terminate the enrollment, or (2) continue it and agree to pay the premium or incur a debt. If employee elects to continue the enrollment, it continues for up to 365 days in nonpay status. Previous periods in nonpay status count toward the 365 days if the employee does not return to duty for at least 4 consecutive months. Employee is responsible for payment of the employee share of the premium. See 5 CFR 890.303-890.305, and 890.502 for information about exceptions to the general rule and for additional information. Also, see the FEHB Handbook at <a href="http://www.opm.gov/insure">http://www.opm.gov/insure</a> . If employee does not make an election to terminate or continue the enrollment, it automatically terminates at the end of the last pay period in which the employee paid premiums.

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

**Table 15-A. Documenting Placements in Nonpay/Nonduty Status**

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
1	Leave of absence to perform duty with the uniformed services (see Note 5 of this table)		473	LWOP-US	Q3K	5 CFR, part 353	>B76	See rule 7 of Table 15-B for text of remark<
2	Furlough on one or more consecutive or continuous days	Is during a reduction in force notice period	472	Furlough NTE (Date)	L9K	Reg. 351.806	M72	Reason for furlough: (state reason)
3		The furlough is more than 30 calendar days and not covered under Rule 2			PNM	Reg. 351.603		
4		The furlough is for 30 calendar days or less based on decision of an administrative officer and is effected under 5 U.S.C. chapter 75			VAJ	5 U.S.C. 75		
5		Employee is a Senior Executive Service appointee			VDR	5 U.S.C. 3595a		
6		The furlough is for 30 calendar days or less and is not effected under 5 U.S.C. chapter 75			USM	(Cite agency authority for furlough)		



**Table 15-A. Documenting Placements in Nonpay/Nonduty Status, continued**

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
7	Furlough that occurs during parts of one or more pay periods which is interrupted by days in pay and duty status (i.e., furlough on nonconsecutive days)	Is during a reduction in force notice period	471	Furlough	L9K	Reg. 351.806	M72 and M73	Reason for furlough: (state reason). To be furloughed on (list dates) for a total of (number) hours.
8		Is for more than 30 calendar days (or 22 workdays a year) and is effected under 5 U.S.C. chapter 75			PNM	Reg. 351.603		
9		Is for 30 calendar days (or 22 workdays a year) or less and is effected under 5 U.S.C. chapter 75			VAJ	5 U.S.C. 75		
10		Is for 30 calendar days (or 22 workdays a year) or less and is effected under other than 5 U.S.C. chapter 75			USM	(Cite agency authority for furlough)		
11		Employee is a Senior Executive Service appointee			VDR	5 U.S.C. 3595a		

Table 15-A. Documenting Placements in Nonpay/Nonduty Status, continued

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
12	An indefinite suspension pending outcome of legal or investigative proceedings	Suspension is effected under 5 U.S.C. chapter 75	452	Suspension-Indefinite	VAJ	5 U.S.C. 75	S49	Reason for suspension: (state reason)
13		Suspension is effected under agency procedures equivalent to those required under 5 U.S.C. chapter 75			VHJ	5 U.S.C. 75 Eq		
14		Suspension is not covered by Rule 12 or 13			USM	(Enter agency authority for suspension)		
15	Suspension that is directed by the Merit Systems Protection Board (see Note 1 of this table)	Is for 14 calendar days or less	450	Suspension NTE (date)	VAA	5 U.S.C. 1204		
16		Is for more than 14 calendar days			VAB	5 U.S.C. 1204-MFD (see Note 2 of this table)		
17	Suspension that is taken in the interest of national security (see Note 1 of this table)	Is for 14 calendar days or less			V4J and ZEM	5 U.S.C. 7352 and E.O. 10450		
18		Is for more than 14 calendar days			VAV and ZEM	5 U.S.C. 7532-MFD and E.O. 10450 (see Note 2 of this table)		

**Table 15-A. Documenting Placements in Nonpay/Nonduty Status, continued**

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
19	Suspension that is effected under 5 U.S.C. chapter 75, i.e., under civil service adverse action procedures (see Note 1 of this table)	Is for 14 calendar days or less	450	Suspension NTE (date)	VAC	5 U.S.C. 7502	S49	Reason for suspension: (state reason)
20		Is for more than 14 calendar days			VWJ	5 U.S.C. 7512		
21	Suspension that is effected under an agency authority, following procedures that are equivalent to those required under 5 U.S.C. chapter 75 (see Note 1 of this table)	Is for 14 calendar days or less			VAD and USP	5 U.S.C. 7502 Eq and (cite agency authority for suspension for 1-14 calendar days)		
22		Is for more than 14 calendar days			VAE and USR	5 U.S.C. 7512 Eq and (cite agency authority for suspension for more than 14 calendar days)		
23		Is for 14 calendar days or less			USP	(cite agency authority for suspension for 1-14 calendar days)		
24	Suspension that is effected under an agency authority that is not described in rules 12-22 (See Note 1 of this Table)	Is for more than 14 calendar days			USR	(cite agency authority for suspension for more than 14 calendar days)		

**Table 15-A. Documenting Placements in Nonpay/Nonduty Status, continued**

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
25	Leave without pay (LWOP)	LWOP is for temporary assignment to a State or local government, or an institution of higher learning	460	LWOP NTE (date)	NYM	Reg 334.101		
26		LWOP is granted because of an on-the-job injury or illness and extends, or is expected to extend, for 80 hours or more (see Note 3 of this table)			Q3K	5 CFR part 353	N10	To (or expected to) be paid under 5 U.S.C. chapter 81
27		LWOP is for more than 30 calendar days during a reduction in force notice period			L9K	Reg. 351.806		

**Table 15-A. Documenting Placements in Nonpay/Nonduty Status, continued**

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
28	Leave without pay (LWOP)	LWOP, scheduled for more than 30 calendar days, was requested by employee in lieu of annual leave during advance notice period of a separation for failure to accept new assignment or to relocate with position	460	LWOP NTE (date)	DAK	Reg. 630.101-Decl	M76	Requested, in lieu of annual leave, after declining offer of (position title, series, grade, and location)
29		LWOP, that is not covered by Rules 25-28, is scheduled to exceed 30 calendar days			DAM	Reg. 630.101		
30	Extension of Leave without Pay	Employee is on an assignment with a State or local government or an institution of higher learning	773	Ext of LWOP NTE (date)	N1M	Reg. 334.104		
31					(enter same code as for the LWOP NTE)	(enter the same authority as for the LWOP NTE)		

**Table 15-A. Documenting Placements in Nonpay/Nonduty Status, continued**

<i>R U L E</i>	<i>If Action is</i>	<i>And</i>	<i>Then NOAC is</i>	<i>Nature of Action is</i>	<i>Authority Code is</i>	<i>Authority is</i>	<i>Required Remark Code is</i>	<i>And Remark is</i>
32	Extension of Furlough NTE		772	Ext of Furlough NTE (date)	(enter same code as for the Furlough NTE)	(enter the same authority as for the Furlough NTE)		
33	Sabbatical (see Note 4 of this table)		480	Sabbatical NTE (date)	V3M	5 U.S.C. 3396(c)(1)	M53	Employee is to suffer no loss of, or reduction in: pay, leave, credit for time or service, or performance or efficiency rating.
34	Release of seasonal employee to nonpay and nonduty status to meet workload requirements		430	Placement in Nonpay Status	CUL	5 CFR part 340	M71	Reason for placement in nonpay status: (state reason)

## NOTES:

1. In counting days to determine length of suspension, and thus the procedures which must be followed and the authority for the action, count consecutive or calendar days, not workdays. When the suspension is not imposed on consecutive workdays, also use remark S77, "Suspension to be imposed on (list specific workdays or dates)."
2. The legal authority suffix "MFD" means more than 14 days."
3. Rule 26 only applies when the injury or illness is compensable under the provisions of 5 U.S.C. chapter 81, subchapter I.
4. Because an employee who is on Sabbatical is still in pay status, there is no need for a return to duty action at the end of the Sabbatical.
5. 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 15-B. Additional Remarks Required for Some Placements in Nonpay/Nonduty Status**

<i>R U L E</i>	<i>If</i>	<i>And Employee</i>	<i>And</i>	<i>Then Required code is</i>	<i>And Remark is</i>
1	Agency may need to write to the employee while employee is in nonpay status			M67	Forwarding address:
2	Nature of action code is 430, 450, 452, 460, 471, or 472	Is on a full-time or part-time work schedule		G33	Service credit for retirement, reduction in force, and leave accrual continues for up to a maximum of 6 calendar months of nonpay time per calendar year. (see Note 1 of this table)
3	Nature of action code is 430, 450, 452, 460, 471, or 472 ***	Has Federal Employees Group Life Insurance coverage		B72	FEGLI coverage continues until your time in nonpay status totals 12 months. Contact your servicing Human Resources Office or see the FEGLI Handbook at <a href="http://www.opm.gov/insure">http://www.opm.gov/insure</a> for detailed information.
4	Nature of action code is 430, 450, 452, 460, 471, or 472	Has Federal Employees Health Benefits Program coverage	Is a Schedule B work-study employee who is expected to be in pay status at least one-third of the total time between appointment and completion of the work-study program (see 5 CFR 890.303(e)(2))	B41	Health benefits will continue as long as you participate in the work-study program if you pay the employee's share of costs. Contact your servicing Human Resources Office or see the FEHB Handbook at <a href="http://www.opm.gov/insure">http://www.opm.gov/insure</a> for detailed information.

**Table 15-B. Additional Remarks Required for Some Placements in Nonpay/Nonduty Status, continued**

<i>R U L E</i>	<i>If</i>	<i>And Employee</i>	<i>Then Required code is</i>	<i>And Remark is</i>
5	Nature of action code is 430, 450, 452, 460, 471, or 472	Has Federal Employees Health Benefits Program coverage	B71	You must elect to either: (1) terminate your enrollment in FEHB, or (2) continue it for up to 365 days and agree to pay the premium or incur a debt. If you do not elect to terminate or continue your enrollment, it automatically terminates at the end of the last pay period in which you paid premiums. Contact your servicing Human Resources Office or see the FEHB Handbook at <a href="http://www.opm.gov/insure">http://www.opm.gov/insure</a> for detailed information. (see Note 2 of this table)
6	Nature of action code is 473	Has Federal Employees Health Benefits Program coverage	B66	An employee subject to the provisions of P.L. 108-375 is eligible for continued FEHB coverage up to 24 months when called to active duty and certain requirements (including serving in support of a contingency operation) are met. An employee subject to the provisions of P.L. 108-454 is eligible for FEHB coverage for 24 months when absent because of service in the uniformed service and certain requirements are met. Contact your servicing Human Resources Office or see the FEHB Handbook at <a href="http://www.opm.gov/insure">http://www.opm.gov/insure</a> for detailed information.
> 7		Has Federal Employees Group Life Insurance coverage	B76	FEGLI coverage continues at no cost to you until your time in nonpay status totals 12 months. If you are in active duty military status, you may elect to continue FEGLI coverage for an additional 12 months by paying both the employee and agency premiums (Basic coverage) and by paying the entire cost (Optional coverage). Per Section 1102 of Public Law 110-181, you must make the election before the end of your first 12 months in nonpay status. Contact your servicing Human Resources Office or see the FEGLI Handbook at <a href="http://www.opm.gov/insure/life">http://www.opm.gov/insure/life</a> for detailed information.<

## NOTES:

1. Do not use this remark when leave without pay is due to work-related injury for which employee is receiving, or is expected to receive, workers' compensation or if absence on leave without pay is for duty with the uniformed services. In these cases, there is no reduction in service credit. Use of this remark on suspension actions (Nature of action code 450) for periods of a week or less is optional.
2. Do not use this remark when leave without pay is due to work-related injury for which employee is receiving, or is expected to receive, workers' compensation.