



Benefits Administration Letter

Number: 08-204

Date: November 24, 2008

**Subject: Federal Employees' Group Life Insurance (FEGLI) Program: Election
Opportunity for Certain Civilian and Defense Department Employees**

Background and Purpose

The purpose of this Benefits Administration Letter (BAL) is to provide guidance to agencies to implement the changes in election opportunities authorized by Public Law 110-417, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (the Act), which became effective on October 14, 2008.

What Does the New Law Permit?

Section 1103 of the Act allows new opportunities for certain employees to elect FEGLI coverage.

Which Employees Are Affected?

The new election opportunities apply to two categories of employees:

- 1) civilian employees eligible for FEGLI who are deployed in support of a contingency operation as defined by section 101(a) (13) of title 10; and
- 2) civilian employees in the Department of Defense eligible for FEGLI who are designated as "emergency essential" under section 1580 of Title 10.

How Is "Employees Deployed in Support of a Contingency Operation" Defined?

The new law applies to FEGLI-eligible employees of any agency who are deployed in their civilian capacity in support of a contingency operation as defined by section 101(a) (13) of title 10.

Title 10, section 101(a)(13) defines "contingency operation" as a military operation that (1) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the

United States or against an opposing military force; or (2) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

Does This Include Reservists Called to Active Duty?

No. The new law does not apply to employees called to active duty as a member of a reserve component of the armed forces.

How are Defense Department “Emergency Essential Employees” Affected?

Department of Defense employees designated as “emergency essential” under section 1580 of Title 10 are already eligible to enroll in Basic coverage within 60 days after the date of designation. The new law extends the opportunity for these Department of Defense employees to also elect Option A (Standard) and elect or increase Option B (Additional) coverage during the same time period.

What Can Eligible Employees Elect?

Under the law, affected civilian employees who have previously waived some or all FEGLI coverage may elect the following FEGLI coverage outside an open season, without experiencing a qualifying life event, and without providing medical information:

- Basic coverage,

And if they already have or elect Basic, they also may elect:

- Option A (Standard) coverage, and/or
- Option B (Additional) coverage.

The new law does not authorize an opportunity to elect Option C (Family) coverage.

How Should Eligible Employees Elect Coverage?

Employees should use Standard Form SF 2817, *Life Insurance Election* (or its electronic equivalent), to elect coverage under this new law. It also is permissible for an agency to do electronic enrollment via employee self-service systems.

Agencies should mark “Election Due to NDAA” in the “Remarks” section. We will let you know if there will be a new SF 2817 event code for Block 6 “number of event permitting change,” but for now, using the “Remarks” section is sufficient.

What is the Time Limit for Making An Election?

Elections must be made within 60 days after the date of notification of deployment in support of a contingency operation or within 60 days of the date of notification of the designation as an emergency-essential employee.

Are Retroactive Elections Permitted?

No. The law does not provide for retroactive coverage, and only applies to eligible civilian employees who make their elections 1) within 60 days after notification of the date of deployment or designation, and 2) on or after October 14, 2008.

Can Employees Already Deployed or Designated Make These Elections?

It depends. If 60 days after the date of notification of deployment or designation have not yet elapsed, the eligible employees may make the election(s). If 60 days have already elapsed, they cannot.

When Are Elections Effective?

Coverage is effective the first day on or after the day the employing office receives a qualifying election.

Where Can We Obtain More Information?

If you have further questions about the election opportunities in Public Law 110-417, please email FEGLI@opm.gov.

Sincerely,

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