

Incoming Clerks – Transfers

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What is a transfer without a break in service?

A break in service is the time when an employee is no longer on the payroll of an agency. A separation of 1, 2, or 3 calendar days (including weekend and holidays) is not considered to be a break in service. A separation of 4 or more calendar days (including weekends and holidays) is considered to be a break in service and the days of separation are subtracted from the employee's total creditable service. If an employee breaks service, that transfer is treated as a termination/rehire which requires the payout of annual leave (if applicable), re-enrollment of benefits elections and, quite often, a loss of flexible spending account funds. Please contact the HR department if you will be transferring to another court or federal agency without a break in service.

I'm currently with the federal government, but I'm breaking service before my clerkship, what do I need to know?

Be aware that technically you are breaking service and being rehired so you will have to complete all new hire paperwork again. If you were covered by FERS in your previous position, then that break of service will cause you to lose your FERS coverage during your clerkship as term positions are not eligible for retirement coverage. If you were in a position that earned leave, your Service Computation Date for Leave will also be recalculated to account for your days off the payroll. You will be paid out for your annual leave and your sick leave will be banked for future use. If you are transferring into a position that is not covered by the Leave Act, you will not be able to use your banked sick leave during your clerkship. Your current federal benefits will terminate in the same manner that they would if you were leaving federal service. Please make note of the benefit termination information below, especially if you plan to break service for more than one month.

What happens when I transfer from another Court?

Please let both HR departments know if you will be transferring in to/from another court or federal agency. There is pertinent information about your personnel records that need to be shared between and doing this beforehand can help with the transition.

I am currently in a position that accrues leave and am transferring into a position that is covered by the Leave Act:

If you were earning leave and are transferring without a break in service into a position that also accrues leave, your annual and sick leave balances will transfer with you. The Administrative Office (AO) will request a copy of your SF-1150 (Record of Leave Data) when they request your Official Personnel File.

I am currently in a position that accrues leave and am transferring into a position that is not covered by the Leave Act:

Any annual leave balance will be paid in a lump sum after your last pay day. Your sick leave balance is not paid out, but, will be available to you if you return to qualifying federal employment in the future. The balance will be restored to you at that time.

I'm currently with government, but I'm breaking service before my clerkship. What will happen to my benefits?

Health Insurance (FEHB)/Temporary Continuation of Coverage (TCC):

Your coverage in the Federal Employees Health Benefits (FEHB) program ends on the last day of the pay period in which you separate from federal service, subject to a 31-day extension of coverage (at no cost to you) with opportunity for conversion to an individual contract with your insurance

carrier. You will be able to re-enroll when you start with your new agency. That coverage will begin at the beginning of the pay period after which you enroll.

If you plan to break service for more than 31 days: You have the right to temporarily continue your FEHB coverage for up to 18 months after your separation instead of converting to an individual contract at this time. You may select any plan in the FEHB program in which to continue your coverage if you are eligible to enroll in the plan. To continue your coverage, you must pay the full amount of the premium (both the employee and Government shares) plus a 2 percent administrative charge. If you choose to continue your coverage, you have the free coverage described above for the first 31 days. Your Temporary Continuation of Coverage (TCC) enrollment and premium charges begin on the day after the 31-day period of free coverage ends. If you continue TCC to the end of the 18-month period, you will have another 31-day extension of coverage with opportunity for conversion to an individual contract. Information about additional FEHB plans and TCC can be found at <https://www.opm.gov/healthcare-insurance/healthcare/>.

If you are interested in continuing your FEHB coverage, please contact me for additional information and an election form (SF2809). If you want to continue your coverage, your completed and signed election form must be received in my office at the address below within 60 days after the date of separation or 65 days after the date you received your letter of notice, whichever is later.

Please note that the Patient Protection and Affordable Care Act (ACA) did not eliminate TCC or change the TCC rules. If you would like to learn more about the ACA including the health insurance marketplace, please visit <https://www.healthcare.gov/>.

Dental/Vision Insurance (FEDVIP):

Dental and Vision insurance coverage end on the last day of the pay period in which you separate and there are no provisions for extending or continuing of coverage. You will be able to re-enroll when you start with your new agency. That coverage will begin at the beginning of the pay period after which you enroll.

Life Insurance (FEGLI):

Your coverage terminates at the end of the day on which you separate from federal service, however you are given an additional 31 days of coverage free of charge beginning the day after your separation date. When you are rehired, you will automatically be covered by Basic insurance, unless you opt out, and have up to 60 days to increase your coverage to include Options A, B and/or C.

If you plan to break service for more than 31 days: During the 31-day period after termination, you have the option of converting your coverage to an individual policy. This opportunity allows you to convert all or part of your Basic and Optional insurance to an individual policy with no medical examination requirements. Conversion options do not apply to Option C, however family members can convert their coverage to their own individual policies. Information on how to convert your coverage can be found on the SF-2819 that you will receive at your exit meeting.

Flexible Spending Accounts:

Flexible spending account contributions will stop with your last pay check. If you are currently working in the Federal Judiciary and breaking service for less than 90 days, please contact the Judiciary Benefits Center (1-888-442-3539) at your earliest convenience to discuss your options. They may be able to suspend payments on your account during your break in service and restart them when you are rehired by your next court. This only works within the Federal Judiciary. *You will not be able to bring your remaining account balances with you if you transfer from another federal agency.* If you are transferring from another agency and do not have enough eligible expenses to submit to cover your remaining balances, you will forfeit any left over money in the account.

Long Term Care Insurance:

If you would like to continue your long term care insurance you will need to contact your provider and arrange for premiums to be paid through your personal account, otherwise your plan will be cancelled due to non-payment of premiums.

If you are enrolled in the Judiciary Long Term Care Plan go to the CNA website at <http://www.ltcbenefits.com> (password: judiciaryltc).

If you are enrolled in the Federal Long Term Care Plan go to the FLTCIP website at www.ltcfeds.com or call 1-800-LTC-FEDS (1-800-582-3337)

Short and Long-Term Disability:

- Short and/or long term disability coverage purchased through [Federal First](#) ends when your employment/eligibility ends.
- If you will be transferring with a short break in service, and are interested in keeping this coverage, contact Federal First to see if they have options to avoid the cancellation of your current plan so you will not have to re-enroll in the same coverage when you are rehired.

What if there is a holiday during my transfer?

Transferring to another court/agency without a break in service of more than three (3) days is the only way to keep your current benefits and not be paid out for your leave, if applicable. A Monday holiday typically counts as day 3 of a break in service. Please contact the HR department of your new agency for guidance.