

U.S. Office of Personnel Management
Operating Manual Update

The Guide to Processing Personnel Actions

Update 99 – Chapter 15

Notice

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Distribution: Operating Manual, The Guide to Processing Personnel Actions

U.S. Office of Personnel Management

Summary of Changes, Chapter 15 (Update 99)

| Removed Pages | Insert Page | Explanation of Changes |
|----------------|----------------|--|
| Entire chapter | Entire chapter | Chapter 15, in its' entirety has been updated, to include: (1) documenting actions taken in violation of the Fair Chance Act (2) distinguishing new text changes and/or additions in >dark red font surrounded by angled brackets< ; (3) distinguishing deletion/removal of text with *** in green font ; and, (4) removed all symbols annotating historical changes throughout the chapter. |

Listing of Specific Changes to Chapter 15

| Chapter | Page Number(s) | Explanation of Changes |
|---------|----------------|--|
| 15 | 1 | <p>Changed title of chapter</p> <p>From: Chapter 15: Placement in Nonpay or Nonduty (Natures of action 430, 450, 452, 460, 471, 473, 480, 772, 773)</p> <p>To: Chapter 15: Placement in Nonpay or Nonduty Status and Documentation of Written Warnings (Natures of action 430, 450, 451, 452, 460, 471, 473, 480, 772, 773)</p> |
| 15 | 2 | Item 1, Coverage: added: written warnings, and civil penalties under Section 9204 of title 5, U.S. Code |

| Chapter | Page Number(s) | Explanation of Changes |
|---------|----------------|--|
| 15 | 2-3 | <p>Item 2 Definitions: Added the following definitions:</p> <ul style="list-style-type: none"> c) Written warning is a document filed in the employee’s official personnel record that includes a description of the violation of Section 9202 of title 5, U.S. Code and the additional penalties that may apply for subsequent violations. d) Civil penalty means a monetary penalty imposed on an employee when it has been determined the employee has violated Section 9202 of title 5, U.S. Code. <p>Renumbered remaining items e) through h) accordingly.</p> |
| 15 | 5-6 | <p>Retitled Job Aid</p> <p>From: Instructions for Processing Personnel Actions on Placement in Nonpay and Nonduty Status</p> <p>To: Instructions for Processing Personnel Actions on Placement in Nonpay or Nonduty Status and Documentation of Written Warnings</p> |
| 15 | 10 | <p>Table 15-A: Changed title of Table 15-A</p> <p>From: Table 15-A. Documenting Placements in Nonpay/Nonduty Status</p> <p>To: Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings</p> |

| Chapter | Page Number(s) | Explanation of Changes |
|---------|----------------|--|
| 15 | 14-15 | Table 15-A: New rules Added new rules 25 through 30, to include: (1) new nature of action code 451; (2) the following legal authority codes VAO, VAP, VAQ, VAR, VAS, and VAN; and (3) the following required remark codes: S59, S60, S61, S62, S63 and S64. New rules were established to document suspension actions for violations of 5 USC 9202 (The Fair Chanced Act). |

Chapter 15: Placement in Nonpay or Nonduty >Status and Documentation of Written Warnings<

Natures of Action 430, 450, >451<, 452, 460, 471, 473, 480, 772, 773

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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, >written warnings and civil penalties under [Section 9204 of title 5, U.S. Code](#) ≤, placement of seasonal employees in nonpay and nonduty status at the end of a peak workload period, sabbaticals for employees in the Senior Executive Service, and absent-uniformed service actions ([38 U.S. Code, chapter 43](#)).

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. An [SF-50](#) 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) >**Written warning** is a document filed in the employee's official personnel record that includes a description of the violation of [Section 9202 of title 5, U.S. Code](#) and the additional penalties that may apply for subsequent violations.<
- d) >**Civil penalty** means a monetary penalty imposed on an employee when it has been determined the employee has violated [Section 9202 of title 5, U.S. Code](#).<
- >e)< **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.

>f)< **Absent - Uniformed Service** employee is absent (whether in pay or nonpay status) to perform duty with the uniformed services and has reemployment rights under the Uniformed Services Employment and Reemployment Rights Act ([USERRA – 38 U.S. Code, chapter 43](#)).

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

>h)< **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:

- i) 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 [SF-50](#), along with the legal authority code shown in the table.
- ii) 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 [SF-50](#) along with the legal authority code shown in the table. If the action is being taken under "[5 U.S.C. 75](#)" (chapter 75 of title 5 of the U.S. Code, "Adverse Actions").
- iii) 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.
- iv) 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 [SF-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

- a) 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 for uniformed service that is not subject to the provisions of [38 U.S.C. 4301](#) et. seq.
 - Leave without pay subject to the Intergovernmental Personnel Act
 - 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.
- Placement in Absent - Uniformed Service status.
- Sabbatical.

Use job aid, **Instructions for Processing Personnel Actions on Placement in Nonpay or Nonduty Status >and Documentation of Written Warnings<**, when documenting the actions above.

Job Aids

Instructions for Processing Personnel Actions on Placement in Nonpay >or< Nonduty Status >and Documentation of Written Warnings<

| Step | Action |
|-------------|--|
| 1 | Compare data on the SF-52 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, Effects of Nonpay Status , 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 SF- 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 SF-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 SF-52 as required by instructions in Chapter 4 of this Guide. 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 SF-52 . |
| 7 | Follow instructions in Chapter 4 of this Guide to complete the SF-50 . Follow your agency's instructions to have it signed or authenticated. |
| 8 | Enter or update not-to-exceed date of action in any tickler system your agency uses. Use job aid, Effects of Nonpay Status , 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. |
| 9 | 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 employee's Official Personnel Folder. Follow your agency's instructions to dispose of those not filed in the Folder. |

Instructions for Processing Personnel Actions on Placement in Nonpay or Nonduty Status and Documentation of Written Warnings, Continued

| Step | Action |
|-------------|--|
| 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 SF-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 an employee enters active duty with the Armed Forces or another uniformed service:</p> <ul style="list-style-type: none">• provide the employee with information about any applicable restoration rights after service is completed and explain those rights or refer the employee to a specialist who can explain them. (See Uniformed Services Employment and Reemployment Rights Act (USERRA), as codified in 38 U.S. Code chapter 43 and regulated in 5 CFR part 353.)• if applicable, ask the employee to state in writing whether unused annual leave should be paid in a lump sum or held until employee returns. See 5 U.S. Code 5552 and 5 CFR 550.1203(c).• if the employee is a member of the Reserve or National Guard who is called to active duty, work with the employee to determine if they are covered by the reservist differential provision in 5 U.S. Code 5538 and, if they are covered, provide information about the program. |
| 11 | <p>Follow your agency's instructions to distribute documentation of the personnel action.</p> |

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 [SF-50](#).

| Determination | Number of Days/Hours in Nonpay Status Allowed Without Penalty (See Note below) |
|--|--|
| 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 | Any nonpay time in excess of 22 <i>workdays</i> extends the probationary period by that number of days. |
| 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/Nonpay Time Allowed <ul style="list-style-type: none"> • Waiting Period for Steps 2-3-4: 2 workweeks (80 hours for full-time employee) • Waiting Period for Steps 5-6-7: 4 workweeks (160 for full-time employee) • Waiting Period for Steps 8-9-10: 6 workweeks (240 for full-time employee) |
| Within-grade Increase Federal Wage System | Nonpay Time allowed: <ul style="list-style-type: none"> • Waiting Period for Step 2: 1 workweek (40 hours for full-time employee) • Waiting Period for Step 3: 3 workweeks (120 hours for full-time employee) • Waiting Period for Steps 4-5: 4 workweeks (160 hours for full-time employee) |

Chapter 15: Placement in Nonpay or Nonduty Status and Documentation of Written Warnings

| Determination | Number of Days/Hours in Nonpay Status Allowed Without Penalty (See Note below) |
|--|--|
| Federal Employees Group Life Insurance | <p>For an employee in nonpay status, coverage continues at no cost for up to 12 months in nonpay status. However, if while in nonpay status the employee receives pay during any part of a pay period, the employee is not considered to be in nonpay status for FEGLI purposes. 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.</p> <p>If an employee is in active-duty military status while in civilian nonpay status, FEGLI coverage similarly continues at no cost to the employee for up to 12 months in nonpay status. However, per Section 1102 of Public Law 110-181 the employee may elect to continue FEGLI coverage for an additional 12 months by paying both the employee and agency premiums for Basic coverage and by paying the entire cost of Optional coverage. You must give the eligible employee an opportunity to elect the additional 12 months as soon as possible before or after the employee enters nonpay status, but no later than before the end of the first 12 months in nonpay status.</p> |
| Federal Employees Health Benefits | <p>You must give an employee who begins nonpay status an opportunity to elect to either:</p> <ol style="list-style-type: none"> 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, 890.304, 890.305, and 890.502 for information about exceptions to the general rule and for additional information. Also, see the FEHB Handbook at FEHB Handbook. 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. For additional information, visit [OPM's "Fact Sheet: Effect of Extended Leave Without Pay \(LWOP\) \(or Other Nonpay Status\) on Federal Benefits and Programs."](#)

Tables

Table 15-A. Documenting Placements in Nonpay >or< Nonduty Status >and Written Warnings<

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|--|---|--------------|---------------------|-------------------|--------------------------------------|-------------------------|-------------------------------------|--|--|
| 1 | Furlough on one or more consecutive or continuous days (see Note 7) | Is during a reduction in force notice period | 472 | Furlough NTE (Date) | L9K | Reg. 351.806 | M72 | Reason for furlough: (state reason) | 7. Unlike an administrative furlough, agencies should not prepare an SF-50 (or a List Form of Notice for a group of employees who are to be furloughed on the same day or days each pay period) at the outset of a shutdown furlough. Instead, employees will receive a shutdown furlough notice citing the reasons for the furlough because the ultimate duration of a shutdown furlough is not known by agencies at the outset of the furlough. Once an appropriation has been signed by the President, agencies will be instructed on the appropriateness of preparing SF-50 documentation. | Jump to listing of additional remarks required for some actions. |
| 2 | | The furlough is more than 30 calendar days, is not covered under Rule 1, and is effected under 5 CFR part 351 | | | PNM | Reg. 351.603 | | | | |
| 3 | | 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 | | | | |
| 4 | | Employee is a Senior Executive Service appointee | | | VDR | 5 U.S.C. 3595a | | | | |
| 5 | | 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 or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|---|---|--------------|---------------------|-------------------|--------------------------------------|--|--------------------------------------|-------|--|
| 6 | 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 non-consecutive days) | Is during a reduction in force notice period | 471 | Furlough | L9K | Reg. 351.806 | M72 and (see Table 15- B, rules 8 and 9) | Reason for furlough: (state reason). | | Jump to listing of additional remarks required for some actions. |
| 7 | | Is for more than 30 calendar days (or 22 workdays) and is effected under 5 CFR part 351 | | | PNM | Reg. 351.603 | | | | |
| 8 | | Is for 30 calendar days (or 22 workdays) or less and is effected under 5 U.S.C. chapter 75 | | | VAJ | 5 U.S.C. 75 | | | | |
| 9 | | Is for 30 calendar days (or 22 workdays) or less and is effected under other than 5 U.S.C. chapter 75 | | | USM | (Cite agency authority for furlough) | | | | |
| 10 | | Employee is a Senior Executive Service appointee | | | VDR | 5 U.S.C. 3595a | | | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|---|---|--------------|-----------------------|-------------------|---|-------------------------|---------------------------------------|--|--|
| 11 | 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) | | Jump to listing of additional remarks required for some actions. |
| 12 | | Suspension is effected under agency procedures equivalent to those required under 5 U.S.C. chapter 75 | | | VHJ | 5 U.S.C. 75 Eq | | | | |
| 13 | | Suspension is not covered by Rule 12 or 13 | | | USM | (Enter agency authority for suspension) | | | | |
| 14 | Suspension that is directed by the Merit Systems Protection Board (see Note 1) | Is for 14 calendar days or less | 450 | Suspension NTE (date) | VAA | 5 U.S.C. 1204 | S49 | Reason for suspension: (state reason) | 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." | |
| 15 | | Is for more than 14 calendar days | | Suspension NTE (date) | VAB | 5 U.S.C. 1204 -MFD (see Note 2) | | | | |
| 16 | Suspension that is taken in the interest of national security (see Note 1) | Is for 14 calendar days or less | 450 | Suspension NTE (date) | V4J and ZEM | 5 U.S.C. 7352 and E.O. 10450 | S49 | Reason for suspension: (state reason) | | |
| 17 | | Is for more than 14 calendar days | | Suspension NTE (date) | VAV and ZEM | 5 U.S.C. 7532 -MFD and E.O. 10450 (see Note 2) | | | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|---|--|--------------|--|-------------------|---------------------------------------|-------------------------|---------------|---|--|
| 18 | Suspension that is effected under 5 U.S.C. chapter 75 , i.e., under civil service adverse action procedures (see Note 1) | Is for 14 calendar days or less | 450 | Suspension NTE (date) | VAC | 5 U.S.C. 7502 | | | 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)." | Jump to listing of additional remarks required for some actions. |
| 19 | | Is for more than 14 calendar days | | | VWJ | 5 U.S.C. 7512 | | | | |
| 20 | | Is for more than 14 calendar days and employee is serving in the SES | | | VDS | 5 U.S.C. 7542 | | | | |
| 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) | 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) | S49 | Reason for suspension: (state reason) | | | | |
| 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) | | | | | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|--|---|--------------|-----------------------|-------------------|---|-------------------------|---|---|--|
| 23 | Suspension that is effected under an agency authority that is not described in rules 11-22 (See Note 1) | Is for 14 calendar days or less | 450 | Suspension NTE (date) | USP | (cite agency authority for suspension for 1-14 calendar days) | S49 | Reason for suspension: (state reason) | 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)." | Jump to listing of additional remarks required for some actions. |
| 24 | | Is for more than 14 calendar days | | | USR | (cite agency authority for suspension for more than 14 calendar days) | | | | |
| 25 | >Suspension that is effected by the Director of OPM under 5 USC 9204 < (See Note 1) | >Is a second violation of 5 USC 9202 and the suspension is for 7 calendar days or less< | | | >VAO< | >Second violation of 5 USC 9202 < | >S60< | >Suspension is for a second violation of 5 USC 9202.< | | |
| 26 | | >Is a third violation of 5 USC 9202 and the suspension is for more than 7 calendar days< | | | >VAP< | >Third violation of 5 USC 9202 < | >S61< | >Suspension is for a third violation of 5 USC 9202.< | | |
| 27 | | >Is a fourth violation of 5 USC 9202 and the suspension is for more than 7 calendar days, and a civil penalty is imposed of no more than \$250< | | | >VAQ< | >Fourth violation of 5 USC 9202 < | >S62< | >Suspension is for a fourth violation of 5 USC 9202 and the civil penalty is [<i>insert the dollar amount of the civil penalty</i>].< | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

15

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|--|--|--------------|-----------------------|-------------------|--|-------------------------|---|---|--|
| 28 | >Suspension that is effected by the Director of OPM under 5 USC 9204 < (See Note 1) | >Is a fifth violation of 5 USC 9202 and the suspension is for more than 7 calendar days, and a civil penalty is imposed of no more than \$500< | 450 | Suspension NTE (date) | >VAR< | >Fifth violation of 5 USC 9202 < | >S63< | >Suspension is for a fifth violation of 5 USC 9202 and the civil penalty is [insert the dollar amount of the civil penalty] .< | 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)." | Jump to listing of additional remarks required for some actions. |
| 29 | | >Is more than a fifth violation of 5 USC 9202 and the suspension is for more than 7 calendar days, and a civil penalty is imposed of no more than \$1,000< | | | >VAS< | >More than a fifth violation of 5 USC 9202 < | >S64< | >Suspension is for more than a fifth violation of 5 USC 9202 and the civil penalty is [insert the dollar amount of the civil penalty] .< | | |
| 30 | >Written warning (adverse action) that is effected by the Director of OPM under 5 USC 9204 < | >Is a first violation of 5 USC 9202 and includes a description of the violation and the additional penalties that may apply for subsequent violations< | >451< | >Written Warning< | >VAN< | > Written warning under 5 USC 9202 < | >S59< | > Written warning is a first violation of 5 USC 9202.< | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

16

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|--------------------------|--|--------------|---------------------|-------------------|-----------------------------------|-------------------------|--|---|--|
| 31 | 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 | | | | Jump to listing of additional remarks required for some actions. |
| 32 | | 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) | | | Q3K | 5 CFR part 353 | N10 | To (or expected to) be paid under 5 U.S.C. chapter 81 | 3. Rule 32 only applies when the injury or illness is compensable under the provisions of 5 U.S.C. chapter 81 , subchapter I. | |
| 33 | | LWOP is for more than 30 calendar days during a reduction in force notice period | | | L9K | Reg. 351.806 | | | | |
| 34 | | 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 | | | DAK | Reg. 630.101-Decl | M76 | Requested, in lieu of annual leave, after declining offer of (position title, series, grade, and location) | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|--------------------------|--|--------------|---------------------|-------------------|------------------------------|-------------------------|---------------|---|--|
| 35 | Leave without pay (LWOP) | Documents the beginning of LWOP to perform duty with the uniformed services when the employee <i>does not</i> have restoration rights under 38 U.S.C. 4301 et. seq. (i.e., rules 42 or 43 of this table are not applicable) (See note 6) | 460 | LWOP NTE (date) | DAM | Reg. 630.101 | | | 6. If an employee provides multiple military orders documenting continuous periods of service, an agency must determine whether all periods of service covered by the orders are subject solely to this rule. If this rule <i>is not</i> applicable to all periods of service and additional documentation is required under another rule, NOAC 292/RTD <i>is not</i> required when: 1) NOAC 473 is immediately followed by another NOAC 473 action; or 2) an NOAC 460 action effected per rule 35 is immediately followed by NOAC 473 (or vice versa). Example: employee submits 3 military orders to agency documenting <i>continuous</i> military service that begins on 01/02/12 and ends on 12/31/12. Order #1 reflect rule 42 service from 01/02/12, to 02/15/12; order #2 reflect rule 42 service from 02/16/12, to 04/30/12; and order #3 reflect rule 43 service from 05/01/12 to 12/31/12. The employee uses paid leave during absence in 01/12, begins use of unpaid leave (LWOP) on 02/01/12, and returns to duty on 01/01/13. <i>Per rule 42, process NOAC 473, effective 02/01/12, to document the beginning of unpaid leave (LWOP).</i> This single personnel action documents the period of continuous service that is subject to rule 42 per orders #1 and #2. Additionally, process an NOAC 473 effective 05/01/12, to document the beginning of the employee's absence for the continuing service under order #3 as required by rule 43. An NOAC 292/RTD <i>is not</i> required between the back-to-back actions required per rules 42 and 43. On 01/01/13, process an NOAC 292/RTD. | Jump to listing of additional remarks required for some actions. |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|---|--|--------------|----------------------------|---|--|-------------------------|---|--|--|
| 36 | Leave without pay (LWOP) | LWOP, that is not covered by Rules 31 – 35, is scheduled to exceed 30 calendar days | 460 | LWOP NTE (date) | DAM | Reg. 630.101 | | | | Jump to listing of additional remarks required for some actions. |
| 37 | 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 | | | | |
| 38 | | | | | (enter same code as for the LWOP NTE) | (enter the same authority as for the LWOP NTE) | | | | |
| 39 | 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) | | | | |
| 40 | Sabbatical (see Note 4) | | 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. | 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. | |
| 41 | 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) | | |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|---|---|--------------|---|-------------------|--------------------------------|-------------------------|---------------|---|--|
| 42 | To document the beginning of unpaid leave of absence (LWOP) to perform duty with the uniformed services when the employee has restoration rights under 38 U.S.C. 4301 . seq. | Service is not qualifying for reservist differential provision in 5 U.S.C. 5538 | 473 | Absent – Uniformed Service (See notes 5 and 6) | Q3K | 5 CFR part 353 | | | <p>5. Periods of Absent – Uniformed Service may include periods of paid leave or other paid time off without any additional personnel action processing.</p> <p>6. If an employee provides multiple military orders documenting continuous periods of service, an agency must determine whether all periods of service covered by the orders are subject solely to this rule. If this rule is not applicable to all periods of service and additional documentation is required under another rule, NOAC 292/RTD is not required when: 1) NOAC 473 is immediately followed by another NOAC 473 action; or 2) an NOAC 460 action effected per rule 35 is immediately followed by NOAC 473 (or vice versa). Example: employee submits 3 military orders to agency documenting continuous military service that begins on 01/02/12 and ends on 12/31/12. Order #1 reflect rule 42 service from 01/02/12, to 02/15/12; order #2 reflect rule 42 service from 02/16/12, to 04/30/12; and order #3 reflect rule 43 service from 05/01/12 to 12/31/12. The employee uses paid leave during absence in 01/12, begins use of unpaid leave (LWOP) on 02/01/12, and returns to duty on 01/01/13. Per rule 42, process NOAC 473 effective 02/01/12, to document the beginning of unpaid leave (LWOP). This single personnel action documents the period of continuous service that is subject to rule 42 per orders #1 and #2. Additionally, process an NOAC 473 effective 05/01/12, to document the beginning of the employee's absence for the continuing service under order #3 as required by rule 43. An NOAC 292/RTD is not required between the back-to-back actions required per rules 42 and 43. On 01/01/13, process an NOAC 292/RTD.</p> | Jump to listing of additional remarks required for some actions. |

Table 15-A. Documenting Placements in Nonpay or Nonduty Status and Written Warnings, Continued

| Rule | If Action is | And | Then NOAC is | Nature of Action is | Authority Code is | Authority is | Required Remark Code is | And Remark is | Notes | Additional Remarks |
|------|---|--|--------------|--|-------------------|--|-------------------------|---------------|--|--|
| 43 | To document the beginning of an employee's absence (whether in pay or nonpay status) to perform duty with the uniformed services when the employee has restoration rights under 38 U.S.C. 4301 et. seq. | Service is qualifying for reservist differential provision in 5 U.S.C. 5538 (i.e., service is qualifying regardless of whether differential is actually payable) | 473 | Absent – Uniformed Service (See notes 5 and 6) | Q3K and QRD | 5 CFR part 353 and 5 U.S.C. 5538 | | | <p>5. Period of Absent – Uniformed Service may include periods of paid leave or other paid time off without any additional personnel action processing.</p> <p>6. If an employee provides multiple military orders documenting continuous periods of service, an agency must determine whether all periods of service covered by the orders are subject solely to this rule. If this rule is not applicable to all periods of service and additional documentation is required under another rule, NOAC 292/RTD is not required when: 1) NOAC 473 is immediately followed by another NOAC 473 action; or 2) an NOAC 460 action effected per rule 35 is immediately followed by NOAC 473 (or vice versa). Example: employee submits 3 military orders to agency documenting continuous military service that begins on 01/02/12 and ends on 12/31/12. Order #1 reflect rule 42 service from 01/02/12, to 02/15/12; order #2 reflect rule 42 service from 02/16/12, to 04/30/12; and order #3 reflect rule 43 service from 05/01/12 to 12/31/12. The employee uses paid leave during absence in 01/12, begins use of unpaid leave (LWOP) on 02/01/12, and returns to duty on 01/01/13. Per rule 42, process NOAC 473 effective 02/01/12, to document the beginning of unpaid leave (LWOP). This single personnel action documents the period of continuous service that is subject to rule 42 per orders #1 and #2. Additionally, process an NOAC 473 effective 05/01/12, to document the beginning of the employee's absence for the continuing service under order #3 as required by rule 43. An NOAC 292/RTD is not required between the back-to-back actions required per rules 42 and 43. On 01/01/13, process an NOAC 292/RTD.</p> | Jump to listing of additional remarks required for some actions. |

Table 15-B. Additional Remarks Required for Some Placements in Nonpay >or< Nonduty Status

[Return to Table 15-A](#)

| Rule | If | And Employee | And | Then Required Remark code is | And Remark is | Notes |
|------|---|--|--|------------------------------|--|---|
| 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) | 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. |
| 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. (If while in nonpay status you receive pay during any part of a pay period, you are not considered to be in nonpay status for FEGLI purposes). Contact your servicing Human Resources Office or see the FEGLI Handbook for detailed information. (See Note 3) | 3. Do not use this remark when rule 35 of Table 15-A is applicable. |
| 4 | Nature of action code is 430, 450, 452, 460, 471, or 472 | Has Federal Employees Health Benefits Program coverage | Is a Schedule D work-study employee, whose appointment is at least one year in duration, and 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 for detailed information. (See Note 3) | 3. Do not use this remark when rule 35 of Table 15-A is applicable. |

Table 15-B. Additional Remarks Required for Some Placements in Nonpay or Nonduty Status, Continued

| Rule | If | And Employee | And | Then Required Remark code is | And Remark is | Notes |
|------|---|--|-----|------------------------------|--|---|
| 5 | Nature of action code is 430, 450, 452, 460 471, or 472 | Has Federal Employees Health Benefits Program coverage | | B71 | If you enter a leave without pay status or any other type of nonpay status or your pay is insufficient to cover your FEHB premium, then 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 for detailed information. (See Notes 2 and 3) | <p>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.</p> <p>3. Do not use this remark when rule 35 of Table 15-A is applicable.</p> |
| 6 | Nature of action code is 473 or is 460 when rule 35 of Table 15-A is applicable | 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 for detailed information. | |
| 7 | Nature of action code is 473 or is 460 when rule 35 of Table 15-A is applicable | 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 for detailed information. | |

Table 15-B. Additional Remarks Required for Some Placements in Nonpay or Nonduty Status, Continued

| Rule | If | And Employee | And | Then Required Remark code is | And Remark is | Notes |
|-------------|------------------------------|---|------------|-------------------------------------|--|---|
| 8 | Nature of action code is 471 | Has been informed of specific furlough date(s) and total number of hours | | M73 (see Note 4) | To be furloughed on (list dates) for total of (number) hours. | 4. If after NOAC 471 is processed there is a change in the dates on which a furlough will occur, a 002/Correction action is required and remark M73 must newly reflect the corrected dates. |
| 9 | | Has been informed of the maximum hours for furlough but notification of specific furlough dates in their entirety are pending at the time the action is processed | | M75 (see Note 5) | To be furloughed on discontinuous days between (beginning date of furlough period) and (ending date of furlough period) not to exceed a maximum of (number of hours) during the furlough period. You will be notified of the specific dates(s) that you will be furloughed during each pay period. | 5. No additional personnel processing is required when the employee is notified of specific furlough dates. |

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