

SUMMARY OF PUBLIC LAWS AND REGULATIONS ON CIVIL SERVICE/NAF BENEFIT PORTABILITY*

- **Retirement.** Employees who move between DoD NAF positions and APF positions in any agency without a break in service of more than one year may, if vested in their NAF, CSRS, or FERS retirement plan, elect to continue that retirement system's coverage following the move. Alternatively, the employee may enter the gaining employer's retirement system with no service credit transfer.
 - Employees who remain in NAF retirement system are eligible to contribute to the applicable NAF 401(k) plan; employees who remain in CSRS or FERS are subject to TSP regulations.
 - Certain employees who moved prior to August 10, 1996, were eligible for retroactive retirement coverage elections under Section 1043 of P.L. 104-106. Those elections should have been made by August 11, 1997; waivers of this deadline are authorized for employees who did not receive notice and counseling. (5 USC 8347 (q) and 8461 (n); 5 CFR Part 847 and Part 1620, Subpart D)

- **Leave Accrual and Accumulation.** Employees who move between DoD NAF and DoD APF positions without a break in service of more than three days receive service credit for annual leave purposes. Annual, sick, and home leave balances transfer to the gaining employment system; employee may not receive a lump sum payment for accumulated/accrued annual leave. (5 USC 6308 (b), 6312 and CFR 550.1203))

- **Initial Pay Setting.** Employees who move between DoD NAF and DoD APF positions without a break in service of more than three days receive protection of the last rate of basic pay in involuntary moves. The employee's highest previous rate may be considered in voluntary moves. Grade and pay retention provisions may apply where an involuntary move results in a reduction. (5 USC 5334 (f); 5 CFR 531.206, 536.103 and 536.104)

- **Step Increases.** Employees who move between DoD NAF and DoD APF positions without a break in service of more than three days receive service credit towards waiting periods for pay increases. (5 CFR 531.406 (b) (4))

- **Time-In-Grade.** NAF service is creditable towards civil service time-in-grade requirements. (5 CFR 300.605)

- **Severance Pay.** Determining creditable service: Employees who move between DoD NAF and DoD APF positions without a break in service of more than three days receive service credit for severance pay purposes. Limitation on payment of severance pay: Employees moving between DoD NAF and DoD APF positions without a break in service of

more than three days may not receive severance pay from the losing employment system at the time of the move. However, in APF to NAF moves, an employee's APF severance pay entitlement resumes if the employee is subsequently involuntarily separated from NAF. (5 USC 5595 (h); 5 CFR 550.705 and 550.708)

- **Career Tenure.** An employee whose NAF position is brought into the competitive service is eligible for service credit towards tenure. Employees hired under the authority of the DoD/OPM Interchange Agreement also receive credit for NAF service towards civil service career tenure. (5 CFR 315.201 (b) (1) (vi)); a copy of the OPM Interchange Agreement may be downloaded from this website.)
- **Travel, Transportation, & Relocation.** Employees who move between DoD NAF and DoD APF positions without a break in service of more than three days are authorized expenses and allowances under the same conditions and extent as for transferred APF employees. (5 USC 5736)
- **Reduction-In-Force (RIF)/Business Based Action (BBA).** Employees who move between DoD NAF and DoD APF positions without a break in service of more than three days receive service credit for civil service RIF or NAF BBA purposes. (5 USC 3502 (a)(4)(C)(ii))

*The above summary is provided only for general information. Please refer to the referenced laws and regulations, as well as DoD 1400.25-M, DoD 1401.1-M, and your servicing personnel officer for specific guidance.