

Benefits Eligibility Chart – Law Clerks

Type of Position	Chambers Law Clerk	Court Staff (Pro Se, Death Penalty, Bankruptcy Appellate Panel)		Term Chambers (limited to 4 years or less) Temporary Court Staff Time Limited Appointments		
Duration of Appointment	Career	No Established Time Limit	Temporary more than 1 year and 1 day	More than 1 year and 1 day	More than 90 days up to 1 year	Less than 90 days [2]
Federal Employees Health Benefits Program (FEHB)	<a href="#">See FEHB Eligibility Matrix</a> [1]					No
Premium Payment Plan (PPP)	Yes	Yes	Yes	Yes	Yes	No
Federal Employee’s Group Life Insurance Program (FEGLI)	Yes	Yes	Yes	Yes	No [2]	No
Flexible Benefit Program: Health Care Reimbursement Care (HCRA) [5]	Yes	Yes	Yes	Yes	No [2]	No
Flexible Benefit Program: Dependent Care Reimbursement Care (DCRA) [5]	Yes	Yes	Yes	Yes	No [2]	No
Commuter Parking Reimbursement Program	Yes	Yes	Yes	Yes	Yes	No
Federal Employees Dental and Vision Insurance Program (FEDVIP)	Yes	Yes	Yes	Yes	Yes	No
Thrift Savings Plan (TSP)	Yes	Yes	Yes	No [2]	No [2]	No
Retirement	Yes	Yes	Yes	No [2]	No [2]	No
Leave	Possibly [3]	Possibly [3]	Possibly [3]	Possibly [3]	Possibly [3] [4]	Possibly [3] [4]

## Benefits Eligibility Chart – Law Clerks

[1] Please refer to the FEHB Eligibility Chart in order to determine FEHB eligibility and government contributions. Coverage is dependent on employee work schedule, length of appointment, and hours worked.

[2] FEGLI, Health and Dependent Care Reimbursement Accounts, TSP and Retirement are available only if transferring without a break in service from a previously covered position. To learn more about how a break-in-service affects your benefit enrollment, refer to the Break-in-Service Chart found on the [New Hire Resources](#) page of the JNet.

[3] Law clerks are exempt from the provisions of 5 U.S.C. chapter 63, subchapter I (“Annual and Sick Leave,” formerly referred to as the “Leave Act”), unless specifically included by their appointing judge or local rule of court under authority of 28 U.S.C §§ 712, 752, 156(a), 634(c), and 794. This exemption includes annual leave, sick leave and home leave; and by reference, family and medical leave, voluntary leave transfer, and emergency leave transfer. Any law clerk who is exempt from 5 U.S.C, chapter 63, subchapter I remains eligible for court leave, military leave, bone marrow and organ donor leave, and time-off to attend the funeral of an immediate relative who died in military combat. See: [AO-75A](#) (Term Law Clerk Appointment and Leave Certification), [AO-75C](#) (Career Chambers Law Clerk Appointment and Leave Certification), [AO-75D](#) (Temporary Chambers Law Clerk Appointment and Leave Certification), and [AO-75E](#) (Court Staff Law Clerk Leave Certification).

[4] If the temporary law clerk is covered by annual and sick leave provisions and the duration of the appointment is **less than 90 days**, the employee will only earn sick leave. If the appointment is extended to **90 days or more**, the employee will earn annual leave retroactively to the start of the appointment for each pay period in which a complete biweekly tour of duty is served. If the temporary law clerk is covered by annual and sick leave provisions and the duration of the appointment is **90 days to 1 year or less**, the incumbent will earn sick and annual leave starting the first pay period in which a complete biweekly tour of duty is served.

[5] Employees are not eligible for HCRA or DCRA benefits unless the employee has a federal judiciary appointment (or series of appointments) of at least one year and one day.