

Chapter 19: Continuance NTE (Nature of Action 750)

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New text changes and/or additions are distinguished in **>dark red font surrounded by angled brackets<**. Deletion/removal of text is distinguished with ***** in green font**.

1. Coverage

- a. This chapter covers:
 - i. Actions that document waiver from mandatory separation, and
 - ii. Extension of the not-to-exceed (NTE) date of a previous waiver.

Mandatory *****>separation<** is explained in [sections 8335 and 8425 of title 5, U.S. Code](#) and in [section 4052 of title 22, U.S. Code](#). [Table 19-A](#) lists the groups of employees who are subject to it.

- b. This chapter does not cover situations where an employee is reemployed immediately after retirement. In those cases, follow instructions in Chapter 30 to document the retirement. Then follow instructions in the appropriate appointment chapter (Chapters 9-13) to document the subsequent appointment action.

2. Instructions

- a. Compare data on the *****>SF-52<**, Request for Personnel Action, submitted by the requesting office with the last action in the employee's Official Personnel Folder to be sure it is correct.
- b. Use [Table 19-A](#) to select the nature of action and legal authority and enter them in blocks A-D of the *****>SF-52<**. 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.

Enter in Part F any remarks/remarks codes that are required by your agency's instructions or that are necessary to explain the action.

- c. The effective date is the date following the date on which the employee would otherwise be **>mandatorily<** separated or the date following the not-to-exceed **>(NTE)<** date of the previous

continuance. The ***NTE date is the date specified in the Office of Personnel Management letter or agency order which approves the continuance.

- d. Fill in remaining blocks on ***>[SF-52](#)< as required by instructions in Chapter 4. Then follow your agency's instructions to obtain approval signature in Part C, block 2, of >the< ***>[SF-52](#)<.
- e. Follow instructions in Chapter 4 to complete the ***>[SF-50](#)<, Notification of Personnel Action. Follow your agency's instructions to have it signed or authenticated.
- f. Enter or update suspense or reminder dates in any suspense date system your agency maintains. These dates may include:
 - i. NTE date for continuance, or
 - ii. Date eligible for within-grade increase.
- g. Check [The Guide to Personnel Recordkeeping](#) to decide if any of the documents submitted or created in connection with the continuance 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.
- h. Distribute ***>[SF-50](#)< copies as appropriate.

Tables

Table 19-A. Documentation of Continuances

>Notes and Remarks columns have been added.<

Rule	If the employee is	Then the Continuance Must be Approved by the	Nature of Action Code Is	Nature of Action Is	Legal Authority Code Is	And Legal Authority Is	Notes	Remarks
1	An Air Traffic Controller employed by the Department of Transportation who is under age 61	Secretary of Transportation	750	Continuance NTE (date)	UNM	(Cite agency document or order approving the continuance and its date)	>1. Use Secondary LAC "ZBB" for actions in support of the Infrastructure Investment and Jobs Act (P.L. 117- 58) <.	>Reserved for Future Use<
2	An Air Traffic Controller employed by the Department of Defense who is under age 61	Secretary of Defense						
3	A law enforcement officer or firefighter who is under age 60	Head of agency						
4	An Air Traffic Controller age 61 or older, or a firefighter age 60 or older	Office of Personnel Management			AUM	(Cite OPM letter approving the continuance and its date)		
5	Covered by the Foreign Service Retirement and Disability System	Secretary of State			UFM	FS Act of 1980		
6	A Nuclear Materials Courier employed by the Department of Energy who is 57 or older	Secretary of Energy			UGM	FY 99 National Defense Authorization Act, effective 10/17/98		
7	A Customs and Border Protection Officer employed by the Department of Homeland Security and first appointed under Pub. Law 110-161, section 535 after July 5, 2008, who is under age 60	Secretary of Homeland Security			UEM	(Cite agency document or order approving the continuance and its date)		