



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 21 2018

Memorandum

To: Solicitor
Assistant Secretaries
Heads of Bureaus and Offices

From: Secretary

Subject: Personnel Bulletin 18-11

A Government's first responsibility is to its citizens, and keeping America safe is a top priority of President Donald J. Trump's administration. Local wildfire and law enforcement officials have informed me that there is an urgent need for more front-line authority to speed up their hiring processes. To this end, and given current circumstances in the field, I have determined that this request is merited.

For the foregoing reasons, pushing more decision-making power out to the front lines right now is key to the success of the Department of the Interior's law enforcement and firefighting efforts. Therefore, I am directing that Raymond Limon, Deputy Assistant Secretary for Human Capital and Diversity and Chief Human Capital Officer, put Personnel Bulletin (PB) 18-11 into effect.

This Bulletin authorizes Bureau and Office law enforcement and firefighting chiefs to waive the maximum entry age and mandatory retirement age for positions established in PB 12-16, dated February 22, 2013, to support mission requirements.

Attachments



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 21 2018

PERSONNEL BULLETIN NO: 18-11

SUBJECT: Delegation of Authority to Grant Waivers to Maximum Entry Age and Mandatory Retirement Requirements for Law Enforcement Officers and Firefighters

1. Purpose. This Personnel Bulletin (PB) modifies Departmental policy granting waivers regarding the maximum entry age (MEA) and mandatory retirement age (MRA) requirements for law enforcement officer and firefighter positions established in PB 12-16, dated February 22, 2013, and supersedes any conflicting language regarding the waiver process contained in PB 12-16. This PB is limited to establishing delegation of the approval authority for granting waivers, without modification to the remaining policy guidance within PB 12-16.

2. Authorities. Title 5 of the United States Code Sections 3307(c) and (d), 3312, 8331(20) and (21), 8836(c), 8401(14) and (17), 8412(d), 8425(b); Title 5 of the Code of Federal Regulations Part 831 Subparts E and I, and Part 842 Subpart H; and Office of Personnel Management Memorandum: Change in Maximum Entry-Age Requirements for Veterans' Preference Eligibles, dated August 26, 2009.

3. Policy. Effective immediately, the authority to approve waivers to MEA and MRA restrictions applicable to law enforcement officer and firefighter positions is delegated to the Bureau Director for Law Enforcement and the Bureau Director for Wildland Fire, as appropriate.

A. Waivers of MEA for Non-Veterans' Preference Eligibles. As delegated, Bureau Directors for Law Enforcement or Wildland Fire, in coordination with Bureau Human Resource Directors, may grant waivers to the MEA for non-veterans' preference eligibles up to the day preceding the individual's 40th birthday. Waivers to the MEA requirements should only be granted as necessary to meet mission requirements. The following are conditions where a waiver to the MEA may be granted:

- A shortage of highly qualified applicants for specific firefighter or law enforcement positions;
- A shortage of available candidates in certain critical geographic areas;
- Situations where a tentative selectee for a firefighter or law enforcement position has passed the MEA due to unavoidable or unexpected lengthy clearance or processing requirements or for other similarly compelling reasons.

Hiring officials must submit requests for waiver to the MEA requirements in writing to their Bureau Director of Law Enforcement or Bureau Director of Wildland Fire, as appropriate, for approval. The request should include the following:

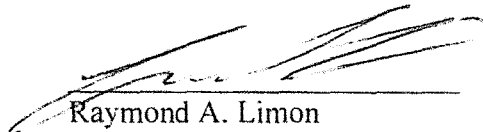
1. The proposed appointee's name, date of birth, and the desired date of employment;
2. Copies of the position description and the proposed appointee's application for employment; and
3. A statement that fully explains the basis for the desired exception.

B. Waivers of MRA. If it is judged to be in the public interest, the authority to approve waivers for mandatory retirement until age 60 for individuals in firefighter or law enforcement positions is delegated to the Bureau Director of Law Enforcement and the Bureau Director of Wildland Fire, as appropriate. Waivers to the MRA should be granted in cases where the continuation of the employee's services promotes the public interest. This includes, but is not limited to: investigations which could best be brought to a successful conclusion by the retention of a particular employee or a case in which there is a skill shortage and a qualified replacement is not readily available to replace a highly skilled incumbent who is responsible for a vital program. Bureau Directors for Law Enforcement or Wildland Fire should consult with their Bureau Human Resource Directors on these requests to ensure consistency and regulatory compliance.

Requests for waiver to the MRA must be submitted in writing to the Bureau Director of Law Enforcement or Bureau Director of Wildland Fire, as appropriate, at least four months prior to an employee's mandatory retirement date. The request should include the following:

1. The employee's name, date of birth, length of service, and date of mandatory retirement;
2. The employee's title, occupational series, grade, organizational title, and duty location;
3. A statement that the employee is willing to remain in government service;
4. A description of the reasons why retaining the employee is necessary and the requested duration of the exception; and
5. Certification that the employee's retention for the period of time specified in the request would be in the public interest and would promote the needs of the Bureau/Office.

4. Inquiries. Any Department employee or employee representative seeking further information concerning this policy may contact the appropriate servicing human resources office (HRO). Servicing HROs may contact the Department's Office of Human Capital, Workforce Relations Division concerning questions related to this policy.



Raymond A. Limon
Deputy Assistant Secretary—Human Capital
and Diversity
Chief Human Capital Officer



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 22 2013

PERSONNEL BULLETIN NO: 12-16

SUBJECT: Maximum Entry Age Requirements and Mandatory Retirement for
Law Enforcement Officers and Firefighters

1. **Purpose.** This Personnel Bulletin establishes the Department's policy on maximum entry-age (MEA) for veterans' preference eligibles and for individuals without veterans' preference who enter law enforcement (LE) and firefighter positions (FF). It also establishes procedures for requesting a waiver to MEA and mandatory retirement. It supersedes previous guidance issued under Personnel Bulletin 03-3, dated November 18, 2002. The revision is the result of the Merit System Protection Board decision in *Robert P. Isabella v. Department of State and Office of Personnel Management (OPM)*, 2008 M.S.P.B. 146, and OPM memorandum, Subject: Change in Maximum Entry-Age Requirements for Veterans' Preference Eligibles, dated August 26, 2009.

2. **Authorities.** Title 5, United States Code 3307(c) & (d), 3312, 8331 (20 & 21), 8836(c), 8401(14 & 17), 8412 (d), 8425(b); Title 5, Code of Federal Regulations 831 Subpart I and 842 Subpart H.

3. **Policy.** The Department hereby establishes a policy on MEA for both veterans' preference eligibles and individual without veterans' preference who apply for Department of the Interior (DOI) positions which have MEA restrictions. Qualified veterans' preference eligibles may now apply and be considered for DOI vacancies without regard to MEA or mandatory retirement age restrictions. No additional waiver is required.

Individuals without veterans' preference must meet MEA requirements as determined by the Department. The MEA for individuals without veterans' preference is the date immediately preceding the individual's 37th birthday. For both veterans' preference eligibles and non-veterans, bureaus are required to apply suitability, occupational qualification standards, and medical qualification determinations.

4. **Waivers for Non-Veterans.** Congress established a policy of employing a "young and physically vigorous" workforce in all LE and FF positions that involve sufficiently rigorous duties. Non-veterans initially hired into primary FF and LE positions must, with few exceptions, satisfy age and physical requirements in order to comply with Congress. These individuals are expected to maintain a high level of performance throughout their careers.

The Secretary of the Interior may grant exceptions to the MEA up to the day preceding the individual's 40th birthday. Exceptions to the MEA requirements will only be granted on rare occasions. The following are conditions where an exception to MEA may be granted:

- Due to a shortage of highly qualified applicants for specific FF and/or LE positions;
- due to shortages of available candidates in certain critical geographic areas; and
- due to situations where tentative selectees for FF/LE positions have passed the MEA due to unavoidable or unexpected lengthy clearance or processing requirements; or for other similarly compelling reasons.

The Director of Human Resources (OHR) must approve MEA retirement waivers for non-veterans. For LE positions, bureaus will ensure Office of Law Enforcement and Security concurs with the waiver request prior to submitting it to OHR. For FF positions, bureaus will ensure the Office of Wildland Fire Coordination concurs with the request prior to submitting it to OHR.

Requests for exception to the MEA requirements must be submitted in writing by the bureau head to the Director of Human Resources. The request should include the following:

- a. The proposed appointee's name, date of birth, and the desired date of employment;
- b. Copies of the position description and the proposed appointee's application for employment; and
- c. A statement that fully explains the basis for the desired exception.

5. Waiving Mandatory Retirement Age. As provided by 5 U.S.C. 8335 and 8425, incumbents of positions approved for LE or FF coverage under the Civil Service Retirement System or Federal Employee Retirement System who are otherwise eligible for immediate retirement shall be separated from service on the last day of the month in which the LE officer or FF becomes 57 years of age or completes 20 years of service, if over that age (see provisions below for exemption until age 60). Each LE officer or FF must be given written notice of his or her mandatory retirement date at least 60 days in advance of the date of separation. Action to separate the employee is not effective without consent of the employee, until the last day of the month in which the 60 day notice expires.

If it is judged to be in the public interest, the Secretary of the Interior (or designee) can approve exceptions for mandatory retirement until age 60. Exceptions to the mandatory retirement age will be granted in special cases where the continuation of the employee's services promotes the public interest. This includes, but is not limited to: investigations which could best be brought to

a successful conclusion by the retention of a particular employee or a case is which there is a skills shortage and a qualified replacement is not readily available to replace a highly skilled incumbent who is responsible for a vital program.

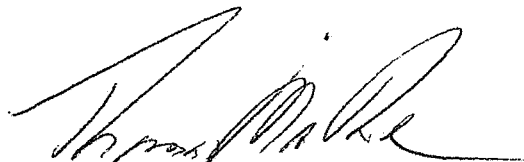
Requests for exception to the mandatory retirement age must be submitted in writing to the Director, Office of Human Resources, at least four months prior to an employee's mandatory retirement date. First, there must be written concurrence from the Office of Law Enforcement and Security for LE positions and Office of Wildland Fire Coordination for FF positions. This request should include the following:

- a. The employee's name, date of birth, length of service, and date of mandatory retirement;
- b. The employee's title, series, grade, organizational title, and duty location.
- c. A statement that the employee is willing to remain in government service;
- d. A description of the reasons why the employee's retention is necessary and the requested duration of the exception; and
- e. Certification that the employee's retention for the period of time specified in the request would be in the public interest and would promote the needs of the Bureau/Office.

6. Vacancy Announcement Language. Bureaus recruiting for positions with MEA requirements should include the following language in their vacancy announcement:

"The maximum entry-age for this position shall not exceed age 37, unless you have sufficient prior Federal civilian law enforcement [or firefighter, if applicable] experience or you are a preference eligible veteran. If you are a preference eligible veteran, you may be eligible for this position after your 37th birthday. You must supply a copy of your Defense Department Form 214 (DD-214) along with Standard Form 15 (if applicable) and any associated documentation in accordance with the instructions in this vacancy announcement. Failure to provide this documentation with your application will result lost of eligibility to receive a waiver of the maximum entry age requirement."

Please contact Craig Welch at 202-513-0755 or by email at craig_welch@ios.doi.gov if you have any additional questions.



Thomas Mulhern
Director, Office of Human Resources