



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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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 in 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 in loss 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