



The Extra 1/2 %

FIREFIGHTER & LAW ENFORCEMENT OFFICER SPECIAL RETIREMENT IN THE DEPARTMENT OF THE INTERIOR

FF/LEO Newsletter

Issue No. 1

November, 2005

In This Issue:

- ✚ The New FLERT Team
- ✚ FF/LEO Retirement Training
- ✚ FERS Rules
- ✚ Special Point of the Quarter
- ✚ Update on the Individual Claims Backlog

The New FLERT Team

FLERT – Firefighter/Law Enforcement Retirement Team – was established in 1998 as a result of an influx of individual claims for special FF/LEO retirement benefit. Since that time, thousands of individual claims have been received and processed. Additionally, the FLERT staff has undergone many changes.

- TEAM LEADER:** Michael W. Gillmore
- NPS REP.:** Patricia L. Rahn
- BLM & FWS REP.:** Ashanti K. Sloan
- PARALEGALS:** David Brown
Anna Whipple
- HR SPECIALISTS:** Richard Costello
Jo-Ann Jones
Toni Orth
Nancy Reif
Ocie Rengifo-Aguilar
- HR ASSISTANT:** Debra Knox

Employee inquiries regarding the special retirement program should first be directed to your respective servicing human resources office.

FF/LEO Retirement Training

FLERT is hosting FF/LEO retirement training sessions once again. The first training was held (after a drought of 3-4 years) in Portland, Oregon, October 19-20. The training is designed specifically for human resources offices and fire and law enforcement managers. The purpose of the training sessions is to familiarize or re-familiarize HR Specialists, Supervisors, and Managers of the rules under the Federal Employees Retirement System (FERS) as

they pertain to firefighters and law enforcement officers. As noted below, the individual claim review process will be complete in about two years. It will then be incumbent upon the bureaus to perform certain functions that FLERT now carries out.

Upcoming training sessions are *tentatively planned* as follows:

- Denver – November 16-17, 2005
- NIFC – January 2006
- Sacramento – January 2006
- Albuquerque – February 2006
- Washington, D.C. – March 2006
- Atlanta – April 2006
- Boston – May 2006

For information on a training session, or if you would like to enroll, please email Debra Knox: debra_knox@ios.doi.gov. More specific information for each training session will be available closer to the actual training dates.

Online information is also available at <http://www.doi.gov/training/flert> and <http://flert.nifc.gov>.

FERS Rules for FF/LEO Retirement

FF/LEO Retirement has traditionally been dealt with from a primarily-CSRS standpoint. However, as the FLERT team works through the backlog of individual claims and the Department moves forward, FF/LEO coverage under CSRS is becoming a thing of the past. The deadline to file a claim for coverage of past service under CSRS was September 30, 1989. Although the bureaus established subsequent deadlines which applied to employees in certain circumstances, it is most likely that a CSRS claim filed today will be considered untimely, and only the service performed one year prior to the date of the claim may be considered. There are some important and substantial





The Extra 1/2 %

FIREFIGHTER & LAW ENFORCEMENT OFFICER SPECIAL RETIREMENT IN THE DEPARTMENT OF THE INTERIOR

differences between the CSRS and FERS rules for special retirement. One of those differences is the time limit for requesting coverage. Under FERS, if an individual is in a position that is *not covered* as a firefighter or law enforcement officer position, the individual must, formally and in writing, seek an official determination of the appropriate coverage within *6 months* of entering the position (5 C.F.R. § 842.804). Under FERS, the coverage process is also different. CSRS rules allowed employees to seek *individual* coverage (service credit) based on actual duties performed. FERS rules only allows for *position* coverage. As discussed above, this means a FERS employee may only request a coverage determination regarding his/her position. Coverage may only be requested for an individual's current position, and may not be requested more than 6 months after entering a non-covered position or any other significant change in a position. A waiver can only be granted if the individual shows he/she was prevented by circumstances beyond his/her control from making a request within the time limit.

over the MEA into positions that meet the definition for coverage may be erroneous and the individual will be ineligible for special retirement coverage because he/she will not have the required 20 years of special retirement service upon reaching age 60. Individuals in this circumstance who have paid the extra 1/2 % retirement contribution may request a refund from their human resources offices.

Special Point of the Quarter – Age 60 Mandatory Separation

Congress established a policy of employing a “young and physically vigorous” workforce in all law enforcement and firefighter positions that involve sufficiently rigorous duties. Pursuant to 5 C.F.R. § 842 Subpart H, initial hires into primary/rigorous law enforcement and firefighting positions must satisfy the age and physical requirements. In order for an individual to qualify for the special retirement, the position must be evaluated to determine if it meets the definition for primary/rigorous coverage, maximum entry age (MEA), and whether the individual would have the required 20 years of creditable service under special retirement prior to age 60. The Department has determined that the date immediately preceding an individual's 37th birthday is the maximum entry date at which an applicant can be initially hired into a primary/rigorous law enforcement or firefighter position. In accordance with 5 U.S.C. § 8425, an individual over the age of 60 cannot remain in a special retirement position and is subject to mandatory separation past age 60. Appointments of individuals

Update on the Backlog of Individual Claims

Soon after FLERT was established, there were well over one thousand individual claims pending review and final decision. For the first several years of FLERT's existence, hundreds of new claims were received each year. Although hundreds of claims were reviewed and completed, the team seemed to be fighting a never-ending battle against the backlog. Finally, with the addition of new staff and streamlining of processes, we are beginning to see a light at the end of the tunnel. As of the end of FY-05, FLERT had completed 2,389 claims and there were only 640 pending claims remaining. Eventually, there should be very few, if any, individual claims filed at all, and these will primarily be by new employees. It is very important for all bureaus to remember to use the existing standard covered positions so that employees who warrant coverage are properly covered.

The Extra 1/2 % is published quarterly by:
 FLERT
 300 E. Mallard Drive, Suite 170
 Boise, ID 83706

Editor: Toni Orth
 Human Resources Specialist
 208-334-1554
 208-334-1558 fax
 toni_orth@ios.doi.gov

