

CSRS/FERS APPENDIX

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Legislative History

This section provides information on how Firefighter and Law Enforcement Officer retirement started and highlights Public Laws which have significant impact on the Firefighter and Law Enforcement Officer Retirement program. The Public Laws are interpreted by OPM into regulations. The regulatory references are in 5 USC § 8336(c) and § 8412(d), and 5 CFR § 831.901-911 and § 842.801-809.

Public Law 80-168, approved July 11, 1947, Congress extended to agents and similar employees of the Federal Bureau of Investigation preferential retirement provisions.

Public Law 80-879, approved July 2, 1948, extended the previously authorized benefits for agents of the FBI to other Federal employees in similar positions with similar duties. Employees covered were those whose primary duties were the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States (including any officer or employee engaged in such activity who had been transferred to a supervisory or administrative position).

Public Law 92-382, approved August 14, 1972; Federal firefighters obtained the special retirement benefit previously available only to law enforcement officers.

Public Law 93-350, approved July 12, 1974, changed the law significantly in entitlement criterion; benefits computation; and age and service retirement eligibility requirements.

Significant points:

-the requirement for extra one-half percent retirement deductions to start in the first pay period which begins after December 31, 1974;

- mandatory separation of a law enforcement officer or firefighter.

Public Law 99-335, approved June 6, 1986, established the "Federal Employees Retirement System".

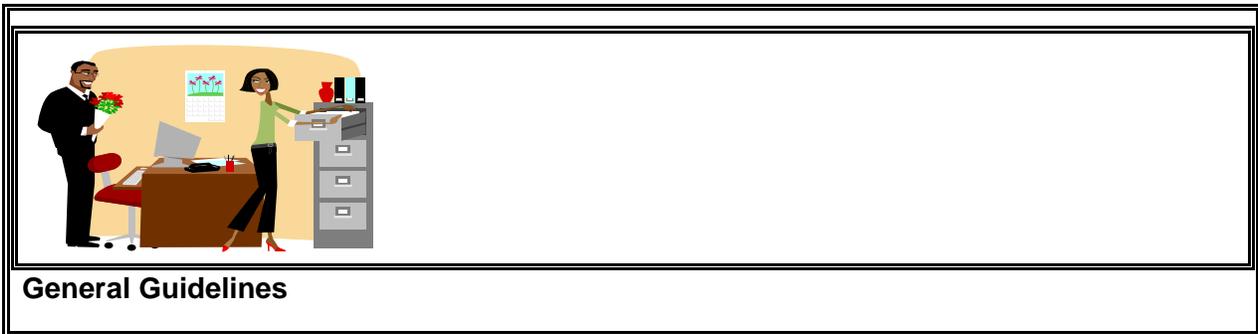
Public Law 101-509, approved November 5, 1990.

- Changed mandatory retirement for Law Enforcement Officers to age 57, effective the date of the legislation.
- Added special pay for positions at grades GS-10 and below, which meet the LEO definitions in 5 CFR 550.103.

December 7, 1993, determinations of position coverage, individual service credit determinations and individual position coverage requests were delegated to the agency heads for both CSRS and FERS.

Public Law 107-27, approved August 20, 2001, changed the mandatory retirement for firefighters to age 57, effective the date of the legislation.

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General Guidelines for Submitting Claims to the DEPARTMENT OF THE INTERIOR (DOI) for Determination of Firefighter and Law Enforcement Officer (FF/LEO) Special Retirement

To Initiate a Claim

To initiate a DOI position review or claim for past service for credit under the Firefighter and Law Enforcement Officer special retirement provisions, an individual **must** request in writing that he or she would like a review and determination of position or individual coverage for past service. In addition, if the claim is for positions/service beyond the time limits, the claim must include a written statement explaining why it is late, i.e., prevented by circumstances beyond your control from making the request within the time limit.

1. Claim from the individual

A signed and dated letter or statement from the individual stating what he or she is claiming must be included in the claim. It is particularly important to show which service the individual feels meets the primary coverage, and which service meets the secondary coverage requirements. Also explain why the claim was not filed: (1) for CSRS, sooner than the last 12 months; or (2) for FERS, within six months of accepting a non-covered position. [***This is Mandatory.***]

2. Copy of SF-171

Submit a copy (or copies) of signed and dated SF-171's, Employment Application, from Official Personnel File (OPF) which includes the work periods being claimed. We are not asking for new or updated SF-171's, but copies of old ones that were in the OPF. Resumes and the DI-612 normally do not contain the same information contained in the SF-171, and do not provide additional value to a claim package.

3. Personnel actions

Legible copies of SF-50's, Notification of Personnel Action, **MUST** be provided for the periods of service for which special retirement coverage is claimed. All personnel actions involving promotions, reassignments, position changes, change to lower grades, realignments, non-pay and intermittent status and RTD. These are available in the current servicing personnel office, in the OPF.

We DO NOT NEED Locality Payment, Awards, Pay Adjustments, Within-Grades (WGI's), Quality Step Increases (QSI's), etc.

If you are no longer a Federal employee, you can request copies of the SF-50's from the

Federal Records Center (include your official name, date of birth, and Social Security number):

National Personnel Records Center
(Civilian Personnel Records)
111 Winnebago Street
St. Louis, MO 63118

The claimant must continue to update the information in their claim package with documentation to support his/her claim and current addresses until a decision letter is issued.

4. **Supporting documentation.**

A. If claiming “primary” **Firefighter** coverage, documentation must support “control and extinguishment of fires” (CSRS and FERS) or “maintenance and use of firefighting apparatus and equipment” (CSRS only).

- ▶ Must clearly show that firefighting duties were the “primary purpose” of the job, on a regular and recurring basis.
- ▶ Should be able to list fires worked each year, number of days on the fire, position held on the fire.
- ▶ Provide evidence of hazard duty pay
- ▶ Show physical fitness requirements
- ▶ List related training, include copies of training authorizations (or certificates), if available
- ▶ If maintenance and use of equipment are a part of the claim, must show fireline assignments and how equipment was used
- ▶ Copy of red cards

B. If claiming “primary” **Law Enforcement Officer** Coverage, documentation must support “investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the U.S.” (CSRS and FERS), or “the protection of officials of the U.S. against threats to personal safety” (FERS only). These duties were so rigorous that special physical standards were in place.

- ▶ Must clearly show that LEO was the “primary purpose” of the job on a regular and recurring basis.
- ▶ List the Federal criminal law enforced & LEO training received
- ▶ Summary of arrests and citations – reasonable estimated number by year
- ▶ Requirement to carry a firearm & evidence of receipt of LEO authority (e.g., LE commission)

C. If claiming “secondary” Firefighter or Law Enforcement Officer Coverage, documentation must support “secondary supervisory” (first-line supervisor of firefighters or law enforcement officers), OR “secondary administrative”, for which experience as a “primary” firefighter or law enforcement officer is a prerequisite.

- ▶ List all employees you supervised and show how many were firefighters and/or law enforcement officers.
- ▶ Show what prior “primary” experience was required and how it was needed to do the job.
- ▶ Show that you are in an organization with a firefighting or law enforcement mission.

Other information to support a claim:

- ▶ Past performance appraisals
- ▶ Vacancy Announcements
- ▶ Copies of the vacancy announcement and KSA's
- ▶ Evidence of “on-call” status, irregular tours

5. Duties claimed.

For each position for which coverage is claimed the following data should be provided to support actual duties performed by the employee:

- ▶ Position Description. Each personnel action has a position number on it. As changes occur in positions, the position number changes. A copy each position description with the position number should be included. And/or
- ▶ Statement of duties. If a position description is not available, or does not fully describe duties performed, a statement of duties should be included which describes the major duties performed, with percentages. For law enforcement, include what types of law enforcement duties were performed and what laws were enforced.

If the claimant feels that the position description does not properly describe the major duties actually performed, it is important to provide a description of duties and qualifications.

It is extremely important that percentages of time are shown on position descriptions and duty statements.

- ▶ Supervisor's statement. To substantiate the individual's claim of work performed, the individual should have the supervisor or manager, for the time period claimed, provide either a written statement, or sign in agreement on the individual's statement.

The supervisor should include their name, title, and what their role was in relation to the individual, i.e., first level supervisor, second level supervisor, or manager. If claiming law enforcement officer coverage, the supervisory statement should include what types of law enforcement the individual performed: investigation, apprehension and/or detention. Also, they need to provide a current telephone number and address where they can be reached.

- ▶ Organization chart A chart should be provided showing three levels above and below, if applicable, to the position claimed. Also, **ALL** other firefighter and law enforcement positions within the organization should be included on the organization chart.

- ▶ Function statement. Such statements should show that the position is in an organization which clearly has firefighting or law enforcement officer functions.

An individual claim for special retirement coverage will not be approved, unless all regulatory requirements (CSRS - 5 U.S.C. 8336(c) and FERS - 5 U.S.C. 8412(d)) are met. Each individual claim package stands on its own merits, and is subject to audit by the Department of the Interior (DOI) and the Office of Personnel Management (OPM).

Submit your claim to:

Department of the Interior, Office of Human Resources
Firefighter & Law Enforcement Officer Retirement Team
300 E. Mallard Drive, Suite 170
Boise, ID 83706-6648

Phone: (208) 334-1556
Fax: (208) 334-1558

Note: Be sure to keep copies of all of your claim materials that you send forward.

ATTACHMENT A

CLAIM FOR DOI POSITION/SERVICE COVERAGE		
Name (print or type): Address:	Social Security Number:	
Period of Employment:	Position Number:	
Organization assigned to: Duty Station:		
Title, Series, and Grade (e.g., Forestry Technician, GS-0462-05; Park Ranger, GS-1801-09; etc...)		
Description of duties (In this section describe your primary duties, percentage of time for each major duty.) Select One: <input type="checkbox"/> The following information supplements the attached position description. <input type="checkbox"/> The position description is not available. The following summary of duties with percentages is provided in lieu of the position description. (Attach separate sheets if more space is needed.)		
Employee Certification: To the best of my knowledge, I certify that this information is correct and reflects the duties of the position at that time. _____		
Employee Signature	Date	
<u>Supervisor/Manager:</u> I have reviewed the above statements and agree with the position information. In addition, I would like to provide the following information: _____		
Supervisor/Manager printed	Signature	Date
Current telephone number: _____		
Title at time service was performed:		

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Special Retirement Eligibility

Name: John M. Doe

DOB: 12/23/1958

SSN: 123-45-6780

Retirement Plan: CSRS (1)

Reviewer: Patti Rahn

Date: _____

Department/ Bureau Location/ Duty Station	Title/Series/Grade/ Organizational Code/ Position Number	Dates From To Nature of Action (To/From)	Type of Coverage	Remarks
US, DOI Yellowstone NPS Yellowstone, WY	Forestry Technician GS-0462-05 968 PD not listed	02/14/87 – 12/15/88 Temp Appt NTE Term – Exp of Appt Intermittent Status: 06/13/87 – 09/30/87 (0 days worked)	Not Covered	Personnel action: Yes Retirement Code: FICA (2) Employee must pay a deposit for service credit for retirement eligibility and annuity computation. Temporary non-deduction service after 12/31/88 creditable only for counting towards the three years primary service needed before transferring to a secondary position.
US, DOI Southeast Region Big Cypress NP Ochopee, FL	Park Ranger GS-0026-06 5120 103 Approved Primary LEO per DOI 06/11/92, classified 10/27/88	03/19/89 – 04/23/93 Exc Appt NTE	Employee has primary/rigorous coverage	Personnel action: Yes Retirement Code: FICA (2) Temporary non-deduction service after 12/31/88 creditable only for counting towards the three years primary service needed before transferring to a secondary position.
US, DOI Western Region Nez Perce NHP Nez Perce, ID	Park Ranger GS-0026-06 6240 222 PD not listed	04/24/93 – * Conv to CCA Non Pay Status: 07/13/93 – 09/30/93 01/05/94 – 01/16/94	Not Covered	Personnel action: Yes Retirement Code: CSRS (1)

* Continues as long as you remain in this position with no changes in title, series, grade, major duties, or position number/classification

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Special Retirement Eligibility

Name: John M. Doe

DOB: 12/23/1958

SSN: 123-45-6780

Retirement Plan: FERS & FICA (K)

Reviewer: Patti Rahn

Date: _____

Department/ Bureau Location/ Duty Station	Title/Series/Grade/ Organizational Code/ Position Number	Dates From To Nature of Action (To/From)	Type of Coverage	Remarks
US, DOI Yellowstone NPS Yellowstone, WY	Forestry Technician GS-0462-05 968 PD not listed	02/14/87 – 12/15/88 Temp Appt NTE Term – Exp of Appt Intermittent Status: 06/13/87 – 09/30/87 (0 days worked)	Not Covered	Personnel action: Yes Retirement Code: FICA (2) Employee must pay a deposit for service credit for retirement eligibility and annuity computation. Temporary non-deduction service after 12/31/88 creditable only for counting towards the three years primary service needed before transferring to a secondary position.
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US, DOI Western Region Nez Perce NHP Nez Perce, ID	Park Ranger GS-0026-06 6240 222 PD not listed	04/24/93 – * Conv to CCA Non Pay Status: 07/13/93 – 09/30/93 01/05/94 – 01/16/94	Not Covered	Personnel action: Yes Retirement Code: CSRS (1)

* Continues as long as you remain in this position with no changes in title, series, grade, major duties, or position number/classification

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MEA Bulletin

Example

Mandatory Retirement Letter

Retirement System: Civil Service Retirement System (CSRS)

Date of Notification: September 16, 2005

This is the date the letter is prepared and distributed to the employee. It will also serve to remind HR of when the 60-day period is over and when to begin the process of removing the employee based on his/her mandatory retirement date.

You will have to choose the appropriate retirement form (SF-2801, Application for Immediate Retirement CSRS **or** SF-3107, Application for Immediate Retirement FERS) based on which system the employee is under.

Date Employee Met 20 Year Requirement: August 14, 1998

This is covered service which has been approved based on position approval and/or individual determination of coverage letters issued by OPM, USDA, Forest Service, DOI, etc (provided that hard copy documentation has been provided to confirm approval for other agencies, bureau's or Departments.

The head of the agency, when in his or her judgment the public interest so requires, may exempt a CSRS or FERS firefighter or law enforcement officer from automatic separation until that employee becomes 60 years of age.

When a department or agency lacks authority and wishes to secure an exemption from automatic separation for one of its CSRS employees, beyond the age(s) provided by statute, i.e., age 60 for a firefighter or law enforcement officer, the department or agency head shall submit a recommendation to that effect to OPM.

The President, by Executive order, may exempt a FERS employee from automatic separation under this section if the President determines the public interest so requires.

Date Employee is/was Age 57: November 9, 2005

This is determined using the employee's date of birth

Date of Mandatory Retirement: November 30, 2005

An employee cannot be separated without their consent until the end of the month in which their mandatory retirement notice expires. If the employee does not submit an application for retirement within the 60-day notification period, they must be separated from their current position or move to a non-covered position prior to the date of mandatory separation.

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SAMPLE CSRS NOTICE
(Office Letterhead)

{SEND CERTIFIED MAIL}
831
(Employee's name/address)

{Date}

Dear ____ (Employee Name:)

In accordance with 5 U.S.C. 8335(b), firefighter or law enforcement employees are subject to mandatory retirement upon reaching a combination of age 57 with 20 years of creditable service under the special retirement provisions. A review of your personnel record indicates that you met the 20 years of creditable service requirements for immediate retirement under 5 U.S.C. § 8336 (c) on _____, and that you will be age 57 on _____.

We are required to give you a 60-day advance notice that you are subject to automatic separation. **This is your 60-day notice, which expires on _____.**

Upon completion of 20 years of covered service and receipt of this notice, you may retire anytime within the 60-day notice period by advising your human resources office of the date of your retirement, and by completing and submitting a SF-2801, Application for Immediate Retirement.

We cannot separate you without your consent until the end of the month in which this notice expires. If you do not provide us with an application for retirement within the 60-day notification period, you will be separated from your current position on _____ (mandatory retirement date). If wish to remain employed by the Federal government after that date, you must move to a non-covered position prior to the date of your mandatory retirement.

This is an involuntary separation. A mandatory separation is NOT an adverse action under 5 CFR Part 752 or a removal action under 5 CFR Part 359, and is not an action that may be appealed.

We are issuing you this notice of mandatory retirement separation due to the age and creditable service requirements in 5 U.S.C. § 8335(b) and in no way does this reflect upon your performance in your position.

Please contact XXXXXXXXXXXXXXXX, Benefits Specialist at XXXXXXXXXXXXXXXX, if you need further information regarding your retirement benefits.

Sincerely,

Chief, Branch of Human Resources

cc: FLERT

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SAMPLE FERS NOTICE
(Office Letterhead)

{SEND CERTIFIED MAIL}
842
(Employee's name/address)

{Date}

Dear (Employee's name):

In accordance with 5 U.S.C. § 8425, firefighter or law enforcement employees are subject to mandatory retirement upon reaching a combination of age 57 with 20 years of creditable service under the special retirement provisions. A review of your personnel record indicates that you met the 20 years of creditable service requirements for immediate retirement under 5 U.S.C. § 8412(d) on _____, and that you will be age 57 on _____.

We are required to give you a 60-day advance notice that you are subject to automatic separation. **This is your 60-day notice, which expires on**

_____.

Upon completion of 20 years of covered service and receipt of this notice, you may retire anytime within the 60-day notice period by advising your human resources office of the date of your retirement, and by completing and submitting a SF-3107, Application for Immediate Retirement FERS).

A firefighter or law enforcement officer must be separated from the service on the last day of the month in which they become 57 years of age or completes 20 years of service if then over that age. If an employee is over the age of 57 and has less than 20 years of creditable service, the head of the agency may exempt such an employee from automatic separation until that employee becomes 60 years of age. The President, by Executive Order, may exempt a FERS employee from automatic separation past age 60, if the President determines the public interest so requires.

We cannot separate you without your consent until the end of the month in which this notice expires. If you do not provide us with an application for retirement within the 60-day notification period, you will be separated from your current position on _____ (mandatory retirement date). If wish to remain employed by the Federal government after that date, you must move to a non-covered position prior to the date of your mandatory retirement.

This is an involuntary separation. A mandatory separation is NOT an adverse action under 5 CFR Part 752 or a removal action under 5 CFR Part 359, and is not an action that may be appealed.

We are issuing you this notice of mandatory retirement separation due to the age and creditable service requirements in 5 U.S.C. 8335(b) and in no way does this reflect upon your performance in your position.

Please contact XXXXXXXXXXXXXXXX, Benefits Specialist at XXXXXXXXXXXXXXXX, if you need further information regarding your retirement benefits.

Sincerely,

Chief, Branch of Human Resources

cc: FLERT

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Office Letterhead

Memorandum

To: (Employee's Name)
From: Servicing Personnel Office
Subject: Notification of Eligibility for Refund of Retirement Deductions

The Office of Personnel Management has advised us that, if an employee had an additional one-half percent retirement deduction for firefighter/law enforcement officer retirement benefits and the deductions are determined to be in error, the employee is entitled to a refund of the erroneous deductions.

It has been determined that you have service for which erroneous retirement deductions were made. You may request a refund of the excess deductions which were made for that service.

It is not mandatory to request a refund, and any excess deductions not refunded will remain in the retirement account. However, the excess deposits will not accrue interest since only voluntary excess payments accrue interest, and excess deductions are not considered voluntary payments.

A request for refund for current service with the Department of the Interior will be processed by our payroll office. A refund for excess deductions for periods of non-current service (periods of service for which the retirement records have been transferred to OPM) must be requested from OPM. Personnel will assist you if you need to process such a claim. A summary of your service subject to excess retirement deductions is shown on the reverse of this memorandum.

Please check the appropriate block on the reverse to certify whether or not you want a refund, and return one copy with your original signature to Personnel. If you request a refund, we will submit the necessary paperwork to Payroll.

If you have any questions, please contact Personnel.

(Page 2 of memo)

Summary Of Service Subject To Firefighter Retirement Deductions:

Dates of Service

Agency/Bureau

***** ***** *****

[] I request a refund of my excess retirement deductions.

Signature _____ Date: _____

[] I request my excess retirement deductions remain in my retirement account.

Signature: _____ Date: _____

(Note: return one copy with your original signature to Personnel)

Office Letterhead

Memorandum

To: Payroll Operations
Benefits Branch, D-2650

From: Chief, Branch of Personnel
BLM (Name of Servicing Personnel Officer)

Subject: Refund of Over-Withholding of Retirement Deductions for
Firefighter and Law Enforcement Retirement - (Name & SSN of Employee)

Retirement deductions of one-half percent for firefighter retirement were over-withheld during this employee's employment for the periods shown below in the Detailed Record of Service.

This is to request refund of the over-withholding. It is understood that this amount will be paid through the payroll system and will show as a negative in the retirement block of the employee's leave and earnings statement.

Detailed Record of Service:		
From	Dates To	Agency/Bureau

2 Attachments

- 1 - Employee's Request for Refund
- 2 - SF-50 Changing Retirement Code

(Second page of memo)

For Payroll Use Only

<u>Year</u>	<u>Base Salary</u>	<u>Actual Withheld</u>	<u>Should be Withheld</u>	<u>Refund</u>
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