

**U.S. DEPARTMENT OF THE INTERIOR
INFORMATION ON SPECIAL RETIREMENT
FOR FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS**

GENERAL INFORMATION

Employees under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) are eligible for voluntary retirement on an immediate annuity under the special provision for **Firefighter and Law Enforcement Officers (FF/LEO)** upon meeting certain requirements.

PURPOSE OF SPECIAL PROVISIONS

This legislation was to provide early retirement for law enforcement officers because of the rigorous physical requirements of their positions. Public Law 92-382 dated August 14, 1972, granted the same benefits for FF that had previously been granted to LEO. A more generous method of computing the amount of annuity is provided. A more liberal formula is usually necessary to make the earlier retirement, with shorter service, economically possible.

DETERMINATION OF COVERAGE

Authority to determine coverage is delegated to the Department of the Interior (DOI). The FF/LEO Retirement Specialist works with employees and servicing personnel offices to submit recommendations for coverage to DOI.

MAXIMUM ENTRY AGE

Employees entering into positions covered as **primary/rigorous** are subject to a maximum entry age: Firefighters and Law Enforcement Officers must be under age 37.

MANDATORY RETIREMENT

The mandatory retirement age, with 20 years covered service is:
Firefighters and Law Enforcement Officers - age 57, or anytime after age 57, upon reaching 20 years covered service.

APPLICATION FOR RETIREMENT

Employees must contact their Human Resources (HR) office for retirement forms. The HR office must be sure to submit documentation or certification of the employee's eligibility for FF/LEO retirement.

EXTRA RETIREMENT DEDUCTION

Employees subject to either CSRS or FERS, who are covered by the special retirement program, must pay an extra 1/2 percent (starting January 5, 1975). Payment of the extra 1/2% is mandatory when in a primary position. When in a secondary position, the extra 1/2% is mandatory if the employee meets transfer and continuous coverage requirements.

WHO TO CONTACT FOR INFORMATION

For more information on FF/LEO Special Retirement coverage contact your Human Resources office.

WHAT IS CREDITABLE SERVICE?

Creditable service for FF/LEO Special Retirement means that an individual or a position has been approved for FF/LEO Special Retirement coverage, and the employee receives service credit for retirement eligibility and annuity computation.

CSRS - generally, all Federal service is creditable for retirement purposes.

FERS - temporary service performed **prior to 01/01/89** must have a deposit of retirement contributions (1.3%) paid to the Office of Personnel Management (OPM), through the servicing personnel office.

-Under FERS temporary service performed **after 12/31/88**, is **not** creditable for retirement eligibility or annuity computation purposes.

- With the passing of the National Defense Authorization Act for Fiscal Year 2010 (P.L. 111-83 October 28, 2009) refunded FERS service can now be redeposited and used for service credit for retirement eligibility and annuity computation. See Benefits Administration Letter Number 10-101 January 12, 2010.

HOW DO YOU KNOW IF YOU ARE COVERED BY THE SPECIAL RETIREMENT BENEFITS?

You are subject to the extra 1/2 percent retirement deductions (if on a permanent appointment). The retirement code on current personnel actions (form SF-50, block 30) is based on the retirement system you are under:

CSRS = 6; CSRS Offset = E; FERS = M; FERS-RAE = MR; FERS-FRAE = MF

There should be evidence that your position is approved for coverage. You must have previously been in positions approved for primary/rigorous coverage, if moving to a position with secondary coverage. Some individuals under CSRS were not in covered positions, but received individual coverage from OPM. Note that retirement deductions alone do not verify special retirement coverage. You must ensure that the positions you occupied were approved for coverage.

DISABILITY RETIREMENT

A series of court cases have changed the way the Office of Personnel Management (OPM) calculates disability annuities and survivor annuities that are based in whole or in part on service in positions that are usually tied to higher retirement deduction rates and to higher annuity accrual rates (e.g., firefighters, law enforcement officers, nuclear couriers, etc...). See Benefits Administration Letter Number 10-105 July 7, 2010 for further clarification.

****CSRS****

ELIGIBILITY

FF/LEO voluntary retirement (not required to be in a covered firefighter or law enforcement officer position at time of retirement):

Age 50 and 20 years COVERED service.

Mandatory retirement (applies only to employees who remain in covered positions):

Age 57 (firefighters and law enforcement officers), **and** has 20 years covered service.

COVERED SERVICE

Primary/Rigorous position:

-To perform work directly connected with controlling and extinguishing fires; OR

-Maintaining and using firefighter apparatus and equipment; OR

-Investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

Secondary Position:

-Clearly in the firefighting or law enforcement field; -In an organization having a firefighting or law enforcement mission; **AND**

Is either:

(1) Supervisory - primary duties are as a first-level supervisor of firefighters or law enforcement officers in primary positions; OR

(2) Administrative - executive, managerial, technical, semi-professional, or professional position for which experience in a primary firefighting or law enforcement position (or equivalent experience outside the Federal government) is a **MANDATORY REQUIREMENT**.

TRANSFER REQUIREMENT

To be eligible for **secondary** coverage, an employee must transfer directly (without a break in service exceeding 3 days) from a primary position to a secondary position. Must be continuously employed in **secondary** positions since transferring from a primary position without a break in coverage exceeding 3 days.

Except:

a break in employment in **secondary** positions which begins with an involuntary separation (not for cause); voluntary breaks in service, which began prior to January 20, 1988.

CLAIMING COVERAGE

Under CSRS rules, coverage in a position or credit for service will not be granted for a period greater than 1 year prior to the date that the request from an individual is received by the employing agency. **An "updated claim" notice must be filed every year when not in a covered position.** However, the time limits may be extended when the individual shows that he or she was prevented by circumstances beyond his or her control from making the request within the time limit. A guide for making an individual claim for special retirement coverage is available from our website at <https://www.doi.gov/flert>.

REDUCTIONS TO ANNUITY

The basic annuity will be reduced if:

- (a) Required deposits are not made for service performed prior to October 1, 1982, during which no deductions were taken (temporary service - CSRS only);
- (b) No redeposit paid for a refund for a period of service that ended before October 1, 1990 (CSRS only);
- (c) Retiree elected survivor benefits.

ANNUITY COST-OF-LIVING INCREASES

The annuity will be increased periodically by cost-of-living increases that occur after retirement. The retiree's first cost-of-living increase will be prorated based on how long the retiree has been retired when that cost-of-living increase is granted.

CSRS - BASIC ANNUITY COMPUTATION FORMULA:

2.5% x high-3 average salary, multiplied by 20 years; plus

2% x high-3 average salary, multiplied by any additional year of creditable service exceeding 20 years.

Sample Annuity Computation for Civil Service Retirement System (CSRS)

Employee A

Full-time Schedule

Age 51

Work History:

20 years, 6 months covered firefighter service

4 years military service (deposit paid)

2 years non-fire service

Total service for annuity = 26 years, 6 months High-3 salary = \$ 28,000

2.5% x \$28,000 = \$700 x 20 years = \$14,000

2% x 28,000 = 560 x 6.5 years = 3,600

TOTAL = \$17,640

****FERS****

ELIGIBILITY

Voluntary retirement (not required to be in a covered firefighter or law enforcement officer position at time of retirement):

- Age 50 and 20 years, **covered and creditable** service

- 25 years, **covered and creditable** service, any age

Mandatory retirement (applies only to employees who remain in covered positions):

- Age 57 firefighters and law enforcement officers, and

- Have 20 years covered creditable service.

COVERED SERVICE

Primary/Rigorous position:

-Duties of which are so rigorous that employment opportunities are limited to young and physically vigorous individuals.

-Perform work directly connected with controlling and extinguishing fires.

-Investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States, or protecting the personal safety of U.S. Officials.

Secondary Position:

-Clearly in the firefighting or law enforcement field.

-In an organization having a firefighting or law enforcement mission; **AND**

Is either:

(1) Supervisory - primary duties are as a first-level supervisor of law enforcement officers or firefighters in **rigorous** positions; OR

(2) Administrative - executive, managerial, technical, semi-professional, or professional position for which experience in a rigorous law enforcement or firefighting position (or equivalent experience outside the Federal government) is a MANDATORY REQUIREMENT.

TRANSFER REQUIREMENT

To be eligible for **secondary** coverage, an employee must satisfy ALL three requirements:

- (1) while covered under the retirement provisions moves directly (without a break in service exceeding 3 days) from a primary/rigorous position to a **secondary** position;

- (2) Completes 3 years of service in a primary/rigorous position, including any such service during which no FERS deductions were withheld; **AND**

- (3) Must be continuously employed in a **secondary** position or positions since moving from a rigorous position. Except a break in employment in secondary positions that begins with an involuntary separation (not for cause).

CLAIMING COVERAGE

Under FERS rules, coverage in a position must be requested formally and in writing within 6 months after entering the position, or after any significant change in a position. However, a late claim for position coverage may be supported by a preponderance of evidence that the employee was unaware of his or her status, or was prevented by cause beyond his or her control from requesting that the official status be changed at the time the service was performed (5 CFR 842.804). Update claim forms are available from our website at <https://www.doi.gov/flert>.

Note: Service performed before January 1, 1987, and not subject to retirement deductions (temporary service) must be submitted for coverage determination under CSRS rules.

FERS BASIC ANNUITY COMPUTATION FORMULA:

1.7% x high-3 average salary x 20; plus

1% x high-3 average salary x an additional creditable service. (Note: in computing an annuity, all creditable service, including non-law enforcement or firefighter civilian service and military service is considered in the computation, after the 20 years of special retirement is met.)

SAMPLE Annuity Computation for Federal Employees Retirement System (FERS)

Employee B

Full-time schedule

Age 51

Work History:

23 years, 6 months covered Firefighter service (including 3 years for which a refund of retirement contributions was received)

4 years military service

2 years non-fire Federal service

Total service creditable for annuity = 29 years, 6 months (Note: With the enactment of the National Defense Authorization Act for Fiscal Year 2010 Public Law 111-84, the 3 years service with refunded contributions are now creditable for retirement eligibility or annuity computation but only if a redeposit of such service is made.)

High-3 average salary = \$28,000

1.7% x \$28,000 = \$476 x 20 years = \$ 9,520

1.0% x \$28,000 = 280 x 9.5 years = 2,660

TOTAL = \$ 12,180

Note: The FERS annuity will also include an "annuity supplement" up to age 62 (5 CFR 842 subpart E). Conditions of annuity supplement: Service credited under FERS must include at least one calendar year of civilian service beginning January 1, and ending December 31. Subject to "earnings test" upon reaching minimum retirement age (MRA).

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