

SC336. SUBCHAPTER 336
CIVILIAN FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS
TABLE OF CONTENTS

<u>SECTION</u>	<u>Page</u>
SC336.1. PURPOSE	2
SC336.2. APPLICABILITY AND SCOPE	2
SC336.3. DEFINITIONS	2
SC336.4. POLICY	3
SC336.5. PROCEDURES	3
SC336.6. RESPONSIBILITIES	7

SC336. SUBCHAPTER 336

CIVILIAN FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS

References: (a) Title 5, United States Code
(b) Title 5, Code of Federal Regulations

SC336.1. PURPOSE

This Subchapter:

SC336.1.1. Delegates authority and prescribes procedures regarding the employment of civilian firefighters and law enforcement officers in the Department of Defense.

SC336.1.2. Sets the maximum entry age for selected firefighter and law enforcement officer positions and establishes procedures to be used in the waiver process.

SC336.1.3. Delegates the authority to approve waivers of the entry age.

SC336.1.4. Defines procedures to be used in mandatory separation situations and describes enhanced retirement benefits.

SC336.2. APPLICABILITY AND SCOPE

This Subchapter applies to covered civilian firefighter and law enforcement positions in the Department of Defense.

SC336.3. DEFINITIONS

SC336.3.1. Covered Position. A position that has been identified by a DoD Component and approved by the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) as a primary, rigorous or secondary position for special retirement coverage in accordance with [Subchapter 830](#) of this Manual for employees under the Civil Service Retirement System (CSRS) or [Subchapter 840](#) of this Manual for employees under the Federal Employees Retirement System (FERS).

SC336.3.2. Covered Service. The time an employee spends working in a covered primary or rigorous position is creditable for meeting the requirement for immediate retirement under the special retirement provisions for firefighters and law enforcement officers (5 U.S.C. 8336(c)) for CSRS, and 5 U.S.C. 8412(d) for FERS (reference (a)).

SC336.3.3. Original Entry. An individual's first appointment in the Department of Defense to a covered primary or rigorous firefighter or law enforcement officer position.

SC336.3.4. Primary, Rigorous and Secondary Positions. Primary or secondary positions for employees covered by CSRS are defined in 5 CFR 831.902 (reference (b)). Rigorous or secondary positions for employees covered by FERS are defined in 5 CFR 842.802 (reference (b)).

SC336.4. POLICY

It is DoD policy, under 5 U.S.C. 3307(d) and (e) (reference (a)), to set a maximum age for original entry of qualified applicants into covered primary or rigorous civilian firefighter and law enforcement officer positions.

SC336.5. PROCEDURES

SC336.5.1. Position Coverage Determinations. Position coverage determinations must be made pursuant to procedures established in Subchapters [830](#) and [840](#) of this Manual.

SC336.5.2. Maximum Entry Age.

SC336.5.2.1. Firefighter Positions. Thirty-seven (37) years is the maximum entry age for covered primary firefighter positions. Persons not appointed by the last day of the month in which that individual reaches their 37th birthday shall not be originally appointed or assigned to these positions.

SC336.5.2.2. Law Enforcement Officer Positions. Thirty-seven (37) years is the maximum entry age for covered primary law enforcement officer positions. Persons not appointed by the last day of the month in which that individual reaches their 37th birthday shall not be originally appointed or assigned to these positions.

SC336.5.3. Reentry into a Covered Position. Individuals who are past the maximum entry age limit (37 for firefighters and law enforcement officers), but previously served in a covered primary position, may be reinstated to a covered primary position if the individual:

SC336.5.3.1. Meets the applicable qualification requirements for the position and;

SC336.5.3.2. Will be able to complete a total of 20 years of covered service as a firefighter or law enforcement officer by the last day of the month in which the individual reaches their 57th birthday.

SC336.5.3.2.1. Examples are as follows: An individual receives his or her original appointment to a covered primary position (under CSRS) at age 25. After working in a primary firefighter position for 8 years, the employee resigns to work in the private sector. Now, at age 39, the individual applies for a primary firefighter position. A firefighter must have 20 years of covered service by the last day of the month in which the individual reaches their 57th birthday. The applicant has 8 years of covered service, so he or she would have to serve 12 more years in a covered primary position to reach 20 years of covered service. Since the applicant needs to complete 20 years of service before reaching the last day of the month of their 57th birthday, subtract 12 from 57 to arrive at the maximum reentry age of 45. Therefore, at the age of 39, the applicant has not exceeded the maximum reentry age standard and can be reemployed into the covered primary position.

SC336.5.3.2.2. An individual receives his or her original appointment to a covered primary (under CSRS) position at the age of 28. After working in the primary law enforcement officer position for 3 years, the employee resigns to work in the private sector. At age 34, the individual is reemployed in Federal civilian service to a rigorous law enforcement officer position covered under FERS. After 5 years, the employee again resigns to work in the private sector and takes a refund of his or her FERS retirement contributions. Now at age 42, the individual is applying for another rigorous law enforcement officer position. Law enforcement officers must have 20 years of covered service by the time they reach the last day of the month of their 57th birthday. The individual's 3 years of covered service under CSRS can be used to meet the reentry age standard. However, because the individual received a refund for 5 years of service in the FERS rigorous position, the FERS refunded service is not creditable for retirement and is not covered service for computing the individual's reentry age. Since the applicant has only 3 years of covered service, he or she will need 17 more years to reach 20 years of covered service by age 57. Subtract 17 from 57 to arrive at

the maximum reentry age of 40. The applicant is 42. Forty-two exceeds his or her their maximum reentry age of 40. Therefore, this applicant cannot be rehired into a primary position without an age waiver.

SC336.5.4. Exception to the Maximum Entry Age. The Head of a DoD Component may approve the original entry of an individual who has passed the entry age limits set forth in subparagraphs SC336.5.2.1. and SC336.5.2.2., above. Age waivers are not required for entry into a covered secondary firefighter or law enforcement officer position.

SC336.5.4.1. Such an exception shall be extremely rare and based only on a compelling hardship to the DoD Component mission; i.e., made only to overcome a recruitment shortage.

SC336.5.4.2. Each exception shall be in writing and signed by the Head of the DoD Component. This authority may not be re-delegated.

SC336.5.4.3. A copy of the approved exception shall be filed in the Official Personnel Folder (OPF) of the person concerned.

SC336.5.4.4. Employees in this category, who are not otherwise eligible for immediate retirement, may remain employed in covered positions until they meet immediate retirement requirements described in 5 U.S.C. 8336(c) (reference (a)) for CSRS employees and 5 U.S.C. 8412(d) (reference (a)) for FERS employees, provided the employees continue to meet the physical requirements for these positions.

SC336.5.5. Mandatory Separation

SC336.5.5.1. Firefighters. Under 5 U.S.C. 8335(b) (CSRS employees) and 5 U.S.C. 8425(b) (FERS employees) (reference (a)), a firefighter who is otherwise eligible for immediate retirement under 5 U.S.C. 8336(c) (CSRS employees) and 5 U.S.C. 8412(d) (FERS employees) (reference (a)), must be separated from the Federal service on the last day of the month in which the employee becomes 57 years of age unless he or she has not yet completed 20 years of service. In that case, the employee shall be separated on the last day of the month in which he or she completes 20 years of service.

SC336.5.5.2. Law Enforcement Officers. Under 5 U.S.C. 8335(b) (CSRS employees) and 5 U.S.C. 8425(b) (FERS employees) (reference (a)), a law enforcement officer who is otherwise eligible for immediate retirement under 5 U.S.C. 8336(c) (CSRS employees) and 5 U.S.C. 8412(d) (FERS employees) (reference (a)), shall be separated from the Federal service on the last day of the month in which the employee

becomes 57 years of age unless he or she has not yet completed 20 years of service. In that case, the employee shall be separated on the last day of the month in which he or she completes 20 years of service.

SC336.5.5.3. Notification Requirements. Employing offices are responsible for notifying covered employees in writing of the date of separation at least 60 days before that date. Notwithstanding subparagraphs SC336.5.5.1. and SC336.5.5.2., action to separate such an employee shall not be effective until the last day of the month in which the 60-day notice expires unless the employee consents to an earlier date.

SC336.5.5.4. Exceptions

SC336.5.5.4.1. The Head of a DoD Component may exempt a firefighter or law enforcement officer from automatic separation until the employee becomes 60 years of age if in the Head of the DoD Component's judgment the public interest so requires. This authority may not be redelegated.

SC336.5.5.4.2. Under 5 U.S.C. 8335(e) (CSRS employees) and 5 U.S.C. 8425(d) (FERS employees) (reference (a)), the President of the United States, by Executive order, may exempt an employee from automatic separation if the President determines the public interest so requires.

SC336.5.6. Enhanced Retirement Benefits. Special retirement coverage allows an enhanced annuity formula and reduced age/service requirements for retirement for positions in certain occupations.

SC336.5.6.1. CSRS Coverage. Under 5 U.S.C. 8336(c) (reference (a)), an employee, after becoming 50 years of age and completing 20 years of service as a firefighter or law enforcement officer, or any combination of such service totaling at least 20 years, is entitled to a special annuity computation as provided under 5 U.S.C. 8339(d) (reference (a)). Percentages of basic pay for withholding and contributions are described in 5 U.S.C. 8334(a) (reference (a)).

SC336.5.6.2. FERS Coverage. Under 5 U.S.C. 8412(d) (reference (a)), an employee is entitled to a special annuity computation as provided under 5 U.S.C. 8415(d) (reference (a)):

SC336.5.6.2.1. After completing 25 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 25 years; or

SC336.5.6.2.2. After becoming 50 years of age and completing 20 years of service as a law enforcement officer or firefighter, or any combination of such service totaling at least 20 years. Percentages of basic pay for withholding and contributions are described in 5 U.S.C. 8422(a)(2)(B) and 5 U.S.C. 8423(a)(1)(B) (reference (a)).

SC336.6. RESPONSIBILITIES

The Heads of the DoD Components shall:

SC336.6.1. Ensure that the guidelines in this policy are followed;

SC336.6.2. Issue implementing guidance and procedures, as appropriate;

SC336.6.3. Verify position coverage determinations have been made by the proper authority (USD(P&R)) prior to filling the vacant position;

SC336.6.4. Hire only those individuals as firefighters and law enforcement officers who meet all applicable qualifications, to include DoD firefighter certification requirements;

SC336.6.5. Document all exceptions to the maximum entry age and mandatory separation provisions in accordance with this Manual. Record all such exceptions in the OPF of the appointee; and

SC336.6.6. Maintain documentation reflecting approval of position coverage in the employee's OPF.