

EMPLOYEE BENEFITS

- 1. REASON FOR ISSUE:** To revise Department of Veterans Affairs (VA) policy regarding employee benefits.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This directive contains VA policy on the provision of employee benefit program information. The pages in this directive replace the corresponding page numbers in VA Directive 5009. This revision establishes policy regarding procedures for requesting an exemption for Law Enforcement Officers and Firefighters from the mandatory separation age. This change will be incorporated into the electronic version of VA Directive 5009 that is maintained on the [Office of Human Resources Management Web site](#).
- 3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED HANDBOOK:** VA Handbook 5009, Employee Benefits.
- 5. RESCISSIONS:** None.

CERTIFIED BY:

/s/
Roger W. Baker
Assistant Secretary for
Information and Technology

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/
John U. Sepúlveda
Assistant Secretary for
Human Resources and Administration

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information about the CDA and how to apply for access may be obtained from the CDA Web site at http://www.opm.gov/hr_tools_resources/coverage_determination_app/index.asp.

b. Special Retirement Provisions for Law Enforcement Officers and Firefighters

(1) [Retirement eligibility requirements for law enforcement officers (LEO) and firefighters (FF) fall under two separate retirement systems. Under the Civil Service Retirement System (CSRS), LEOs and FFs may retire voluntarily or involuntarily at an early age with entitlement to a special annuity computation if all requirements are met. Under the Federal Employees Retirement System (FERS), LEO and FF retirement may be triggered by mandatory separation based on age.

(2) LEO and FF special retirement provisions, including exemptions from mandatory separation age for CSRS and FERS are located in VA Handbook 5009, Part II, Special Retirement Provisions for Law Enforcement Officers and Firefighters.]

c. Federal Employees Health Benefits (FEHB) Program. VA will utilize the FEHB policies, procedures, and guidance contained in OPM's Operating Manual, "The Federal Employees Health Benefits Program Handbook: A Handbook for Enrollees and Employing Offices".

d. Federal Employees' Group Life Insurance (FEGLI) Program. VA will utilize the FEGLI policies, procedures, and guidance contained in OPM's Operating Manual, "The Federal Employees' Group Life Insurance Handbook: A Handbook for Employees, Annuitants, Compensationers and Employing Offices".

e. Thrift Savings Plan (TSP) Program. VA will utilize the TSP policies contained in the TSP Booklet, "Summary of the Thrift Savings Plan for Federal Employees".

f. Federal Employees Dental and Vision Insurance Program (FEDVIP). VA will utilize the FEDVIP policies, procedures, and guidance as published and distributed by OPM.

g. Federal Flexible Spending Accounts (FSAFEDS) Program. VA will utilize the FSA policies, procedures, and guidance as published and distributed by OPM and the Federal Program Administrator for FSAFEDS, Sykes Health Plan Services, Inc. (SHPS).

h. Federal Long Term Care Insurance Program (FLTCIP). VA will utilize the FLTCIP policies, procedures, and guidance as published and distributed by OPM and the Federal Program Administrator for FLTCIP, Long Term Care Partners, LLC.

i. Professional Liability Insurance

(1) In accordance with Public Law 106-58 dated, September 29, 1999, the Department will reimburse professional liability insurance premiums to VA supervisors, management officials, and law enforcement officers for up to one-half the cost incurred by qualified employees not to exceed \$150.00 per year.

EMPLOYEE BENEFITS

- 1. REASON FOR ISSUE:** To issue Department of Veterans Affairs (VA) procedures for requesting an exemption for Law Enforcement Officers and Firefighters from the mandatory separation age.
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES:** This handbook contains mandatory VA procedures on the provision of employee benefit program information. Part II has been added to reflect new procedures regarding special retirement provisions for Law Enforcement Officers and Firefighters. This change will be incorporated into the electronic version of VA Handbook 5009 that is maintained on the [Office of Human Resources Management Web site](#).
- 3. RESPONSIBLE OFFICE:** Worklife and Benefits Service (058), Office of the Deputy Assistant Secretary for Human Resources Management.
- 4. RELATED DIRECTIVE:** VA Directive 5009, Employee Benefits.
- 5. RESCISSIONS:** None.

CERTIFIED BY:

**BY DIRECTION OF THE SECRETARY
OF VETERANS AFFAIRS:**

/s/Roger W. Baker
Assistant Secretary for
Information and Technology

/s/John U. Sepúlveda
Assistant Secretary for
Human Resources and Administration

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BENEFITS

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AND FIREFIGHTERS**

[EMPLOYEE BENEFITS

PART II. SPECIAL RETIREMENT PROVISIONS FOR
LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

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**[PART II. SPECIAL RETIREMENT PROVISIONS FOR
LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS**

1. PURPOSE. This part establishes Department of Veterans Affairs (VA) procedures for special retirement provisions for law enforcement officers (LEO) and firefighters (FF), who are subject to mandatory retirement separation at age 57, unless they have not yet completed 20 years of Federal civilian service or an exemption is granted.

2. RESPONSIBILITIES

a. The Assistant Secretary for Human Resources and Administration is responsible for issuing determinations approving special retirement coverage for LEO and FF.

b. Facility directors are responsible for issuing determinations denying special retirement coverage.

c. Veterans Health Administration (VHA), HR Officers are responsible for:

(1) Notifying the employee in writing of the date of mandatory separation 60 days prior to the LEO and FFs mandatory separation/retirement date.

(2) All correspondences to LEO and FFs and VHA Management regarding an exception to the mandatory separation/retirement date.

d. LEO and FFs are responsible for notifying their HR office in writing in response to memos received regarding their mandatory separation/retirement date.

3. REFERENCES

a. OPM Operating Manual, “CSRS and FERS Handbook for Personnel and Payroll Offices”;

b. OPM Benefits Administration Letters;

c. 5 CFR, parts 831, 835, 837, 838, 841, 842, 843, 844, 845, 846, and, 847; and

d. 5 U.S.C., Chapters 83 and 84.

4. DEFINITIONS

a. **Firefighters (FF).** Firefighters are employees in a position whose duties are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment. These employees fall under occupational series GS-081.

b. **Law Enforcement Officers (LEO).** Law enforcement officers are employees, the duties whose positions are primarily in the investigation, apprehension, prosecution or detention of individuals suspected of, or convicted of offenses against the criminal laws of the United States, including any law enforcement officer under section 8331(20) or 8401(17) of title 5, or under section 4823 of title 22, United States Code. These employees fall under occupational series GS-083.

5. DETERMINATION FOR SPECIAL RETIREMENT COVERAGE FOR LEOs AND FFs

- a. The Assistant Secretary for Human Resources and Administration has the authority to issue determinations approving special retirement coverage for LEO and FF.
- b. Facility directors are authorized to issue determinations denying special retirement coverage.
- c. If a facility director determines that coverage may be appropriate, all relevant information including the rationale for concluding that coverage may be appropriate will be forwarded to the Deputy Assistant Secretary for Human Resources Management (05) or designee for review and recommendation. If it is determined that coverage is not appropriate, the case will be returned to the facility director for completion as a denial.
- d. Coverage decisions will be based on the guidance contained in Chapter 46 of the Office Personnel Management (OPM) CSRS and FERS Handbook for Personnel and Payroll Offices. The handbook provides a Statement of Authority listing the statutory and regulatory provisions covering the special retirement coverage rules.

6. MANDATORY SEPARATION REQUIREMENT

- a. All LEO and FF for the Department are subject to mandatory separation based on age. The mandatory retirement age does not apply to individuals who have not yet completed 20 years of credible Federal civilian service as a LEO or FF. Mandatory separation does not apply to employees who are eligible for retirement under the special provisions but who are not currently occupying a LEO or FF position.

NOTE: *For retirement purposes, an employee is considered to reach a year of age on the day before his or her birthday.*

- b. The standard mandatory separation age for LEO and FF is age 57. Rules for exemptions are provided under paragraphs 7, 8, and 9 below. The mandatory separation is effective as follows:

1. If the LEO or FF has completed 20 years of service under the special provisions, he/she must be separated on the last day of the month in which he/she reaches the standard mandatory separation age of 57.

2. If the LEO or FF attains the standard mandatory separation age of 57 and has not yet completed the required 20 years of service under the special provisions, he/she must be separated on the last day of the month in which he/she completes the 20 years of service.

- c. The employing office must notify the employee in writing of the date of mandatory separation 60 days prior to the LEO or FF's 57th birthday to inform him or her of their mandatory separation/retirement date. Sample memorandum from Human Resources (HR) officers to a LEO or FF regarding mandatory retirement is provided in Appendix A.

d. Action to separate the employee is not effective, without the consent of the employee, until the last day of the month in which the 60-day notice expires. If the employee does not consent to the action to separate, the LEO or FF will be separated on the expiration of the 60-day notice sent by his/her Human Resources (HR) office. If the 60-day notice is not sent to the employee in a timely manner, the employee will still face mandatory separation/retirement on the last day of the month in which he/she reaches the standard mandatory separation age of 57. Please refer to Chapter 46 of the OPM CSRS and FERS Handbook for Personnel and Payroll Offices for additional information.

7. EXEMPTION FROM MANDATORY SEPARATION UNTIL AGE 60. The Secretary of Veterans Affairs may exempt LEO and FF from mandatory separation until age 60 if it is determined to be in the public interest. Once the decision has been made to retain the LEO or FFs, the following procedures and timelines must be adhered to:

a. A memorandum must be sent to the LEO or FF, as applicable, by the servicing HR office 60 days prior to the LEO or FF's 57th birthday to inform him/her of their mandatory separation based on age. The memorandum will establish dates for mandatory retirement and initiation of the Retirement Application.

b. If the facility plans to request an exemption from mandatory separation, a memorandum must be sent to the LEO or FF requesting the employee to remain in his/her LEO or FF position until age (*not to exceed age 60*). This exemption must be approved by the Secretary of Veterans Affairs. The employee must notify the servicing HR office in writing within 10 days of receipt that he/she is willing to remain in service. Sample memorandum for HR officers to LEO or FF regarding the exemption of mandatory separation up to age 60 is provided in Appendix B.

c. The facility director must provide a memorandum to the Secretary which provides documentation that supports the finding that the employee's retention would be in the public interest and indicates the period (up to age 60) for which the exemption is desired. This recommendation must be accompanied by a medical certificate showing the physical fitness of the employee to perform his/her work. Sample memorandum for Directors to the Secretary regarding the exemption of mandatory separation of LEO or FF until age 60 is provided in Appendix C.

d. Requests for exemptions must be forwarded to the Under Secretary for Health (10) within 10 days after receiving the employee's confirmation to remain in service. VHA will forward the approval package from the Under Secretary to the Office of Human Resources Management (OHRM) within 10 days of receipt. Recommended approvals from OHRM will be forwarded to the Office of the Secretary through the Office of the Assistant Secretary for Human Resources and Administration within 10 days of receipt.

e. The facility director will receive an approval or denial from the Office of the Secretary or his designee at least 5 business days prior to the employee's date of retirement.

8. EXEMPTION FROM MANDATORY SEPARATION AFTER AGE 60 (CIVIL SERVICE RETIREMENT SYSTEM - CSRS). If a VA facility wishes to secure an exemption from mandatory separation for one of its LEO or FF CSRS-covered employees (other than a Presidential appointee) beyond the employee's 60th birthday, the Secretary may submit a recommendation to that effect to the Office of Personnel Management (OPM). Once the decision has been made to retain the LEO or FFs, the following procedures and timelines must be adhered to:

a. A memorandum must be sent to the employee by the servicing HR office 90 days prior to the LEO or FF mandatory separation date informing him/her of their mandatory retirement/separation date at age 60. The memorandum will establish dates for mandatory retirement and initiation of the Retirement Application. Sample memorandum from Human Resources (HR) officers to a LEO or FF regarding mandatory retirement after age 60 is provided in Appendix D.

b. If the facility plans to request an exemption from mandatory separation, a memorandum must be sent to the LEO or FF requesting the employee to remain in his/her LEO or FF position up to and not to exceed 1 year. This exemption must be approved by the Secretary and the Office of Personnel Management. The employee must notify the servicing HR office in writing within 10 days of receipt that he/she is willing to remain in service.

c. The facility director must submit a request to the Secretary which provides documentation that supports the finding that the employee's retention would be in the public interest and indicates the period (not to exceed 1 year) for which the exemption is desired. The employee must provide a statement that he/she is willing to remain in service. This recommendation must be accompanied by a medical certificate showing the physical fitness of the employee to perform his/her work. Sample memorandum for Directors to the Secretary regarding the exemption of mandatory separation of LEO or FF after age 60 is provided in Appendix E.

d. The above memorandums and corresponding concurrence package must be forwarded to the Under Secretary for Health (10) within 10 days after receiving the employee's confirmation to remain in service. VHA will forward the approval package from the Under Secretary to the Office of Human Resources Management (OHRM) within 10 days of receipt. Recommended approvals from OHRM will be forwarded to the Office of the Secretary through the Office of the Assistant Secretary for Human Resources and Administration within 10 days of receipt and forwarded to OPM for consideration if approved by the Secretary. An exemption must be approved by OPM prior to the mandatory separation date applicable to the employee.

9. EXEMPTION FROM MANDATORY SEPARATION AFTER AGE 60 (FEDERAL EMPLOYEES RETIREMENT SYSTEM - FERS). If a VA facility wishes to secure an exemption from mandatory separation for one of its LEO or FF FERS-covered employees (other than a Presidential appointee) beyond the employee's 60th birthday, the Secretary may submit a recommendation to that effect to the Office of the President of the United States. The President by Executive Order may exempt an employee from automatic separation if the President determines it is in the public interest to do so. The following procedures and timelines must be adhered to:

a. A memorandum must be sent to the employee by the servicing HR office 100 days prior to the LEO or FF mandatory separation date informing him/her of their mandatory retirement/separation date at age 60. The memo will establish dates for mandatory retirement and initiation of the Retirement Application.

b. The memorandum must also inform the employee that if an exemption is approved by the Secretary and the President, he/she will have the option of remaining in his/her LEO or FF position up to and not to exceed 1 year. The employee must notify the servicing HR office in writing within 10 days of receipt that he/she is willing to remain in service.

c. The facility director must submit a request to the Secretary which provides documentation that supports the finding that the employee's retention would be in the public interest and indicates the period (not to exceed 1 year) for which the exemption is desired. This recommendation must be accompanied by a medical certificate showing the physical fitness of the employee to perform his/her work. Sample memorandum for Director's to the Assistant Secretary Human Resources and Administration regarding the exemption of mandatory separation of LEO or FF after age 60 is provided in Appendix D.

d. The above memorandums and corresponding concurrence package must be forwarded to the Under Secretary for Health (10) within 10 days after receiving the employee's confirmation to remain in service. VHA will forward the approval package from the Under Secretary to the Office of Human Resources Management (OHRM) within 10 days of receipt. Recommended approvals from OHRM will be forwarded to the Office of the Secretary through the Office of the Assistant Secretary for Human Resources and Administration within 10 days of receipt and forwarded to the Office of President for consideration if approved by the Secretary.

10. APPEAL RIGHTS

a. A mandatory separation is not an adverse action under 5 CFR Part 752 or a removal action under 5 CFR Part 359. In other words, a mandatory separation is not an appealable action.]

[APPENDIX A. SAMPLE MEMORANDUM FOR HUMAN RESOURCES (HR) OFFICERS
TO LEO OR FF REGARDING MANDATORY RETIREMENT

Department of
Veterans Affairs

Memorandum

Date:

From: Human Resources Officer () identify mail code

Subj: Mandatory Retirement

To: Name of Employee, *Law Enforcement Officer or Firefighter* () identify mail code

1. All law enforcement officers (LEO) or firefighters (FF) are subject to mandatory separation at age 57 due to the nature of the position. As a (*LEO or FF*) who has 20 (*plus*) years of creditable covered service as a (*LEO or FF*), and who will be reaching the mandatory retirement age on (*date*), you must be separated from Federal service as directed in Title 5 United States Code Section 8335(b). The general philosophy of the mandatory retirement age is directly related to the physical requirements of the position.

2. (*Use statement (a) or (b) to address the LEO or FF in your memorandum*):

(a) (*Mr. or Ms. Last Name*), since you have completed 20 (*plus*) years of service as a (*LEO or FF*) under the special provisions, you must be separated on the last day of the month in which you reach age 57; therefore your mandatory retirement date is (*date*).

(b) (*Mr. or Ms. Last Name*), since you have attained the standard mandatory separation age of 57 and have not yet completed the required 20 years of service under the special provisions, you must be separated on the last day of the month in which you complete the 20 years of service, therefore your mandatory retirement date is (*date*).

3. Please contact (*servicing HR representative*), at extension 0000, by close of business on (*indicate date – establish a 10 business days window*) to initiate the Retirement Application.

(Name of HR Officer)

*** Make necessary wording adjustments as needed.]

[APPENDIX B. SAMPLE MEMORANDUM FOR HR OFFICERS TO LEO OR FF
REGARDING THE EXEMPTION OF MANDATORY SEPARATION UP TO AGE 60

Department of
Veterans Affairs

Memorandum

Date:

From: Human Resources Officer () identify mail code

Subj: Proposal - Exemption of Mandatory Retirement

To: Name of Employee, *Law Enforcement Officer or Firefighter* () identify mail code

1. All law enforcement officers (LEO) or firefighters (FF) are subject to mandatory separation at age 57 due to the nature of the position. As a (*LEO or FF*) who has 20 (*plus*) years of creditable covered service as a (*LEO or FF*), and who will be reaching the mandatory retirement age on (*date*), you must be separated from Federal service as directed in Title 5 United States Code Section 8335(b). The general philosophy of the mandatory retirement age is directly related to the physical requirements of the position.

2. (*Use statement (a) or (b) to address the LEO or FF in your memorandum*):

(a) (*Mr. or Ms. Last Name*), since you have completed 20 (*plus*) years of service as a (*LEO or FF*) under the special provisions, you must be separated on the last day of the month in which you reach age 57; therefore your mandatory date of retirement is (*date*). However, we are proposing that you remain in your current position until age (up to age 60) due to certain critical needs of the facility.

(b) (*Mr. or Ms. Last Name*), since you have attained the standard mandatory separation age of 57 and have not yet completed the required 20 years of service under the special provisions, you must be separated on the last day of the month in which you complete the 20 years of service, therefore your mandatory date of retirement is (*date*). However, we are proposing that you remain in your current position until age (up to age 60) due to certain critical needs of the facility.

3. You must notify (*servicing HR representative contact and mailing information*) in writing, within 10 days of receipt of this memorandum of your intention of remaining in service.

Name of HR Officer

** Make necessary wording adjustments as needed.]

[APPENDIX C. SAMPLE MEMORADUM FOR DIRECTORS TO THE SECRETARY
REGARDING THE EXEMPTION OF MANDATORY SEPARATION UNTIL AGE 60

Department of
Veterans Affairs

Memorandum

Date:

From: Director, VA Name of Facility () identify mail code

Subj: Request for Exemption from Mandatory Separation for (*Law Enforcement Officer or Firefighter*)

To: Secretary (00)

Thru: Under Secretary for Health (10)

Thru: Assistant Secretary for Human Resources and Administration (006)

1. I am requesting an exemption for (name of *law enforcement officer (LEO) or firefighter (FF)*), who has completed 20 (plus) years of service under the special retirement provisions for (LEO or FF), from mandatory retirement on (date). (LEOs or FFs) are covered under special retirement provisions that establish a mandatory separation at age 57 as directed in Title 5 United States Code Section 8335(b). (LEOs or FFs) must also have met the 20 year service requirement as a (LEO or FF). The Secretary of Veterans Affairs (VA) has the authority to exempt these employees from mandatory separation up until age 60 if it's determined to be in the public interest.

2. The additional services of (Name of LEO or FF), who is currently a (*LEO or FF*) for the VA (*Name of facility, City, State*); are required by this facility as stated below. (He/She) has agreed to continue working until age (age) if approved (see attached LEO or FF request). (Name of LEO or FF) has successfully completed his/her annual physical and (*identify any other testing performed*) on (*indicate date*) (copies attached).

3. I believe that an exemption from the mandatory separation for (name of employee) would be in the best interest of the health care system. (*A statement must be included to justify why this employee should remain in service beyond his/her mandatory retirement age of 57. Samples provided below:*) I therefore request that you exempt (name of LEO or FF) from mandatory separation until age (*indicate age up to age 60*).

(*Sample Justification Statements ONLY – do not use bullets in your memorandum*):

- As stated by his/her supervisor, (employee name) has knowledge and experience that is critical to the education of newly hired (LEO or FF) and therefore critical to the protection of our Veterans and employees.
- Due to budgetary constraints, it would be too costly at this time for the facility to train another (LEO or FF) with (employee's name) experience.
- All of the (LEOs or FFs) hired in the past year lack the training in this area due to our limited training budget during the past 2 years, therefore, retaining (employee's name) will allow our facility to conduct in-house training in this specialty area.

PART II

APPENDIX C

- (Employee's name) has knowledge and experience that is critical to our facility's safety and we have not been able to recruit anyone to replace him/her with the same type of experience.
- (Employee's name) is not interested in being a reemployed annuitant. The employee does not want to work as a reemployed annuitant due to the salary offset and the additional time worked will not be counted for retirement purposes.

4. We request that your decision be provided at least 5 business days prior to (employee's name) mandatory retirement date of (date). Questions regarding this request may be directed to (Name of Contact), (Title) and (Telephone).

(Name of the Director)

Attachments

Concur/ Do Not Concur: _____ Date _____
 Print Name

 Signature
 Under Secretary for Health

Concur/ Do Not Concur: _____ Date _____
 Print Name

 Signature
 Assistant Secretary for
 Human Resources and Administration

Approved/Disapproved: _____ Date _____
 Print Name

 Signature
 Secretary of Veterans Affairs

** Make necessary wording adjustments as needed.]

[APPENDIX D. SAMPLE MEMORANDUM FOR THE DIRECTOR TO THE EMPLOYEE
REGARDING MANDATORY SEPARATION AFTER AGE 60

Department of
Veterans Affairs

Memorandum

From: Human Resources Officer () identify mail code

Subj: Mandatory Retirement After Age 60

To: Name of Employee, *Law Enforcement Officer or Firefighter* () identify mail code

1. All law enforcement officers (LEO) or firefighters (FF) are subject to mandatory separation at age 57 due to the nature of the position. As a (*LEO or FF*) who has been working under an exemption up to age (not to exceed 60) or to age 60, and who will be reaching the end of your exemption period on (*date*), you must be separated from Federal service as directed in Title 5 United States Code Section 8335(b). The general philosophy of the mandatory retirement age including remaining in service is directly related to the physical requirements of the position.

2. (*Use statement (a) or (b) to address the LEO or FF in your memorandum*):

(a) (*Mr. or Ms. Last Name*), since you have worked up to age 60 (not to exceed 60) under an approved exemption, you must be separated on the last day of the month in which you complete the exemption period of service, therefore your mandatory retirement date is (*date*).

(b) (*Mr. or Ms. Last Name*), since you have worked beyond age 60 (not to exceed 1 year) under an approved exemption, you must be separated on the last day of the month in which you complete the exemption period of service, therefore your mandatory retirement date is (*date*).

3. Please contact (*servicing HR representative*), at extension 0000, by close of business on (indicate date – establish a 10 business days window) to initiate the Retirement Application.

(Name of HR Officer)

** Make necessary wording adjustments as needed.]

[APPENDIX E. SAMPLE MEMORANDUM FOR DIRECTORS TO
THE SECRETARY REGARDING THE EXEMPTION OF MANDATORY
SEPARATION AFTER AGE 60 (CSRS ONLY)]

Department of
Veterans Affairs

Memorandum

Date:

From: Director, VA Name of Facility () mail code

Subj: Request for Exemption from Mandatory Separation for (*Law Enforcement Officer or Firefighter*)

To: Secretary (00)

Thru: Assistant Secretary for Human Resources and Administration (006)

Thru: Under Secretary for Health (10)

1. I am requesting an exemption not to exceed 1 year for (name of *Law enforcement officer (LEO) or firefighter (FF)*), who will become age 60 on (date) and has completed 20 (plus) years of covered service from mandatory retirement on (date). LEO or FF are covered under special retirement provisions that establishes a mandatory separation at age 57 as directed in Title 5 United States Code Section 8335(b). The Secretary of Veterans Affairs has the authority to exempt LEO or FF from mandatory separation up until age 60. To remain in service beyond age 60, not to exceed 1 year, the Secretary must submit a recommendation to the Office of Personnel Management, Manager, Retirement Group (Policy), 1900 E Street, NW, Room 4336, Washington, DC 20415 of the Retirement Policy Division at the Office of Personnel Management. This applies to LEO or FF covered under the Civil Service Retirement System.

2. (Name of LEO or FF), who is currently a (*LEO or FF*) for the VA (*Name of facility, City, State*); additional services are required by this facility as stated below. He/She has agreed to continue working until age (age) if approved (see attached LEO or FF request). (Name of LEO or FF) has successfully completed his/her annual physical and (*identify any other testing performed*) on (*indicate date*) (copies attached).

3. The Medical Center believes that an exemption from the mandatory separation for (name of employee) would be in the best interest of the health care system and the public interest. (*A statement must be included to justify why this employee should remain in service beyond age 60. Samples provided below.*) We therefore request that you exempt (name of LEO or FF) from mandatory separation until age 61.

(*Sample Justification Statements ONLY – do not use bullets in your memorandum*):

- As stated by his/her supervisor, (employee name) has knowledge and experience that is critical to the education of newly hired (LEO or FF) that is critical to the protection of our veterans and employees.

PART II

APPENDIX E

- Due to budgetary constraints, it would be too costly at this time for the facility to train another (LEO or FF) with (employee's name) experience. All of the newly hired (LEO or FF) in the past year lacks the training in this area due to our limited training budget during the past 2 years, therefore, retaining (employee's name) will allow our facility to conduct in-house training in this specialty area.
- Due to the effects of the recent hiring freeze, (employee's name) will serve as lead trainer to newly hired (LEO or FF) with less experience.
- (Employee's name) has knowledge and experience that is critical to our facility's safety and we have not been able to recruit anyone to replace him/her with the same type of experience (hard to fill positions in a timely manner).
- (Employee's name) is not interested in being a reemployed annuitant. The employee does not want to work as a reemployed annuitant due to the salary offset and the additional time worked will not be counted for retirement purposes.

4. If approved, OPM must receive the approval package at least 30 days prior to the employee's mandatory retirement date of (date). Questions regarding this request may be directed to (*Name of Contact*), (*Title*) and (*Telephone*).

(*Name of the Director*)

Attachments

** Make necessary wording adjustments as needed.]