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Personnel



CIVILIAN FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS

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This publication implements Air Force Policy Directive (AFPD) 36-1, *Appropriated Funds Civilian Management and Administration*; and supplements Department of Defense Instruction (DoDI) 1400.25, Volume 336, *DoD Civilian Personnel Management System: Civilian Firefighters and Law Enforcement Officers*. The DoDI is printed word-for-word in regular font without editorial review. Department of the Air Force (DAF) supplementary material is printed in bold font and indicated by “(Added)(DAF).” In collaboration with the Chief of the Air Force Reserve (AF/RE), the Director of the Air National Guard (NGB/CF), and the Deputy Chief of Space Operations for Human Capital (SF/S1), the Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1) develops personnel policy for the DAF. This publication describes DAF responsibilities under the DoDI and applies to civilian employees of the Regular Air Force, the United States Space Force and Title 5 civilian employees of the Air Force Reserve (AFR) and the Air National Guard (ANG), who are in the identified occupations and covered under the Civil Service Retirement System (CSRS) or the Federal Employees’ Retirement System (FERS) except where noted otherwise. It does not apply to Title 32 AFR or ANG Technicians or to non-appropriated fund civilian employees. This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by Department of Defense Instruction (DoDI) 5400.11, *DoD Privacy and Civil Liberties Programs*. The applicable System of Records Notice OPM GOVT-1, *General Personnel Records*, is available at: <https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-govt-1-general-personnel-records.pdf>. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR) using DAF Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level; all major command (MAJCOM) or field command (FLDCOM)

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level supplements must be approved by the Human Resources Management Strategic Board prior to certification and approval. All supplements that directly implement this publication must be routed to the OPR for coordination. The authorities to waive wing, unit, or delta level requirements in the DAF supplemental portion of this publication are identified with a tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See DAF Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, for a description of the authorities associated with the tier numbers. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items.



Department of Defense INSTRUCTION

NUMBER 1400.25, Volume 336

January 22, 2015

Incorporating Change 1, December 1, 2017

USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Civilian Firefighters and Law Enforcement Officers

References: See Enclosure 1

1. PURPOSE

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with the authority in DoD Directive 1400.25 (Reference (b)), this volume:

(1) Reissues Volume 336 of DoD Instruction 1400.25 (Reference (c)) to establish policy, assign responsibilities, and provide procedures regarding the employment of civilian firefighters and law enforcement officers in the DoD.

(2) Pursuant to sections 3307(d) and 3307(e) of Title 5, United States Code (Reference (d)), sets the maximum entry age for selected firefighter and law enforcement officer positions.

(3) Delegates the authority to approve waivers of the entry age and establishes procedures to be used in the waiver process, including waivers for preference eligible applicants pursuant to section 3312(a)(1) of Reference (d).

(4) Defines procedures to be used in mandatory separation situations and delegates authority to approve exceptions to mandatory separation in accordance with sections 8335(b)(1) and 8335(f) of Reference (d) for Civil Service Retirement System (CSRS) employees and sections 8425(b)(1) and 8425(e) of Reference (d) for Federal Employees Retirement System (FERS) employees.

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2. APPLICABILITY. This volume applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this volume as the “DoD Components”).

b. Covered civilian firefighter and law enforcement positions in the DoD, except for Defense Intelligence Personnel System positions established under section 1601 of Title 10, United States Code (Reference (e)).

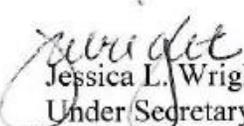
3. POLICY. It is DoD policy in accordance with sections 3307(d) and 3307(e) of Reference (d) to set a maximum age for original entry of qualified applicants into covered primary or rigorous civilian firefighter and law enforcement officer positions.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** ~~This instruction is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>. This instruction is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.~~

7. EFFECTIVE DATE. This volume is effective January 22, 2015.


Jessica L. Wright
Under Secretary of Defense
for Personnel and Readiness

(Added)(DAF) Approved by: John A. Fedrigo, Principal Deputy Assistant Secretary of the Air Force for Manpower and Reserve Affairs

Enclosures

1. References
2. Responsibilities
3. Procedures
4. Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System,” November 25, 1996
- (c) DoD Instruction 1400.25, Volume 336, "DoD Civilian Personnel Management System: Civilian Firefighters and Law Enforcement Officers,” December 1996, as amended (hereby cancelled)
- (d) Title 5, United States Code
- (e) Section 1601 of Title 10, United States Code
- (f) DoD 6055.06-M, "DoD Fire and Emergency Services Certification Program,” February 23, 2006, *as amended*
- (g) DoD Instruction 1400.25, Volume 830, "DoD Civilian Personnel Management System: Civil Service Retirement System (CSRS),” August 22, 2014
- (h) DoD Instruction 1400.25, Volume 840, "DoD Civilian Personnel Management System: Federal Employees Retirement System (FERS),” August 22, 2014
- (i) Title 5, Code of Federal Regulations
- (j) **(Added)(DAF) Office of Personnel Management (OPM) Benefits Administration Letter (BAL) 21-104, *Additional Guidance Regarding Certification of Service Performed as a Law Enforcement Officer, Firefighter, Nuclear Materials Courier, Customs and Border Protection Officer (535 Service), or Air Traffic Controller, January 13, 2021***
- (k) **(Added)(DAF) Assistant Secretary of Defense Manpower & Reserve Affairs Memorandum, July 16, 2019, SUBJECT: *Changes in Procedures for Requesting Special Retirement Coverage***
- (l) **(Added)(DAF) Headquarters Mission Directive (HAFMD) 1-24, *Assistant Secretary of the Air Force (Manpower and Reserve Affairs), January 28, 2019***
- (m) **(Added)(DAF) Headquarters Air Force Mission Directive 1-24 Addendum A, *Re-Delegation of Authorities HAFMD 1-24, Assistant Secretary of the Air Force (Manpower and Reserve Affairs), June 27, 2018***
- (n) **(Added)(DAF) AF/A1 memorandum November 24, 2021, SUBJECT: *Determinations Regarding Whether Age is Essential to the Performance of Duties: Maximum Entry Age (MEA) Waivers for Criminal Investigator Positions Covered by Law Enforcement Officer (LEO) Special Retirement Coverage (SRC) Provisions***
- (o) **(Added)(DAF) AF/A1 memorandum November 23, 2020, SUBJECT: *Determinations Regarding Whether Age is Essential to the Performance of Duties: Firefighter (FF) Positions***
- (p) **(Added)(DAF) AF/A1 memorandum November 23, 2020, SUBJECT: *Maximum Entry Age (MEA) waiver approval authority for Firefighter (FF) positions***
- (q) **(Added)(DAF) AF/A1 memorandum March 11, 2022, SUBJECT: *Authority to submit Department of the Air Force (DAF) Firefighter (FF) and Law Enforcement Officer (LEO) Special Retirement Coverage (SRC) approval requests***
- (r) **(Added)(DAF) AFPD 36-1, *Appropriated Funds Civilian Management and Administration, March 18, 2019***
- (s) **(Added)(DAF) AFI 33-322, *Records Management and Information Governance Program, March 23, 2020***

- (t) **(Added)(DAF) DAF Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, April 15, 2022**
- (u) **(Added)(DAF) AFI 36-1401, *Civilian Position Classification*, January 2, 2019**
- (v) **(Added)(DAF) Department of Defense Instruction (DoDI) 5400.11, *DoD Privacy and Civil Liberties Programs*, January 29, 2019**

(Added)(DAF) Adopted Forms

(Added)(DAF) DAF Form 847, *Recommendation for Change of Publication*

(Added)(DAF) RI Form 20-124, *Certification of Service Performed as a Law Enforcement Officer, Firefighter, Nuclear Materials Courier, Customs and Border Protection Officer (535 Service), or Air Traffic Controller*

ENCLOSURE 2

RESPONSIBILITIES

1. ~~ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (ASD(R&FM))~~ ~~ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA))~~. Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), and in accordance with Reference (a), the ~~ASD(R&FM)~~ ~~ASD(M&RA)~~ has overall responsibility for the development of DoD *civilian personnel* policy ~~regarding the employment of civilian firefighters and law enforcement officers in the DoD covered by this volume.~~

2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the ~~ASD(R&FM)~~ ~~ASD(M&RA)~~, the DASD(CPP) supports the development of civilian personnel policy covered by this volume and monitors its execution by DoD Components, ensuring consistent implementation and continuous application throughout DoD.

3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA provides support to the DASD(CPP), as appropriate, in execution of the duties and responsibilities of this volume.

4. DOD COMPONENT HEADS WITH INDEPENDENT APPOINTING AUTHORITY AND DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS). The DoD Component heads with independent appointing authority and the Director, WHS, on behalf of OSD and the DoD Components receiving civilian personnel support from WHS:

a. Ensure that the procedures in Enclosure 3 of this instruction are followed by their respective Components.

b. Verify that position coverage determinations have been made by the proper authority (i.e., the USD(P&R)) before filling a vacant position. The USD(P&R) may not delegate the authority to approve coverage.

c. Hire only those individuals as firefighters and law enforcement officers who meet all applicable qualifications, including DoD firefighter certification requirements as stated in DoD6055.06-M (Reference (f)).

d. Document all exceptions to the maximum entry age and mandatory separation provisions in accordance with this volume, and ensure that all such exceptions are recorded in the official personnel folder (OPF) of the appointee.

5. (Added)(DAF) ASSISTANT SECRETARY OF THE AIR FORCE FOR MANPOWER AND RESERVE AFFAIRS (SAF/MR). Serves as an agent of the Secretary and provides guidance, direction, and oversight for all matters pertaining to the formulation, review, and execution of plans, policies, programs, and budgets addressing the administration of civilian personnel matters.

6. (Added)(DAF) DEPUTY CHIEF OF STAFF OF THE AIR FORCE FOR MANPOWER, PERSONNEL AND SERVICES (AF/A1). Develops, coordinates, and executes personnel policy and essential procedural guidance for the management of DAF civilian special retirement provisions policy.

7. (Added)(DAF) DIRECTOR, CIVILIAN FORCE MANAGEMENT DIRECTORATE (AF/A1C). Under the authority and direction of the AF/A1, and in coordination with the Deputy Chief of Space Operations for Human Capital (SF/S1), AF/A1C directs development and implementation of DAF civilian special retirement provisions policy. Submits requests for Special Retirement Coverage (SRC) approval received from the field to DoD on behalf of the AF/A1 under the authority provided in reference (q). Ensures approval request documentation is retained in accordance with (IAW) paragraph 1.b(1) of Enclosure 3. Monitors DAF SRC program compliance with statute, regulation, Department of Defense policy and this instruction. Provides guidance on provisions of this instruction.

8. (Added)(DAF) AIR FORCE PERSONNEL CENTER (AFPC). For AFPC serviced positions:

a. (Added)(DAF) Provides operational direction and guidance to serviced MAJCOM, FLDCOM, and Civilian Personnel Sections (CPS) regarding provisions of this instruction.

b. (Added)(DAF) Establishes procedures and quality control practices to ensure classification, recruitment and personnel action processing and coding are in compliance with statute, regulation, and this instruction.

c. (Added)(DAF) Receives, reviews and, as needed, coordinates correction on all SRC approval request packages before forwarding to the Air Force Compensation and Performance Management Division (AF/A1CM).

9. (Added)(DAF) AIR FORCE MATERIEL COMMAND (AFMC). For AFMC serviced positions:

a. (Added)(DAF) Provides operational direction and guidance to serviced MAJCOM, FLDCOM, and Civilian Personnel Sections (CPS) regarding provisions of this instruction.

b. (Added)(DAF) Establishes procedures and quality control practices to ensure classification, recruitment and personnel action processing and coding are in compliance with statute, regulation, and this instruction.

c. (Added)(DAF) Receives, reviews and, as needed, coordinates correction on all SRC approval request packages before forwarding to AF/A1CM.

10. (Added)(DAF) MAJOR COMMAND (MAJCOM) A1s, FIELD COMMAND (FLDCOM) S1s AND CORRESPONDING SECRETARIAT AND AIR STAFF OFFICIALS. Comply with reference (k) and paragraphs 4.a-d of Enclosure 2 by ensuring that all positions utilized in the organization, which meet the definition of a firefighter or law enforcement officer under Title 5, United States Code (USC) sections 8331, *Definitions*, and 8401, *Definitions*, have received an official special retirement coverage determination prior to being encumbered; ensure that approval request packages for eligible, unapproved positions are initiated and submitted; and ensure compliance with maximum entry age (MEA) and mandatory separation provisions IAW sections 2 and 3 of Enclosure 3.

11. (Added)(DAF) CIVILIAN PERSONNEL SECTIONS (CPS). Ensure compliance with reference (k) and paragraphs 4.a-d of Enclosure 2 by verifying that SRC position recruitments utilize an approved position description (PD); monitor serviced employees' mandatory separation dates, also called mandatory retirement date (MRD), issue mandatory separation notifications to serviced employees at least 60 days prior to the MRD and ensure timely separation of employees subject to mandatory separation.

12. (Added)(DAF) MANAGERS AND SUPERVISORS OF CIVILIAN SRC POSITIONS. Ensure that the PD accurately reflects the duties being performed; refrain from making changes to the duties or percentages of positions which have received SRC approval; work with servicing classification staff and organizational leadership when there is a need to establish a new PD, or make changes to an SRC approved PD, to ensure that SRC approval is requested and obtained prior to vacancy announcement, IAW reference (k).

ENCLOSURE 3

PROCEDURES

1. POSITION COVERAGE DETERMINATIONS

a. Position coverage determinations will be made pursuant to the procedures established in Volumes 830 and 840 of DoD Instruction 1400.25 (References (g) and (h), respectively).

(1) (Added)(DAF) Position coverage determinations are made based on the duties reflected in the PD as well as the organizational information. Any change to the duties, including assigned percentages of a PD, after the PD has received SRC approval, requires establishment of a new PD, including new PD number and new SRC approval.

(2) (Added)(DAF) Pursuant to reference (k), owning organizations will ensure all newly created PDs meeting the definition of a firefighter or law enforcement officer outlined in 5 USC §§ 8331 or 8401 are submitted for an SRC position coverage determination prior to recruitment. (T-1)

(3) (Added)(DAF) AFPC, for AFPC serviced positions or AFMC, for AFMC serviced positions, will identify recruitment actions which are for positions which are lacking SRC approval and advises management regarding the need to submit an SRC approval request. (T-1)

(4) (Added)(DAF) IAW paragraph 2.2.4. of reference (u), offices with delegated classification authority will advise the supervisor of their responsibility to submit an SRC approval request package if changes to an already approved core personnel document are required. The standardized core personnel document (SCPD) library, for SCPDs, or the office with delegated classification authority, for non-standardized PDs, will ensure the integrity of SRC-approved PDs is maintained and that the approved PD is not altered in a way that would impact the approval, as reflected in paragraph 1.a.(1). (T-1)

(5) (Added)(DAF) References (g) and (h) provide for procedures where an employee, or in some cases former employee or survivor of a former employee, who believes that a period of service in an unapproved position qualifies as primary or secondary service, may request the agency head to determine whether or not the employee's service should receive SRC credit and, if so, whether the position is primary or secondary.

(a) (Added)(DAF) Conditions for credit, timeframes and requirements differ depending on the requesting individual is covered under CSRS or FERS. Information regarding evidence required for a determination is found in Title 5 Code of Federal Regulations (5 CFR) 831.906 for CSRS employees and 5 CFR 842.804 for FERS employees.

(b) (Added)(DAF) Regardless of retirement coverage, approval authority for individual requests for coverage is the same as for agency requests for coverage. That authority resides with the USD (P&R). The process for submitting individual requests is the same as for agency requests. However, the individual submitting the request, not the agency, is responsible for providing the employing agency with all pertinent information regarding duties performed and bears the burden of proving that he or she is/was performing duties which meet the legal definitions of a firefighter or law enforcement officer IAW 5 USC §§ 8331 or 8401 as applicable.

(6) (Added)(DAF) Requests for position coverage determinations reflected in paragraph 1.a. will:

(a) (Added)(DAF) Include all Defense Civilian Personnel Advisory Service (DCPAS) required package documentation needed for an eligibility determination to be made. (T-0)

(b) (Added)(DAF) Contain a memorandum from the owning command headquarters requesting SRC approval and containing the PD number, official title, series, grade, and effective/classification date of the position and indicating the type of coverage (primary/rigorous, secondary-supervisory or secondary-administrative) being requested. (T-1)

(c) (Added)(DAF) Contain a legal review from the owning command's legal office verifying the position meets statutory requirements for coverage and indicating support for the request. (T-0)

(d) (Added)(DAF) Be submitted to the AFPC Civilian Personnel Programs, for AFPC serviced positions, or AFMC SRC workflow inbox at afmc.alkzd.desrcteam@us.af.mil, for AFMC serviced positions for package review to ensure it is in compliance with DCPAS requirements. (T-1)

(7) (Added)(DAF) Compliant packages will be submitted to AF/A1CM workflow inbox at AF.A1CM.Workflow@us.af.mil for routing to the approval authority. (T-1)

(8) (Added)(DAF) References (g) and (h) delegate the authority to disapprove SRC to Component heads. Reference (m) re-delegates this authority to the AF/A1. An individual whose request for approval is denied will be notified of the disapproval in writing and be provided with information regarding any Merit System Protection Board appeal rights. (T-0)

b. Servicing human resources offices will:

(1) Establish coverage determination files that include all background material used in the determination made pursuant to paragraph 4b of Enclosure 2.

(2) On retirement, certify to the Office of Personnel Management that the employee's

service was in a covered position.

(3) (Added)(DAF) AF/A1C will perform the responsibilities in paragraph 1.b.(1). AFPC Benefits and Entitlements Service Team (BEST) will perform the responsibilities in paragraph 1.b.(2). (T-1)

(4) (Added)(DAF) Reference (j) requires that agencies complete the Retirement and Insurance (RI) Form 20-124, *Certification of Service Performed as a Law Enforcement Officer, Firefighter, Nuclear Materials Courier, Customs and Border Protection Officer (535 Service), or Air Traffic Controller*, certifying an employee's service as a law enforcement officer (LEO) or firefighter (FF), whenever one of these employees separates from the agency for any reason, including resignation and transfer. OPM requires that the completed RI Form 20-124 be filed on the permanent side of the employee's OPF.

(a) (Added)(DAF) To ensure compliance with Office of Personnel Management (OPM) Benefits Administration Letter (BAL) 21-104, *Additional Guidance Regarding Certification of Service Performed as a Law Enforcement Officer, Firefighter, Nuclear Materials Courier, Customs and Border Protection Officer (535 Service), or Air Traffic Controller*, as soon as the CPS is aware of an upcoming separation or transfer, the CPS will email the BEST workflow inbox, afpc.dp2sb@us.af.mil with employee's name, social security number and separation date so BEST can complete the RI 20-124. Upon completion, BEST will send the completed form for profiling in the electronic OPF and, for transferring employees, forward a copy to the CPS to provide to the gaining agency. (T-1)

(b) (Added)(DAF) BEST will certify the RI Form 20-124 for all DAF retirements and death-in-service cases during processing of those cases. (T-1)

(c) (Added)(DAF) The AFPC, for AFPC serviced positions or AFMC, for AFMC serviced positions, will ensure employee records are coded accurately for retirement coverage and MRD, based on type of position approval (primary or secondary), employee service history and the individual's satisfaction of applicable transfer requirements. (T-1)

1 (Added)(DAF) An employee, whose move to a secondary position would result in the loss of SRC entitlement due to failure to meet transfer requirements, should be counseled regarding the loss of SRC entitlement in order to make an informed decision as to whether to accept the new position.

2 (Added)(DAF) An employee who occupies a position, including a non-SRC position, during a temporary action, such as a temporary promotion, retains the retirement coverage based on the permanent position of record. Transfer requirements do not need to be met until a move to a secondary position is permanent. Service credit during the temporary action counts toward transfer requirements based on the permanent position of record.

3 (Added)(DAF) An employee who is entitled to grade retention, retains the retirement coverage based on the position for which the grade retention is based, whether moving into, out of, or between SRC covered positions. The retirement coverage is retained until the grade retention for the subject position terminates.

2. MAXIMUM ENTRY AGE

a. Entry Age Limit. Except as provided in section 3 of this enclosure, the maximum entry age for covered primary firefighter and law enforcement officer positions is 37. An individual not appointed by the last day of the month in which the individual becomes age 37 will not be originally appointed or assigned to these positions.

b. Reentry into a Covered Position

(1) Individuals who are past the maximum entry age limit of 37 but who previously served in a covered primary position may be reinstated to a covered primary position only if they:

(a) Meet the applicable qualification requirements for the position.

(b) 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 they become age 57.

(2) Example 1

(a) An individual receives his or her original appointment to a covered primary position 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.

(b) The firefighter must have 20 years of covered service by the last day of the month in which he or she becomes age 57. 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.

(c) Since the applicant needs to complete 20 years of service before the last day of the month in which he or she becomes age 57, 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.

(3) Example 2

(a) An individual received his or her original appointment to a covered primary position at age 34. After working for 5 years, the employee resigned to work in the private sector and took a refund of his or her retirement contributions. Now at age 42, the individual is applying for another rigorous law enforcement officer position.

(b) Law enforcement officers must have 20 years of covered service before the last day of the month in which they become age 57. Because the individual received a refund for 5 years of service in the rigorous position, the refunded service is not creditable for retirement and is not covered service for computing the individual's reentry age, unless he or she redeposits their time.

(c) The individual still needs 20 years to reach 20 years of covered service by age 57. Subtract 20 from 57 to arrive at the maximum reentry age of 37. The individual is 42. This

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exceeds his or her maximum reentry age of 37. Therefore, this applicant cannot be rehired into a primary position without an age waiver.

3. EXCEPTIONS TO THE MAXIMUM ENTRY AGE

a. A DoD Component head may approve the original entry of an individual who has passed the entry age limits in section 2 of this enclosure. Such an exception will be extremely rare and based only on a compelling hardship to the DoD Component mission, such as overcoming a recruitment shortage. Age waivers are not required for entry into a covered secondary firefighter or law enforcement officer position.

b. DoD Components will waive the maximum entry age requirements in section 2 of this enclosure, pursuant to section 3312(a)(1) of Reference (d), for preference eligibles, unless it is determined that the age is essential to the performance of the duties of the position being filled.

(1) (Added)(DAF) A position that is approved for primary/rigorous SRC, resulting in the position being subject to MEA restrictions, is not, in itself, equivalent to a determination that age is essential to the performance of the duties. IAW references (n) and (o), age must be determined to be a Bona Fide Occupational Qualification (BFOQ) under the Age Discrimination in Employment Act to be considered essential to the performance of the duties of the position.

(2) (Added)(DAF) A DAF FF or LEO position will rarely rise to the standard required for age to be supportable as a BFOQ. However, an organization which believes a position meets the standard for consideration may, after consulting with their servicing legal advisor, elevate through the chain of command and legal channels, a request for a formal determination from the AF/A1 that age is a BFOQ for the position. The formal determination must be received prior to announcing the position in order to allow for proper verbiage in the vacancy announcement and proper referral of applicants. (T-0)

(3) (Added)(DAF) Absent a formal determination that age is essential to the performance of the duties of the position, it is considered that age is not essential to the performance of the duties of the position and preference eligible candidates should be referred IAW guidance in this enclosure. Preference eligible selectees who are over the MEA will be granted an exception/MEA waiver from the office delegated with that authority. (T-0)

c. Each exception will be in writing and signed by the DoD Component head.

(1) (Added)(DAF) For Criminal Investigator positions which are approved for primary/rigorous LEO SRC, reference (m) re-delegates the MEA exception/waiver approval authority for requirements referenced in paragraphs 3.a. and 3.b. to the Commander, Air Force Office of Special Investigations (AFOSI/CC).

(2) (Added)(DAF) For primary/rigorous FF positions, reference (p) re-delegates the MEA exception/waiver approval authority for requirements under paragraph 3.a. to the MAJCOM A1, with authority to re-delegate no lower than the 3-letter reporting to the A1. The authority to approve an exception/waiver to the MEA requirements under paragraph 3.b. is re-delegated to the MAJCOM A1, with authority to re-delegate, in writing, to the lowest level practicable.

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(3) (Added)(DAF) For non-preference eligible candidates and in cases where the authorized official has determined age to be essential to the performance of the duties of the position, regardless of the applicant's veteran's preference eligibility, an exception to MEA restrictions will be extremely rare and based only on a compelling hardship to the mission, such as overcoming a recruitment shortage. (T-0) Approval of an exception to MEA restrictions is not meant to circumvent existing hiring policy and procedures.

d. A copy of the approved exception will be filed in the OPF of the person concerned.

(1) (Added)(DAF) The official approving the MEA exception/waiver will ensure that a copy of the approval is forwarded for filing in the employee's electronic OPF. (T-0) It is important that the record documents that appropriate action was taken at the time of hire.

(2) (Added)(DAF) The AFPC, for AFPC serviced positions or AFMC, for AFMC serviced positions, will ensure a required MEA exception/waiver is obtained prior to extending a final job offer. (T-0)

e. An employee in this category who is not otherwise eligible for immediate retirement may remain employed in a covered position until he or she meets the retirement requirements of section 8336(c) of Reference (d) for CSRS employees and section 8412(d) of Reference (d) for FERS employees, provided the employee continues to meet the physical requirements for his or her position.

(1) (Added)(DAF) An exception to the MEA grants permission for the employee to be originally hired into a primary/rigorous position over the age of 37. An employee who received an approved exception, and has remained covered under SRC, is not subject to mandatory separation until he or she has completed the requisite 20 years of covered service.

(2) (Added)(DAF) An employee who is over the maximum reentry age, IAW section 2.b. of this enclosure, and who wishes to re-enter a primary/rigorous position after a break in service or after serving in a secondary position under regular retirement, due to not meeting transfer requirements specified in 5 CFR 831.904 and 842.803, requires an approved exception. (T-0) A new exception is required even if the individual was over the MEA on the date of original entry into a primary/rigorous position and previously received an approved exception, due to the break in service/coverage. Exceptions to re-enter a primary/rigorous position are subject to the same restrictions and requirements as specified in section 3 of this enclosure.

(3) (Added)(DAF) In the case of an employee who was hired over the MEA, but an approved entry or re-entry exception/waiver cannot be located, despite due diligence to locate the missing waiver, the official with authority to approve exceptions to the MEA may draft and sign a memorandum for record indicating the oversight, in order to document the record that the individual is allowed to continue in the position until completing 20 years, provided other conditions of employment are met.

4. FILLING POSITIONS. When filling positions, a determination of whether age is essential to the performance of the duties of the position will be made before announcing the position. A copy of the determination will be provided to the human resources office and retained in the

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casefile. The human resources office will refer individuals who may be eligible for waivers in accordance with section 3 of this enclosure along with other equally qualified candidates. Referral lists must be annotated to identify those candidates who would require a waiver. If a candidate requiring a waiver is selected, a tentative offer pending the age waiver approval may be made.

a. (Added)(DAF) The authority to make a positive determination that age is essential to the performance of the duties of the position, in other words a BFOQ, resides with the Deputy Chief of Staff, Manpower, Personnel and Services (AF/A1). Absent a positive determination, it is considered that age is not a BFOQ for DAF primary/rigorous FF or LEO positions.

b. (Added)(DAF) Recruitments for positions approved for primary/rigorous SRC will include a statement in the vacancy announcement regarding MEA restrictions, to include pertinent information regarding waivers for preference eligible applicants. (T-1)

c. (Added)(DAF) Recruitments for positions approved for secondary coverage will include a statement in the vacancy announcement regarding transfer requirements which must be met in order for an individual to continue SRC into the secondary position. (T-1)

d. (Added)(DAF) An individual, who is selected for a position which is approved for secondary coverage and who will lose SRC due to failing to meet transfer requirements upon the move to the secondary position, will be advised regarding the loss of SRC prior to the action being affected so that the individual may make an informed decision on whether to accept or decline the position. (T-1)

5. MANDATORY SEPARATION.

a. Age Requirements. Pursuant to section 8335(b) of Reference (d) for CSRS employees and section 8425(b) of Reference (d) for FERS employees, a firefighter or law enforcement officer who is otherwise eligible for immediate retirement pursuant to section 8336(c) of Reference (d) for CSRS employees and section 8412(d) of Reference (d) for FERS employees, must be separated from the federal service on the last day of the month in which he or she becomes 57 years of age unless the employee has not yet completed 20 years of service and a waiver has been granted. In that case, the employee will be separated on the last day of the month in which he or she completes 20 years of service. However, the employee must continue to meet the physical requirements of the position, and if the employee cannot meet those requirements, he or she will have to be removed from the position.

b. Notification Requirements. Employing offices are responsible for notifying covered employees in writing of the date of separation at least 60 days before that date. In accordance with sections 8335(b)(1) and 8425(b)(1) of Reference (d), action to separate such an employee will 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.

(1) (Added)(DAF) The CPS is responsible for regularly reviewing the MRD in the serviced employee's record and will provide the serviced employee with a timely written notification of mandatory separation. (T-0) Timely notification is defined as no later than 60 calendar days prior to the scheduled MRD. A mandatory separation under section

8335 or 8425 of Reference (d) is not an adverse action under 5 CFR 752 or a removal action under 5 CFR 359. As such, no proposal or decision letter is required prior to issuing the notification.

(2) (Added)(DAF) The AFPC, for AFPC serviced positions or AFMC, for AFMC serviced positions, in coordination with the servicing CPS, will establish responsibilities and procedures to ensure the accuracy of the MRD is verified prior to the mandatory separation letter being issued to avoid the occurrence of erroneous notifications and separations. (T-1)

(3) (Added)(DAF) An employee who does not receive a timely, written notification of mandatory separation cannot be mandatorily separated until the last day of the month, which is 60 days after receiving the notification, even if that date is past the MRD reflected in the employee's record.

(4) (Added)(DAF) The CPS will ensure that an employee, who has been provided timely notification and who has not received an approved waiver to remain onboard past the MRD or moved to a position not subject to SRC, does not remain onboard past the MRD. (T-1)

(5) (Added)(DAF) The CPS will ensure that an employee who received a late mandatory separation notification (less than 60 days prior to the MRD) and who has not received an approved waiver to remain onboard or moved to a position not subject to SRC, does not remain onboard past the mandatory separation date specified in the written notification since that date will be after the MRD showing in the employee's record. (T-1)

c. Exceptions

(1) The DoD Component head may exempt a firefighter or law enforcement officer from automatic separation until the employee becomes 60 years of age if, in the judgment of the DoD Component head, the public interest so requires. In such a case, the employee will be separated on the date specified by the Component head and no later than the day the firefighter or law enforcement officer becomes 60 years of age.

(2) Pursuant to section 8335(f) of Reference (d) for CSRS employees and section 8425(e) of Reference (d) for FERS employees, the President of the United States, by Executive order, may exempt an employee from automatic separation if the President determines the public interest requires it.

(3) (Added)(DAF) Authority to approve a mandatory separation exemption/waiver under paragraph 5.c.(1) for both FF and LEO positions resides with SAF/MR.

(4) (Added)(DAF) A mandatory separation waiver request should be based on mission requirements, not solely on an individual's desire to continue working.

(5) (Added)(DAF) A mandatory separation waiver request is initiated by the organization, not the incumbent, at least 6 months ahead of the anticipated separation date, to allow sufficient time for staffing and coordination on the request.

(6) Both FF and LEO mandatory separation waiver requests will include:

(a) (Added)(DAF) Employee information, including: name, date of birth, mandatory separation date, length of service under SRC, and 'from' and 'to' date for which waiver approval is requested. If the employee was granted an exception to the MEA upon hire/rehire, a copy of the approved exception(s) must be included. (T-0)

(b) (Added)(DAF) Current position information, including: official position title, PD number and grade, installation/duty location and a copy of the current PD. (T-0)

(c) (Added)(DAF) MAJCOM Headquarters (HQ) (for FF requests) or AFOSI HQ (for LEO requests) endorsement of the request with the name of the MAJCOM HQ representative who can answer questions regarding the request. The endorsement will include the justification of how retention of the individual past the MRD is in the public's interest and how the mission will be compromised by the loss of the individual. (T-1) If the request is based on manpower issues, data showing a lack of qualified applicants, low retention rates, etc. should be provided. The request should explain all recruitment, retention and/or relocation efforts which have been offered to improve/increase the qualified candidate pool; provide installation/facility manning data such as number of positions (including vacancies) including title, grade, and PD number for each. Any other extenuating circumstances such as number of mandatory separations occurring at the same time, natural disaster or other devastating loss which impacts operations, impending base closure or realignment, etc. should also be included.

(7) (Added)(DAF) Requests originating below the MAJCOM HQ/AFOSI HQ level, which are not endorsed by the MAJCOM HQ/AFOSI HQ, may be declined by the HQ level office and do not require elevation to AF/A1. The determination will be returned to the office where the request originated. (T-1) The requesting office will promptly notify the employee of the determination. (T-1)

(8) (Added)(DAF) For requests receiving MAJCOM HQ/AFOSI HQ level endorsement, the request package, including all supporting documentation, will be forwarded AF/A1CM workflow inbox at AF.A1CM.Workflow@us.af.mil. (T-1) The subject line should read, "Mandatory Separation Waiver request" followed by the employee's last name. The body of the email should list the organization's HQ point of contact who can address any questions about the request. If the request originated below the HQ level, the office initiating the request should be provided a courtesy copy. AF/A1CM will route the request to the approval authority for a final determination. (T-1) All request packages should be received by AF/A1CM at least 90 days prior to the MRD.

(9) (Added)(DAF) If a request for mandatory separation waiver is still pending a determination 60 days prior to the MRD, the mandatory separation notification will still be issued timely so as not to delay the mandatory separation if the waiver request is denied. (T-0)

(10) (Added)(DAF) A separation waiver, when granted, is for a specific length of time. A new MRD based on the date reflected on the approved waiver will need to be input into the personnel system. The employing agency is only authorized to approve a separation waiver up until the date that the employee reaches age 60.

(a) (Added)(DAF) The new MRD is determined by the length of the approved waiver and can be no later than the day before the employee's 60th birthday.

(b) (Added)(DAF) AF/A1CM will provide a copy of the separation waiver determination to the requesting office which will notify the employee of the determination. (T-1)

(c) (Added)(DAF) Approved waivers will also be forwarded to the appropriate AFPC staffing POC or AFMC SRC workflow inbox at afmc.alkzd.desrcteam@us.af.mil for the MRD change in the individual's record, and to the BEST workflow inbox at afpc.dp2sb@us.af.mil so the employee may be counseled regarding the disposition of any retirement application he/she may have submitted. (T-1)

(11) (Added)(DAF) An employee who does not wish to retire or be separated from service, may choose to apply for a non-SRC position. If selected for the non-SRC position, the employee's retirement will be changed to the appropriate non-SRC retirement coverage upon the effective date of the move to the non-SRC position. (T-0) Such an employee is no longer subject to mandatory separation and the MRD should be removed from the individual's record. An employee who has completed at least 20 years of SRC service upon the move to the non-SRC position, retains entitlement under SRC provisions once he or she decides to retire.

(a) EXAMPLE: Sally Smith was hired at age 35 into a primary/rigorous position. She worked in that position until she reached age 57, at which time she was subject to mandatory separation with 21 years, 6 months of SRC service. Sally was not ready to leave Federal service and chose to apply and was selected for a Motor Vehicle Operator position which was not subject to SRC provisions. Sally moved directly to the new position without a break in service, her retirement coverage was changed from special retirement to regular retirement and the MRD removed from her record. At age 60, Sally applied for regular retirement and was entitled to have her annuity calculated under the enhanced SRC provisions for 20 years (the maximum allowed time for an enhanced annuity is 20 years regardless of whether additional years are worked) and the remainder of her service (4 years, 6 months) was calculated under regular retirement provisions.

(12) (Added)(DAF) An employee may not remain in an SRC position past the MRD for the purpose of awaiting the determination on a separation waiver request or to await placement in a non-SRC position. (T-0)

(13) (Added)(DAF) The employing agency must separate an employee who is subject to mandatory separation on the mandatory retirement date (or applicable date on the mandatory separation notification if timely notice was not provided) even if the individual has not submitted a retirement application to the agency. (T-0). The retirement annuity will not begin until OPM has received the individual's retirement application.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

| | |
|-------------------------------|--|
| ASD(R&FM) | Assistant Secretary of Defense for Readiness and Force Management |
| ASD(M&RA) | Assistant Secretary of Defense for Manpower and Reserve Affairs |
| CSRS | Civil Service Retirement System |
| DASD(CPP) | Deputy Assistant Secretary of Defense for Civilian Personnel Policy |
| DoDHRA | Department of Defense Human Resources Activity |
| FERS | Federal Employees Retirement System |
| OPF | Official personnel folder |
| USD(P&R) | Under Secretary of Defense for Personnel and Readiness |
| WHS | Washington Headquarters Services |
| (Added)(DAF) AFPC | Air Force Personnel Center |
| (Added)(DAF) AFPD | Air Force Policy Directive |
| (Added)(DAF) AFI | Air Force Instruction |
| (Added)(DAF) AFMC | Air Force Materiel Command |
| (Added)(DAF) AFOSI | Air Force Office of Special Investigations |
| (Added)(DAF) AFR | Air Force Reserve |
| (Added)(DAF) ANG | Air National Guard |
| (Added)(DAF) BAL | Benefits Administration Letter |
| (Added)(DAF) BEST | Benefits and Entitlements Services Team |

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| (Added)(DAF) BFOQ | Bona Fide Occupational Qualification |
| (Added)(DAF) CPS | Civilian Personnel Section |
| (Added)(DAF) CFR | Code of Federal Regulations |
| (Added)(DAF) DAF | Department of Air Force |
| (Added)(DAF) DAFMAN | Department of Air Force Manual |
| (Added)(DAF) DCPAS | Defense Civilian Personnel Advisory Service |
| (Added)(DAF) FLDCOM | Field Command |
| (Added)(DAF) FF | Firefighter |
| (Added)(DAF) HAFMD | Headquarters Air Force Mission Directive |
| (Added)(DAF) IAW | In accordance with |
| (Added)(DAF) LEO | Law Enforcement Officer |
| (Added)(DAF) MAJCOM | Major Command |
| (Added)(DAF) MRD | Mandatory Retirement Date |
| (Added)(DAF) MEA | Maximum Entry Age |
| (Added)(DAF) OPM | Office of Personnel Management |
| (Added)(DAF) OPR | Office of Primary Responsibility |
| (Added)(DAF) PD | Position Description |
| (Added)(DAF) SCPD | Standardized Core Personnel Document |

**(Added)(DAF) Special Retirement Coverage
SRC**

**(Added)(DAF) United States Code
USC**

(Added)(DAF) *Office Symbols*

**(Added)(DAF) Deputy Chief of Staff of the Air Force, Manpower, Personnel
AF/A1 and Services**

**(Added)(DAF) Director, Civilian Force Management Directorate
AF/A1C**

**(Added)(DAF) Compensation and Performance Management Division
AF/A1CM**

**(Added)(DAF) Chief of the Air Force Reserve
AF/RE**

**(Added)(DAF) Commander of the Air Force Office of Special Investigations
AFOSI/CC**

**(Added)(DAF) Director of the Air National Guard
NGB/CF**

**(Added)(DAF) Assistant Secretary of the Air Force (Manpower and Reserve
SAF/MR Affairs)**

**(Added)(DAF) Deputy Chief of Space Operations for Personnel
SF/S1**

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this volume.

covered position. A position that has been identified by a DoD Component and approved by the USD(P&R) as a primary, rigorous, or secondary position for special retirement coverage pursuant to Reference (g) for CSRS employees and Reference (h) for FERS employees.

covered service. The time an employee spends working in a covered primary or rigorous position. This service is creditable for meeting the requirement for immediate retirement under the special retirement provisions for firefighters and law enforcement officers in section 8336(c) of Reference (d) for CSRS employees and section 8412(d) of Reference (d) for FERS employees.

original entry. An individual's first appointment in the DoD to a covered primary or rigorous firefighter or law enforcement officer position.

preference eligible. Defined in section 2108(3) of Reference (d).

primary, rigorous, and secondary positions. Defined in section 831.902 of Title 5, Code of Federal Regulations (Reference (i)) for CSRS employees and section 842.802 of Reference (i) for FERS employees.