

MRN: [19 STATE 37982](#)
Date/DTG: Apr 15, 2019 / 151621Z APR 19
From: SECSTATE WASHDC
Action: ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE *ROUTINE*
E.O.: 13526
TAGS: APER, AMGT
Subject: Mandatory Retirement For Age

1. This message reminds all Foreign Service members and Civil Service law enforcement officers that their terms of employment include a statutory requirement for mandatory retirement for age. Those employees must retire by the end of the month in which they reach their mandatory retirement age. To do so, they should submit their retirement applications to the Office of Retirement (HR/RET) using the Employee Retirement Portal (ERP) on HR Online (<https://hrweb.hr.state.sbu/prd/hronline/index.cfm>) no later than three months before their mandatory retirement date.

FOR FOREIGN SERVICE MEMBERS

2. Federal law requires that career members of the Foreign Service be retired by the end of the month in which they reach age 65. This law applies to all Foreign Service members at all foreign affairs agencies. There are two statutory exceptions: a) employees occupying positions for which they were appointed by the President and confirmed by the Senate who continue to serve until that appointment is terminated; and b) certain Diplomatic Security special agents who were covered under the pre-1984 Foreign Service Retirement and Disability System (FSRDS) and were given the opportunity in 1998 to receive certain retirement benefits in exchange for being subject to mandatory retirement by the end of the month in which they reach age 57.

3. Federal law authorizes the Secretary (who has delegated authority to the Director General) to approve an extension of service past age 65 if the public interest so requires. The threshold for approving such extensions is high. Therefore, employees and their supervisors should take the approaching statutory limit on service into account in their work planning. Requests for extensions of service can only be made by bureaus and should be submitted at least four months prior to the employee's 65th birthday and be addressed to the Director General. For additional information, see HR/CDA Standard Operating Procedure D-01 on the HR/CDA intranet site.

4. During the calendar year before a Foreign Service member reaches age 65, HR/RET will contact the employee to advise them of the steps to be taken to retire in an orderly manner. Such employees should submit their retirement applications using the Employee Retirement Portal (ERP) on HR Online no later than 90 days before the end of the month in which they reach age 65. Late submission of retirement applications will not stop separations, but may delay the start of payment of retirement benefits and lump sum annual leave payouts.

5. Foreign Service members approaching mandatory retirement for age who wish to take the FSI Job Search Program (JSP) must retire on the last day of the course, which may not coincide with the end of the month in which they turn 65. If an employee has less than 20 years of creditable service and retires mandatorily on the last day of the month in which he/she turn 65, the annuity calculation is 1.7% x high three average salary x years and months of service. If an employee has less than 20 years of creditable service and retires voluntarily any other day in the month in which he/she turn 65, the annuity calculation is 1.0% x high three average salary x years and months of service. Therefore,

employees have two options if they wish to participate in the JSP and have their annuity to be calculated at the higher 1.7 percent rate. First, they may take the JSP in pay status if the last day of the course coincides with the last day of the month in which they turn 65. Second, if the JSP ends prior to the last day of the month in which they turn 65, they may perform regular duty through to the end of the month and take the JSP in non-pay status up to one year after retirement as long as they enroll prior to their separation date. For those employees with 20 years or more of service, they may take the JSP in pay status and retire on the last day of the course; however, the annuity will only begin to accrue on the first day of the following month.

FOR CIVIL SERVICE LAW ENFORCEMENT OFFICERS

6. Federal law requires that Civil Service law enforcement officers covered by the special LEO retirement provisions (Criminal Investigators in the 1811 occupational series under retirement code M (FERS & FICA Special) and CSRS Law Enforcement Officers under retirement code 6 (CSRS Special)) and certain Foreign Service special agents (identified in paragraph 2 above) be retired on the last day of the month in which they reach age 57 if they have 20 years of federal law enforcement service. Civil Service employees who lack the required 20 years of federal law enforcement service may stay until the month that they have obtained that service to be eligible for immediate retirement benefits. There are no statutory exceptions to this law. Civil Service law enforcement officers who apply for and enter on duty in a non-law enforcement position prior to the end of the month in which they attain age 57 with 20 years law enforcement service credit, may continue on the rolls in a non-law enforcement position. Once these officers retire from a non-law enforcement position, they will receive the special law enforcement computation for the portion of their annuity that is based on their law enforcement service provided they had at least 20 years of such service.

7. Federal law authorizes the Secretary (who has delegated authority to the Director General) to approve an extension of service past age 57 if the public interest so requires. The threshold for approving such extensions is high. Therefore, employees and their supervisors should take the approaching statutory limit on service into account in their work planning. Any requests for extensions should be submitted by the requesting bureau at least four months prior to the employee's 57th birthday and be addressed to the Director General.

8. During the calendar year before a Civil Service law enforcement officer reaches age 57, HR/RET will contact the employee to advise him/her of the steps to be taken to retire in an orderly manner. Such employees should submit their retirement applications using the Employee Retirement Portal (ERP) on HR Online no later than 90 days before the end of the month in which they reach age 57. Late submission of retirement applications will not stop separations, but may delay the start of payment of retirement benefits and lump sum annual leave payouts.

9. Law enforcement officers approaching mandatory retirement for age who wish to take the FSI Job Search Program (JSP) have two options. First, they may take the JSP in pay status if the last day of the course coincides with the last day of the month in which they turn 57. Second, if the JSP ends prior to the last day of the month in which they turn 57, they may take the JSP in non-pay status up to one year after retirement as long as they enroll prior to their separation date. For those employees with 20 years or more of service, they may take the JSP in pay status and retire on the last day of the course; however, the annuity will only begin to accrue on the first day of the following month.

10. If questions remain after reviewing this message, please contact HRSC@state.gov.

Signature:

Pompeo

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