

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 6109.12 – Employment and Benefits Handbook
Chapter 40 - Retirement**

Amendment: 6109.12-1998-2

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Approved by: Mike Dombeck, Chief

Date approved:

Responsible Staff:

Last Change: Amendment 6109.12-1998-1 to FSH 6109.12,40 Contents.

Superseded Document(s): Amendment 6109.12-92-3 to FSH 6109.12,40

Digest: Following is an explanation of the changes throughout the directive by section.

This amendment makes minor wording changes throughout the chapter to clarify direction; changes the name of the former Personnel and Civil Rights Staff to the Human Resources Management Staff; inserts Program Manager for Streamlining and Benefits, Human Resources Management Staff, in place of the Staffing Branch; substitutes the name of the current Law Enforcement and Investigations Staff for obsolete references to the Fiscal and Public Safety Staff, which formerly included the law enforcement program; replaces the term "criminal investigation" with "investigation and apprehension of violators of U.S. criminal law"; and changes obsolete cross-references to the abolished Federal Personnel Manual to the current authorities and references.

41.06: Revises a reference concerning position descriptions to recognize the delegation of authority from the Office of Personnel Management to the Department of Agriculture to approve the coverage of positions under law enforcement and firefighter retirement. Recognizes the abolishment of the Federal Personnel Manual by adding a reference to the Office of Personnel Management CSRS and FERS Handbook for Personnel and Payroll Offices.

41.21: Removes an obsolete references to application forms from 1975 or earlier and to a 1989 deadline for employee submission of requests for rulings on coverage.

41.24: Removes an obsolete reference to details and temporary promotions made prior to 1988.

41.26: Adds the change in the maximum entry age for law enforcement officers from 35 to 37.

42.05: Corrects the definition of service creditable under the FERS 3-year rule.

43.1: Removes obsolete direction on forms of retirement recognition such as Forest Service retirement certificates and retiree identification cards.

43.2: Removes obsolete information on the availability of Forest Service retirement certificates and retiree identification cards.

43.3: Removes obsolete procedures for obtaining retirement recognition by the Chief.

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40.1 - Authority

Title 5, Code of Federal Regulations, part 831, subpart I, and part 842, subpart H, contain requirements concerning administration of firefighter/law enforcement retirement. See FSM 6182.03 and 6182.04 for direction about aspects of retirement specific to the Forest Service.

41 - Firefighter and Law Enforcement Retirement Under Civil Service Retirement System

41.01 - Authority

Title 5, United States Code, section 8336(c) (5 U.S.C. 8336(c)) provides that an employee is entitled to an annuity under the Civil Service Retirement System (CSRS) when the employee is separated after becoming 50 years of age with 20 years of service as a law enforcement officer or firefighter (or a combination of such totaling at least 20 years).

41.02 - Objective

The objective of the firefighter and law enforcement retirement program is to reduce the average age of employees involved in law enforcement and firefighting.

41.04 - Responsibility

(FSM 6182.04).

41.05 - Definitions

Following are definitions related to positions in law enforcement and firefighting covered under the Civil Service Retirement System (CSRS).

General coverage. The granting of coverage under the firefighter and law enforcement retirement program by the Office of Personnel Management or Department of Agriculture to a particular law enforcement or firefighting position description and others like it.

Primary position. A position with the primary purpose of fireline firefighting or the investigation and apprehension of violators of U.S. criminal laws. (See 5 CFR 831.902 for the complete definition.)

Secondary position. A position that is clearly in the firefighting or law enforcement field, but in which the incumbent does not primarily perform direct fireline or law enforcement duties. The incumbent must have served in a primary position, have transferred directly to a secondary position, and not have had a break in service from secondary positions to qualify under this definition which requirement became effective January 19, 1988 (5 CFR 831.904(a)).

There are two types of secondary positions:

- a. Supervisory. A first-level supervisor of primary positions.
- b. Administrative. A position in any type of administrative work that meets the definition for a secondary position and that requires firefighting or law enforcement experience. (See 5 CFR 831.902 for a complete definition.) The experience requirement is documented in each position description.

41.06 - References

1. The Director, Human Resources Management Staff, Washington Office, distributes to Regional Foresters, Station Directors, the Area Director, and the Institute Director, copies of position descriptions given general firefighter or law enforcement retirement coverage by the Department of Agriculture, Assistant Secretary for Administration, as position descriptions are approved.

2. The Office of Personnel Management CSRS and FERS Handbook for Personnel and Payroll Offices, chapter 46, contains direction on the retirement application process (FSM 6106.12).

41.1 - Retirement Coverage for Law Enforcement and Firefighter Positions

Classification specialists must properly designate each position as either primary, secondary, or not covered so that personnel records clearly show what part of the incumbent's service is creditable under the program. Classification specialists are responsible for designating each position according to the following criteria:

1. Not covered. Positions not in the firefighting or law enforcement field.
2. Covered. Positions that have the same title, grade, series, organization, and type and proportion of covered duties as positions to which the Office of Personnel Management or Department of Agriculture has given general coverage.
3. Proposed for coverage. Positions that do not match those having general coverage but meet the definitions in 5 CFR 831.802 for primary or secondary positions. Send these position descriptions promptly to the Washington Office, Human Resources Management Staff, Program Manager for Streamlining and Benefits, through appropriate channels to request a ruling by the Department of Agriculture, Assistant Secretary for Administration. A position description with a fully completed Form AD-332, Position Description Cover Sheet, is required with these requests for rulings.

41.2 - Coverage of Employees

Employment officers must properly document each employee's retirement coverage, and counsel employees on the effect of position changes. Prepare and maintain a summary of work

experience for each covered employee, including the employee's name, social security number, date of birth, retirement plan, and a list of all positions held, beginning with the first. For each position, list the title, series, grade, position number, beginning and ending dates, and matches to positions approved for general coverage. Update the list as the employee changes positions.

41.21 - Determining Creditability of Service

If the current position description is in question, determine coverage using the procedures in section 41.1. Employees may wish to request firefighter or law enforcement retirement coverage under the Civil Service Retirement System for past service when no position description is available, or the position description does not meet the definition of a covered position. A request for a creditability ruling must contain the items listed in the following paragraphs 1 through 3c. Submit requests through appropriate channels to the Program Manager for Streamlining and Benefits, Human Resources Management Staff, Washington Office. Note that the highest amount of past coverage that can be granted is the 1 year prior to the request (5 CFR 831.906(e) and (f)).

Include the following in a request for a creditability ruling:

1. The summary of work experience as described in section 41.2. An employment officer must sign the summary to verify that it accurately represents information in the Official Personnel Folder.
2. Position descriptions. If the employee is disputing the official record, include other official records that bear on the employee's duties, such as application forms and performance rating forms that indicate whether the official position description was accurate.
3. Information and evidence in cases where there is a need to establish duties in the absence of a position description or to contradict an official position description. In these cases, secondary evidence is admissible. In general, the servicing personnel office is responsible for assembling official records; the employee is responsible for assembling documentation that disputes the record. Secondary evidence may include:
 - a. For law enforcement employees, lists of arrests made. For firefighters, the number of fires fought, days involved, names of fires fought, dates of the fires, and the position occupied on the fire. These items are required by regulation.
 - b. Statements about positions and responsibilities. An affidavit must identify the writer and the writer's responsibility for the employee's assignment. It must state specific dates of the assignment, both fire and nonfire or law enforcement duties, the primary purpose of the position, the percentage of time devoted to fire or law enforcement related duties, and whether firefighting or law enforcement experience was required for the position. It must explain any disagreement with

the official position description. An unofficial substitute position description may be part of an affidavit. Affidavits from former supervisors are the strongest secondary evidence. Affidavits by second- or third-line supervisors or coworkers are acceptable, but carry less weight.

c. Other documents that help establish the employee's duties.

41.22 - Reconsideration

Employees may request reconsideration by the Program Manager for Streamlining and Benefits, Human Resources Management Staff, Washington Office, or a ruling by the Department of Agriculture, Assistant Secretary for Administration. The Assistant Secretary, upon making a final decision, offers a right of appeal.

41.23 - Retirement Deductions

The retirement deduction for employees in covered positions is 1/2 percent above that for noncovered positions.

41.24 - Details and Temporary Promotions and Assignments

Coverage and deductions are determined by each employee's position of record. Details and temporary promotions do not affect coverage.

41.25 - Processing Retirement Applications

To the documents required for optional retirement, add the summary of work experience and any rulings on past service made by the Forest Service, Office of Personnel Management, or Department of Agriculture under section 41.21. The summary of work experience must be complete up to and including the retirement date. Ensure that retirement deductions correspond to firefighter/law enforcement retirement service credit.

41.26 - Maximum Entry Age

1. Primary firefighter positions have a maximum entry age of 35. Exceptions to age 40 for pilots may be made based on documentation that applicants will not be available if the entry age is limited to age 35. Primary law enforcement positions have a maximum entry age of 37.

2. The maximum entry age applies each time an individual enters a position with a maximum entry age except when the individual enters directly from another position with a maximum entry age. An individual meets the maximum entry age if the individual's service in positions approved for firefighter/law enforcement retirement under either the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS), when subtracted from the age at the time of appointment, is less than 35 years for firefighting or 37 years for law enforcement; when an exception is made for a pilot position, the resulting number must be less than 40 years. Allow credit for all time on the rolls, disregarding tour of duty,

deposits owed, whether part of the service is after 1988, or other issues affecting creditability of the service.

3. Vacancy announcements and similar materials must specify the maximum entry age.

4. The maximum entry age applies to appointments subject to CSRS or FERS, including term appointments, but not to temporary appointments.

41.27 - Mandatory Retirement Age

Mandatory retirement applies at age 55 for firefighters and 57 for law enforcement employees who are in covered positions and have 20 years of covered service. Procedures are in the Office of Personnel Management CSRS and FERS Handbook for Personnel and Payroll Offices, chapter 46 (FSM 6106.12).

42 - Firefighter and Law Enforcement Retirement Under Federal Employees Retirement System

42.01 - Authority

Title 5, United States Code, section 8412(d) (5 U.S.C 8412(d)) provides that an employee is entitled to an annuity when the employee is separated:

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

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.

42.02 - Objective

The objective of the firefighter and law enforcement retirement program is to reduce the average age of employees involved in law enforcement and firefighting.

42.04 - Responsibility

(FSM 6182.04).

42.05 - Definitions

Following are definitions related to positions in law enforcement and firefighting covered under the Federal Employees Retirement System (FERS).

General coverage. The granting of coverage under the firefighter and law enforcement retirement program by the Department of Agriculture, Assistant Secretary for Administration, to a particular law enforcement or firefighting position description and others like it.

Primary position. A rigorous position with the primary purpose of investigation and apprehension of violators of U.S. criminal laws or fireline firefighting. (See 5 CFR 842.802 for the complete definition.)

Rigorous position. A position that has both a maximum entry age and a special physical requirement.

Secondary position. A position that is clearly in the firefighting or law enforcement field, but in which the incumbent does not primarily perform direct fireline or law enforcement duties. The incumbent must have served in a primary position for 3 years, have transferred directly to a secondary position while covered by the Federal Employees Retirement System, and have remained continuously covered to qualify under this definition. For this 3-year period, service is creditable without regard to deposits owed, and whether part of the service was after 1988.

There are two types of secondary position:

- a. Supervisory. A first-level supervisor of primary positions.
- b. Administrative. A position in any type of administrative work that meets the definition for secondary positions and that requires firefighting or criminal investigation experience. (See 5 CFR 842.802 for complete definitions.) The experience requirement is documented in each position description.

42.06 - References

1. The Director, Human Resources Management Staff, Washington Office, distributes copies of position descriptions given general coverage by the Department of Agriculture, Assistant Secretary for Administration, to Regional Foresters, Station Directors, the Area Director, and the Institute Director, as they are approved.

2. The Office of Personnel Management CSRS and FERS Handbook for Personnel and Payroll Offices, chapter 46, contains direction on the retirement application process (FSM 6106.12).

42.1 - Retirement Coverage for Law Enforcement and Firefighter Positions

Follow the direction in section 41.1.

42.2 - Coverage of Employees

Follow the procedures in section 41.21 in determining creditability of service. The Department of Agriculture, Assistant Secretary for Administration rules on the service to be credited under FERS.

42.3 - Maximum Entry Age

Follow the direction in section 41.26 regarding the maximum entry age.

42.4 - Mandatory Retirement Age

Follow the direction in section 41.27 regarding the mandatory retirement age.

42.5 - Special Physical Requirements

The Director, Fire and Aviation Management Staff, Washington Office, has responsibility for administration of special physical requirements for firefighting positions. The Director, Law Enforcement and Investigations Staff, Washington Office, has responsibility for administration of special physical requirements for law enforcement positions.

42.6 - Retirement Deductions

The retirement deduction for employees in covered positions is 1/2 percent above that for other employees.

42.7 - Details and Temporary Promotions and Assignments

Coverage and deductions are determined by each employee's position of record. Details and temporary promotions do not affect coverage.

42.8 - Processing Retirement Applications

Follow the procedures in section 41.25 to process retirement applications under FERS. Include any ruling made by the Department of Agriculture on firefighter or law enforcement service to be credited under FERS.

43 - Retirement Recognition

43.03 - Policy

The Forest Service encourages retirement recognition, but it is not mandatory.

43.04 - Responsibility

Line officers are responsible for determining the form of retirement recognition.