



The Extra 1/2 %

FIREFIGHTER & LAW ENFORCEMENT OFFICER SPECIAL RETIREMENT IN THE DEPARTMENT OF THE INTERIOR

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Update on the Backlog of Individual Claims

Since January 1, 1998, FLERT has completed review on approximately 3,000 claims. Currently, there are 63 claims pending review. It is anticipated that the individual claim review process will be complete by the end of the fiscal year. It will then be incumbent upon the bureau Servicing HROs to track employees' coverage and counsel them on special retirement issues. It is very important for all bureaus to use the existing standard covered positions so that employees who warrant coverage are properly placed in a covered PD. Eventually, there should be very few, if any, individual claims filed, and these will primarily be by new employees. The FLERT will remain available to provide guidance and assistance to the Servicing HROs, and to examine and rule on any individual claims that may be filed in the future.



Upcoming FF/LEO Retirement Training Sessions

FLERT is continuing to host FF/LEO retirement training sessions. There are now two sessions available. One is designed specifically for Human Resources Specialists and managers/supervisors of firefighters and law enforcement officers. The purpose of this training is to familiarize or re-familiarize Supervisors, and Managers, and HR Specialists of the special retirement rules under the Federal Employees Retirement System (FERS) as they pertain to firefighters and law enforcement officers. The second training is designed for firefighter and law enforcement employees. This training is an orientation to the Federal Employees Retirement System, with a major emphasis on the special retirement as it pertains to firefighters and law enforcement officers. The training provides guidance to employees regarding special retirement coverage and the rules for eligibility. Employees will learn how to calculate their annuities under

the enhanced retirement system. Finally, guidance and basic information will be provided for other retirement planning topics such as Medicare, Health Benefits, Social Security, and the Thrift Savings Plan (TSP). Upcoming training sessions are planned for:

- Cheyenne, WY - August 16, 2006
- Houston, TX (DOI Human Capital Training Conference) - September 18-22, 2006.

For information on, or to enroll in a training session, please email Toni Orth at Toni_Orth@ios.doi.gov.

Additional information for each training session will be available closer to the actual training dates. Online information is also available at <http://flert.nifc.gov>.



FF/LEO Question of the Quarter

By: Patricia Rahn

Is the employee assigned to a position that has been approved for special retirement coverage?

The authority to approve positions has been delegated to the Secretary's Designee. The Firefighter & Law Enforcement Retirement Team (FLERT) begins the process by making recommendations of special retirement coverage for the Department.

The following process should be followed when seeking a coverage determination:

- Verify that the position is or is not an established benchmark/standard position description. A benchmark or standard position description should be used whenever possible. Once the position approval has been verified, continue with the special coverage determination for the employee.
- Positions that have received approval from the Department may be found on our website (http://flert.nifc.gov/Position_Descriptions.htm). Then click on the Bureau PD's link (left side). Each bureau is listed; click on the appropriate link to access the approved position descriptions for each bureau.

If the position you are looking for is not listed, the employee should be placed in FERS (Code K) until he/she has properly been granted coverage. The information





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below discusses the agency and employee responsibilities in requesting position approval:

Agency Request: The employing office may request approval of special retirement coverage for a position. The position description and other required documentation must be submitted to the Firefighter and Law Enforcement Retirement Team for review and recommendation. After the FLERT review, the position is forwarded to the Department for a final determination. Upon receipt of the Departmental decision, FLERT will send the decision to the HR Office. The servicing human resources office will place the employee into the approved position and code the employee's retirement as (M) for special retirement. Further information pertaining to submission of position descriptions for a coverage determination may be found at <http://flert.nifc.gov/forms/General%20PD%20Guide-2005.pdf>. It is important to remember that if the position has not received prior approval, the position is not covered and the employee may not be placed into the special retirement system until such time as the position receives coverage.

Employee Request: If the employing office does not request position approval or if position coverage has already been denied, the employee may request that his/her position be reviewed for individual coverage (this should rarely occur).

However, the employee's request for position approval under the Federal Employees Retirement System (FERS) is governed by the regulations in 5 C.F.R § 842.804(c). The employee has the burden of proving that their position meets the legal definition of a firefighter or law enforcement officer. The definitions can be found in 5 C.F.R § 842.802. The employee's request must be submitted, formally, and in writing, within six months of entering a non-covered position or after a significant change to the position. If the employee does not request coverage within six months, the Department's determination that the position is not covered at the time of service is presumed to be correct.

In order for the request to be considered timely, the employee must prove that he/she was prevented from circumstances beyond his/her control from submitting the request within the time limit or that the employee was unaware of his/her status.

Position Description Coverage

As part of FLERT's transition into new roles as the number of pending individual claims dwindles, Toni Orth has been assigned management of the position description coverage process, replacing Ashanti Sloan. Ashanti will be transitioning into some of FLERT's new functions.

New PDs should be submitted to Toni's attention at the address below. As a reminder, we request that the following information be provided for position coverage:

- FF/LEO checklist for determination;
- Position Description with completed OF-8;
- Percentages of duties stated within the PD;
- Organization chart showing where the PD being submitted fits within the organization; and
- Functional statement showing that the position is in an organization with a FF or LE mission (this can be part of the introduction of the position description).

Also remember that if you assign a new number to an approved standard or benchmark PD, it must be submitted to FLERT for tracking purposes.



Public Safety Officers' Benefits

By: Patricia Rahn

The Public Safety Officers' Benefits Act (PSOBA) ([42 U.S.C. 3796, et seq.](#)) of 1976 was designed to offer peace of mind to men and women seeking careers in public safety and to make a strong statement about the value that American society places on the contributions of those who serve their communities in potentially dangerous circumstances.

The PSOBA Program is administered by the Bureau of Justice Assistance (BJA) and operates under the premise that it is essential that all public safety agencies (local, state, and federal) be prepared to effectively help the family, fellow officers, and the community move forward in the aftermath of a tragedy. Following are some of the benefits available under the Act:

- ✦ **Death Benefits** in the form of a one-time financial payment to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. As of October 1, 2005, the benefit amount was \$283,385.





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- ☀ **Disability Benefits** for public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing **any** substantial and gainful work. Medical retirement for a line-of-duty disability does not, in and of itself, establish eligibility for PSOBA benefits.
- ☀ **Public Safety Officers' Educational Assistance Act** provides for educational benefits for the spouses and children of federal, state, and local public safety officers who have been permanently disabled or killed in the line of duty.

As defined by Congress in Public Law 90-351 (Sec. 1217), a public safety officer is an individual serving within a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew. In October 2000, Public Law 106-390 (Sec. 305) designated employees of the Federal Emergency Management Agency (FEMA) as public safety officers if they were performing official, hazardous duties related to a declared major disaster or emergency. The legislation also indicated that state, local, or tribal emergency management or civil defense agency employees working in cooperation with FEMA are, under the same circumstances, considered public safety officers. Retroactive to September 11, 2001, chaplains also are included in the act definition of a [public safety officer](#).

Further information pertaining to benefits or programs available may be found on the Bureau of Justice Assistance website at http://www.ojp.usdoj.gov/BJA/grant/psob/psob_main.html.



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Definitions – Primary and Secondary

- Under the Federal Employee Retirement System (FERS) Primary duties are: (1) paramount in influence or weight; that is, constitute the basic reasons for the existence of the position; (2) occupy a substantial portion of the individual's working time over a typical work cycle; **AND** (3) are assigned on a regular and recurring basis.
- Secondary means a position that is: (a) clearly in the firefighting or law enforcement field; (b) in an organization having a firefighting or law enforcement mission; **AND** (c) is either: (1) supervisory, that is, the primary duties are as a first-level supervisor of firefighters or law enforcement officers in rigorous positions; or (2) administrative, that is, an executive, managerial, technical, semi-professional, or professional position for which experience in a rigorous firefighting or law enforcement position (or equivalent experience outside the Federal government) is a mandatory requirement.



Transition Rules – Eligibility for Secondary Coverage

Under FERS rules, in order to be eligible for secondary coverage an individual must meet three criteria: i) the employee, while covered under the provisions of 5 U.S.C. 8412 (d), moves directly (that is, without a break in service exceeding 3 days) from a rigorous position to a secondary position; ii) the employee has completed 3 years of service in a rigorous position, including any such service during which no FERS deductions were withheld; and iii) the employee has been continuously employed in a secondary position or positions since moving from a rigorous position without a break in service exceeding 3 days, except that a break in employment in secondary positions that begins with an involuntary separation (not for cause), within the meaning of 5 U.S.C. 8414(b)(1)(A). For further clarification see 5 C.F.R. § 842.803.



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