

580 Federal Employees Retirement System

Additional Material:

References to additional material concerning the subject matter in some sections of this chapter are indicated in boxed sections identified as "Reference Notes."

581 **General**

Reference Note:

For additional material concerning the subject matter found in 581, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 10 and 20.*

581.1 **Scope**

Subchapter 580 covers the basic portion of the Federal Employees Retirement System (FERS). Social Security is covered in subchapter 570. The Thrift Savings Plan is covered in subchapter 590. The Civil Service Retirement System (CSRS) is covered in subchapter 560.

581.2 **Administration**

The Office of Personnel Management (OPM) administers the basic portion of FERS. The FERS laws, policies, and regulations issued by OPM, including those governing employee eligibility and benefits, are controlling in the event of conflict with the information in this subchapter.

581.3 **Employees Covered**

FERS applies to:

- a. Employees whose initial career appointment was January 1, 1984 or later;
- b. Employees whose initial career appointment was prior to January 1, 1984 but who subsequently had a break in service of 366 days or more and had less than 5 years of creditable civilian service prior to January 1, 1987;
- c. Career employees who elected to be covered by FERS.

581.4 **Exclusions**

FERS does not apply to:

- a. Noncareer employees;
- b. Employees who had 5 or more years of creditable civilian service under CSRS rules as of December 31, 1986 even though none of this service

was covered by CSRS deductions (such as substitute rural carriers) unless they elect FERS coverage;

- c. Employees previously covered by CSRS who have a break in service of 365 days or less;
- d. Employees serving under appointments limited to 1 year or less; and
- e. Employees covered by another retirement system.

582 Creditable Service

582.1 General

Reference Note:

For additional material concerning the subject matter found in 582.1 through 582.3, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 10 and 20.*

582.11 Types of Service

Generally, civilian service performed for the federal government or the U.S. Postal Service may be creditable for retirement purposes. Military service may be creditable under certain circumstances (see 582.7).

582.12 Specific Creditable Civilian Service

The following service is creditable civilian service under FERS

- a. Service performed after December 31, 1986 for which deductions were not refunded to the employee.
- b. Service performed prior to January 1, 1989 that would have been creditable under CSRS rules provided the employee was subject to retirement or has made a deposit for the service, neither of which has been refunded to the employee since becoming subject to FERS.
- c. Service performed on or after January 1, 1989 when deductions for the FERS basic were withheld from salary provided such deductions were not refunded to the employee.
- d. Service performed under CSRS prior to transferring to FERS provided deductions were not refunded to the employee after becoming subject to FERS. (This CSRS time became FERS upon transferring.)

582.13 Time Credit

Generally, full-time credit is allowed for periods of government employment between the dates of an employee's appointment and separation.

Credit is not allowed for that period which exceeds 6 months of LWOP in a calendar year.

582.14 Breaks in Service

Periods of separation of 3 calendar days or less are not deducted in computing total creditable service.

Periods of LWOP while performing military service are not included when determining LWOP in excess of 6 months in a calendar year (see 582.13).

Periods when the employee was receiving OWCP benefits are not considered breaks in service (see 582.4).

582.2 Deductions Refunded

Service for which deductions were refunded to the employee after becoming subject to FERS is no longer creditable for either eligibility to retire or calculation of the annuity. Once refunded, deductions may never be redeposited.

582.3 Part-Time Service

Retirement benefits that include part-time employment will be prorated by a ratio of the part-time hours worked to the number of hours a full-time employee would have worked.

582.4 Employee Receiving OWCP Benefits**Reference Note:**

For additional material concerning the subject matter found in 582.4, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 102*
- *Office of Personnel Management CSRS/FERS Handbook, Chapters 10 and 20.*

582.41 Employee on Leave Without Pay (LWOP)

Credit is allowed for the entire period that an employee receives Office of Worker's Compensation Program (OWCP) benefits if the employee is carried on the Postal Service rolls in LWOP status.

582.42 Employee Separated

Credit is allowed for a period of separation during which a former employee (not an annuitant) was in receipt of OWCP benefits, provided the employee is later reemployed in the Postal Service (or federal service). Annuitants who are reemployed after a period of separation during which they received OWCP benefits in lieu of an annuity receive credit for the separation only after they have qualified for a redetermination of the annuity. See ELM 586.65, Reemployed 5 Years or More.

582.5 Employee Restored After Erroneous Removal or Suspension**Reference Note:**

For additional material concerning the subject matter found in 582.5 through 582.6, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 10 and 20.*

582.51 Policy

An employee whose separation or suspension is determined to have been improper and who is restored retroactively is considered for retirement purposes as having properly been in the service during the intervening period of erroneous separation or suspension.

582.52 Determining Retirement Credit

If restoration is with entitlement to pay, the employee's basic pay over the intervening period is subject to regular retirement deductions and the employee receives credit for the entire period.

If restoration is without entitlement to pay, retirement credit is allowed for as much of the intervening period without pay as does not exceed 6 months in a calendar year (see 582.13).

582.6 Employee Granted LWOP to Serve Full-Time in Employee Organizations

If an employee is granted LWOP to serve as a full-time officer or employee of an organization composed primarily of federal and/or postal employees, the following action must be taken:

a. Employing office:

- (1) Notify the employee of his or her right to elect, in writing, within 60 days, to continue retirement coverage, subject to payment of the required contributions that would have been deducted had she or he been in a pay status.
- (2) Set up a follow-up system to remind the employee that election must be filed within 60 days of beginning LWOP.
- (3) If, after being contacted, the employee refuses to make an election, document the action taken. Failure to make an election is considered an election not to continue retirement coverage. A copy of the election (or employing office's documentation) is filed in the employee's OPF.

b. Employee:

- (1) File an election to continue retirement coverage for as long as in LWOP. The election must be filed with the employing office within 60 days of entering LWOP.

- (2) Pay or arrange to have paid to the Eagan Accounting Service Center (ASC) (if election is to continue retirement coverage), on a current basis, both the employee and agency contributions that would be applicable if employee were in a pay status.
- (3) Payment of the employee and agency contributions must be completed and not refunded to the employee.

Note: If an employee on LWOP serving as a full time officer or employee of an employee organization declines to continue retirement coverage, none of this time is creditable for retirement purposes.

582.7 **Military Service**

Reference Note:

For additional material concerning the subject matter found in 582.7, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 22 and 23.*

582.71 **Types of Service**

Honorable active service in the Armed Forces of the United States; in the commissioned corps of the Public Health Service after June 30, 1960; or in the commissioned corps of the National Oceanic and Atmospheric Administration after June 30, 1961 can become creditable service upon completion of the required military deposit. Military service does not include service in the National Guard except when ordered to active duty in the service of the United States.

582.72 **Military Service Prior to January 1, 1957**

Military service performed prior to January 1, 1957 is creditable for retirement. No deposit is required for this service to be creditable.

582.73 **Military Service After December 31, 1956**

Military service performed after December 31, 1956 is creditable only when a deposit is completed prior to separation from service (see 582.5).

582.74 **Required Conditions**

Military service must have been performed before the date of separation from the service and must have been terminated by honorable discharge or under other honorable conditions.

582.75 **Double Credit Not Permitted**

An employee may not receive credit for both civilian service and military service covering the same periods of time.

582.76 Service Credit Deposit Required**582.761 Amount of Deposit**

The amount of deposit for post-1956 military service is 3 percent of basic military pay plus applicable interest.

582.762 Charging Interest

The following provisions apply:

- a. *Grace Period.* No interest is charged if the deposit is completed by December 31, 1989 or prior to completion of 3 years from the date an employee becomes subject to FERS, whichever is later.
- b. *Rate of Interest.* Interest is charged at a rate as determined by the Secretary of the Treasury for each calendar year that equals the overall average yield to the Fund during the preceding fiscal year from all obligations purchased by the Secretary.

582.77 Military Retired Pay

Receipt of military retired pay bars the crediting of military service toward the FERS basic annuity except when one of the following conditions is met:

- a. The retired pay is awarded for a service-connected disability incurred in combat with an enemy of the United States; or
- b. The retired pay is awarded for a service-connected disability caused by a instrumentality of war and incurred in the line of duty during a period of war; or
- c. The retired pay is awarded under chapter 67 of Title 10, United States Code; or
- d. The employee waives the military retired pay.

In all of the above situations the military service is subject to the post-1956 military service deposit requirements (see 582.73).

582.78 Waiver of Military Retired Pay**582.781 General**

An applicant for retirement receiving military retired pay which bars the use of the military service in the computation of a FERS basic annuity may elect to give up military retired pay. The military service represented by the retired pay is then subject to the normal deposit requirements. After waiving the military retired pay and completing any required deposit, the service may be added to the civilian service in computing the FERS basic annuity.

582.782 Procedures

An employee who decides to waive military retired pay:

- a. *Completes the required post-1956 military service deposit at any time prior to retirement.*
- b. Notifies the appropriate Military Finance Center, at least 60 days before the retirement date, of the decision to waive military retired pay in order

to utilize the military service in computing the FERS basic annuity. The notice includes:

- (1) The employee's full name, military rank, and serial number;
 - (2) The desired date that military retired pay is to stop (the day before annuity begins); and
 - (3) A request that the Military Finance Center notify OPM of the effective date of the waiver.
- c. Attaches a copy of the waiver request to SF 3107, *Application for Immediate Retirement*. If acknowledgment of the waiver is received from the Military Finance Center before the retirement application is submitted to OPM (through the Eagan ASC), attaches a copy of the acknowledgment of the waiver.

582.8 Transfers to FERS

Reference Note:

For additional material concerning the subject matter found in 582.8, refer to:

- *Office of Personnel Management CSRS/FERS Handbook*, Chapter 11.

Employees who elect to transfer to FERS and have 5 or more years of creditable civilian service prior to their transfer have both frozen creditable service under CSRS and creditable service under FERS. Should these employees separate and withdraw their retirement contributions, they permanently forfeit all credit for the FERS time and may never redeposit the FERS contributions. However, should these employees return to the federal service, they are again placed in FERS, based on their prior election.

583 Annuities

583.1 General Requirements

Reference Note:

For additional material concerning the subject matter found in 583.1, refer to:

- *Office of Personnel Management CSRS/FERS Handbook*, Chapter 41.

583.11 Conduct

An annuity may not be paid to any employee who has ever been convicted of an offense involving the national security of the United States.

583.12 Time

To be eligible for an annuity an employee must have at least 5 years of creditable civilian service.

583.13 Age and Service

Employees separated for any reason, except as stated in 583.11, are eligible for optional retirement and an immediate unreduced annuity if they meet one of the following combinations of age and service:

- a. Age 62 with 5 years of creditable civilian service.
- b. Age 60 with 20 years of creditable service including 5 years of creditable civilian service.
- c. The minimum retirement age (MRA) with 30 years of creditable service including 5 years of creditable civilian service.

583.14 Minimum Retirement Age

The minimum retirement age (MRA) is determined by an individual's year of birth, as follows:

Year of Birth	MRA
Before 1948	55 Years
1948	55 Years and 2 Months
1949	55 Years and 4 Months
1950	55 Years and 6 Months
1951	55 Years and 8 Months
1952	55 Years and 10 Months
1953–1964	56 Years
1965	56 Years and 2 Months
1966	56 Years and 4 Months
1967	56 Years and 6 Months
1968	56 Years and 8 Months
1969	56 Years and 10 Months
1970 and After	57 Years

583.15 Immediate Reduced Annuity

In addition to the immediate unreduced annuities listed in 583.13, an individual may choose an immediate reduced annuity under the following conditions:

- a. The individual meets the minimum retirement age;
- b. The individual has at least 10 years of creditable service including 5 years of creditable civilian service; and
- c. The annuity is reduced by 5 percent per year for every year the individual is under age 62. This is prorated on the basis of 5/12 of 1 percent for every full month.

583.2 Requirements and Procedures by Types of Separations**583.21 Involuntary Separation****Reference Note:**

For additional material concerning the subject matter found in 583.21, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 44.*

An employee who is involuntarily separated from the service is entitled to an immediate annuity if the employee meets the following requirements:

- a. Has completed 25 years of creditable service, including 5 years of creditable civilian service, regardless of age, or
- b. Has completed 20 years of creditable service including 5 years of creditable civilian service and is 50 years of age or over.
- c. The separation is not for cause on charges of misconduct or delinquency.
- d. The employee has not declined a reasonable offer of another position.

583.22 Mandatory Retirement

Postal Inspectors are the only postal employees subject to mandatory retirement because of age. They are subject to mandatory retirement on the last day of the month in which they become 57 years of age or complete 20 years of law enforcement service if then over that age.

583.23 Disability Retirement Requirements**Reference Note:**

For additional material concerning the subject matter found in 583.23, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 60.*

583.231 Service

The employee must have completed at least 18 months of creditable civilian service.

583.232 Disability

The employee must, while employed under FERS, have become disabled because of a medical condition resulting in a deficiency in performance, conduct, or attendance; or if there is no deficiency, the disabling medical condition must be incompatible with either useful and efficient service or retention in the position.

583.233 Duration

The disabling medical condition must be expected to continue for at least 1 year from the date the individual became disabled.

583.3 Deferred Annuity**Reference Note:**

For additional material concerning the subject matter found in 583.3, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 45.*

583.31 Eligibility

An employee is eligible for a deferred annuity if the employee separates prior to qualifying for an immediate annuity and has at least 5 years creditable civilian service.

583.32 Commencement Date

If the employee has at least 5 years creditable the deferred annuity may begin the first day of the month following the month in which the individual attains age 62. If the employee has at least 10 years creditable service, including 5 years creditable civilian service, the annuity may begin as early as the first day of the month following the month in which the individual attains the minimum retirement age (see 583.14). These annuities may be subject to a reduction based on age (see 583.15).

583.33 Restriction

The individual must not withdraw his or her retirement contributions from the retirement fund in order to be eligible for a deferred annuity.

584 Types of Annuities**584.1 Annuity Without Survivor Benefits****Reference Note:**

For additional material concerning the subject matter found in 584.1 through 584.25, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 50.*

This type of annuity provides unreduced payments during the life of the retiree. There is no survivor annuity payable to anyone.

584.2 Annuity With Survivor Benefits**584.21 General**

This type of annuity provides a retiring employee with reduced annuity payments and, upon the retiree's death, provides the current and/or former spouse(s) with survivor annuity payments. An annuity with full survivor benefits to the current spouse is automatic for a retiring employee who is

married at retirement unless the current spouse consents to a different election.

584.22 **Spouse Eligibility**

584.221 **Current Spouse Eligibility**

To be eligible for a survivor annuity after the death of a retiree, the current spouse must have been married to the retiree for at least 9 months or be the parent of the retiree's child. This requirement does not apply if the retiree's death is accidental.

584.222 **Election of Annuity for Former Spouses(s)**

To elect a survivor annuity for a former spouse, the retiring employee must have been married to the former spouse for at least 9 months.

584.23 **Maximum Survivor Annuity**

The combined total of survivor annuity(ies) that can be provided to a current spouse and/or former spouse(s) cannot exceed 50 percent of the retiring employee's unreduced annuity.

584.24 **Reduction in Annuity**

The reduction in the retiring employee's annuity is 10 percent if the retiring employee chooses a full survivor annuity of 50 percent. The reduction is 5 percent if the retiring employee chooses a partial survivor annuity of 25 percent.

584.25 **Effective Date**

The survivor annuity(ies) commences on the day after the death of the retiree and ends on the last day of the month before the current or former spouses marries before age 55 or dies.

584.26 **Annuity to Former Spouse(s) Based on a Court Order**

Reference Note:

For additional material concerning the subject matter found in 584.26 through 584.29, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 52.*

584.261 **General**

OPM must honor a court order/divorce decree that gives (awards or requires a retiring employee to provide) a survivor annuity to a former spouse. A court-ordered former spouse annuity takes precedence over an election to provide a survivor annuity to a current spouse. A retiring employee's annuity will be automatically reduced by OPM to provide a court-ordered former spouse annuity. Court orders are sent to:

COURT ORDER BENEFITS SECTION
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 17
WASHINGTON DC 20044-0001

584.262 Current Spouse Election

If a former spouse is entitled to a court-ordered survivor annuity, the retiring employee must make an election concerning a survivor annuity for the current spouse as if there were no court-ordered former spouse annuity.

584.263 Protection of Current Spouse's Entitlement

A retiring employee can protect a current spouse's entitlement to a survivor annuity by electing a full or partial survivor annuity for the current spouse at retirement. This is accomplished when:

- a. The court order gives the former spouse the maximum survivor annuity, in which case the current spouse would not be entitled to a survivor annuity until the former spouse loses entitlement because of remarriage before age 55 or death; or
- b. The court order gives the former spouse less than the maximum survivor annuity; in which case the current spouse would be entitled to a partial survivor annuity up to the amount elected, but not exceeding the difference between the court-ordered survivor annuity and 50 percent of the retiring employee's unreduced annuity. If the former spouse loses entitlement (because of remarriage before age 55 or death), the current spouse's annuity would be increased, if necessary, to the amount elected.

584.27 Annuity to Person With Insurable Interest**584.271 General**

This type of annuity provides payments at a reduced rate during the life of the retiring employee. Upon the retiree's death, it provides a survivor annuity payable to the person designated. The person designated must have an insurable interest in the retiring employee. To have an insurable interest, the person must reasonably expect to derive financial benefit from the continued life of the retiring employee.

584.272 Eligibility

A retiring employee who is in good health and who is applying for a nondisability retirement may elect an insurable interest annuity. The retiring employee must submit proof of good health in a form prescribed by OPM.

584.273 Insurable Interest — Presumed

An insurable interest is presumed to exist with:

- a. The current spouse;
- b. A blood or adopted relative closer than first cousins;
- c. A former spouse;
- d. A person to whom the employee is engaged to be married;
- e. A person with whom the employee is living in a relationship that would constitute a common-law marriage in jurisdictions recognizing common-law marriage.

584.274 Insurable Interest — Other

When an insurable interest is not presumed, the employee must submit affidavits from one or more persons with personal knowledge of the named beneficiary's having an insurable interest in the employee.

584.275 Reduced Rate

A retiring employee's annuity is reduced by 10 percent plus an additional 5 percent for each 5 years the person designated is younger than the retiring employee. The maximum reduction is 40 percent except when the retiring employee has a reduced annuity for a former spouse and an insurable interest for the current spouse. In this case the combined reduction may exceed the maximum 40 percent.

584.276 Amount

The amount of the annuity payable is 55 percent of the retiree's annuity after the insurable interest reduction.

584.28 Current Spouse's Consent

Married employees who elect less than a full survivor annuity for their current spouse must obtain their current spouse's consent on SF 3107-2, *Spouse's Consent to Survivor Election*. The current spouse's consent is required even if a former spouse will be awarded a survivor annuity by a court order. A waiver of the spousal consent requirement may be granted by OPM under certain conditions (e.g., whereabouts of the current spouse cannot be determined or there are exceptional circumstances regarding the current spouse which warrant such a waiver).

584.29 Surviving Child

Regardless of the type of annuity elected at retirement, a surviving child of the deceased retiree who (a) is under the age of 18 and is single and dependent on the retiree, (b) is over age 18 and is incapable of self-support because of a mental or physical disability incurred before age 18, or (c) is a full-time student under the age of 22 is entitled by law to a survivor annuity.

584.3 Election of Annuity**Reference Note:**

For additional material concerning the subject matter found in 584.3, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 52.*

584.31 Application

The type of annuity desired by the retiring employee is indicated on the application for retirement (SF 3701) at the time of retirement.

584.32 Election Coverage After Retirement**584.321 Eighteen-Month Reelection Period**

Retirees who are married at retirement have 18 months from the time of retirement to change their decision not to provide a survivor annuity or to elect a higher survivor annuity. In either case, a deposit will be required for such an election. The deposit consists of the sum of the monthly differences between the annuity paid to the retiree and the annuity that would have been in effect since the time of retirement, plus a fee of 24.5 percent of the retiree's annual annuity if changing from no survivor annuity to full survivor annuity; or 12.25 percent if changing from either partial to full or none to partial survivor annuity.

584.322 Marriage Terminated

If an employee who is married at the time of retirement elects a survivor benefit for the current spouse and the marriage is terminated before the retiree dies, the reduction in annuity is eliminated unless the retiree elects to continue it or a qualifying court order requires the retiree to provide a former spouse annuity.

584.323 Marriage Terminated and Remarriage

A retiree who was married at the time of retirement may elect, within 2 years after a postretirement marriage, a reduced annuity to provide a current spouse annuity. A retiree making an election under this section must deposit an amount equal to the difference between the amount of the annuity actually paid to the retiree and the amount of annuity that would have been paid if the reduction elected had been in effect continuously since the time of retirement, plus 6 percent annual interest.

584.324 Marriage After Retirement

The following provisions apply:

- a. *Change From Unreduced Annuity.* A retiree who was unmarried at the time of retirement may elect, within 2 years after a post retirement marriage, a reduced annuity to provide a current spouse annuity. A retiree who makes such an election must deposit an amount equal to the difference between the amount of the annuity actually paid to the retiree and the amount of annuity that would have been paid if a survivor benefit had been in effect continuously since the time of retirement plus 6 percent annual interest.
- b. *Change From Person Having Insurable Interest.* An election of a reduced annuity with survivor benefits to a designated person having an insurable interest may be changed to a reduced annuity with survivor benefits to the current spouse if the employee marries that person after retirement. This election must be made within 2 years of the post retirement marriage and may be made without deposit.

585 Employee's Retirement Account

585.1 Deduction From Current Earnings

Reference Note:

For additional material concerning the subject matter found in 585.1 through 585.2, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 30.*

Each pay period a percentage of basic salary is deducted and withheld as the employee's contribution to the retirement fund.

585.2 Percentages Withheld

The percentage of basic pay withheld changes based on the year.

Year	Percentage
Prior to January 1, 1988	1.3
January 1, 1988 to December 31, 1989	0.94
January 1, 1990 and later	0.80

585.3 Service Credit Deposit

Reference Note:

For additional material concerning the subject matter found in 585.3 through 585.4, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 21.*

585.31 General

Employees credited with civilian service prior to 1989 for which no retirement deductions were withheld may make a deposit for that service.

585.32 Amount of Deposit

The amount of deposit for a period of service prior to 1989 during which no retirement deductions were withheld is 1.3 percent of the basic pay for the service plus interest. The 1.3 percent rate applies regardless of when the service was performed or whether deductions would have been taken at 1.3 percent if they had been taken at the time the service was performed.

585.33 Reductions for Periods of No Deposit

An employee is not required to make a deposit for a period of nondeduction time prior to 1989. If no deposit is made, no credit will be given toward either eligibility to retire or the calculation of the annuity.

585.34 Survivor Deposits

If an employee was at the time of death eligible to make a deposit, the employee's survivor may make the deposit. A deposit cannot be made after adjudication of the survivor's application for benefits becomes final.

585.35 Deposit Applications

Deposits require SF 3108, *Application To Make Service Credit Payment For Civilian Service*. SF 3108 must be routed through the Eagan ASC for proper certification and/or listing of service history and for transmittal to OPM. OPM computes the amount due and furnishes the employee with instructions on how to make payment.

585.4 Redeposits

Employees who withdraw retirement contributions subject to FERS may never redeposit them, and the time represented is no longer creditable for any purpose. This involves not only deductions made while subject to FERS, but also any deposits made for nondeductions service prior to 1989.

An employee who transfers to FERS with eligibility for a CSRS annuity component (at least 5 years of creditable civilian CSRS service, not counting any service with CSRS Offset coverage) may make a redeposit for refunded CSRS service that is included in the CSRS component. Refunds of CSRS contributions for service performed before the establishment of FERS may also be redeposited under FERS rules.

585.5 Refund of Deductions**Reference Note:**

For additional material concerning the subject matter found in 585.5, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 32.*

585.51 Eligibility

To be eligible for a refund, the employee must be separated or transferred to a position not covered by FERS for at least 31 days and must not be eligible for an annuity. SF 3106, *Application for Refund of Retirement Deductions*, is required. In order to receive refunds, employees generally must notify their spouse and any former spouse(s) that they plan to file applications.

Employees may be barred from receiving refunds if the refund would end the court-ordered right of any spouse or former spouse to future benefits based on employees' service.

585.52 Interest

Interest is paid on the refund at a variable rate provided the period of service which the refund covers totals more than 1 year. No interest is paid if the refund period is for 1 year or less.

585.53 Repayment

No repayment is permitted of a FERS refund. Payment of a refund results in permanent forfeiture of any FERS retirement rights based on the service represented.

586 Annuity Computation**586.1 Effective Date****Reference Note:**

For additional material concerning the subject matter found in 586.1 through 586.32, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 42, 50 and 55.*

586.11 Commencement

Annuities based on optional retirement commence on the first day of the month following separation. Annuities based on discontinued service retirement commence on the day after separation from the service. Annuities based on disability commence on the day after the employee separates or the day after pay ceases and the employee meets the requirements for entitlement to an annuity.

586.12 Ending

Annuity payments end on the day of the retiree's death or on the date the retiree becomes ineligible for a continuing annuity. Survivor annuities are paid through the last day of the month before death or any other terminating event, such as a survivor's remarriage.

586.13 Employee's Work and Leave Status**586.131 Use of Annual Leave Balance**

Bargaining unit employees with leave balances subject to forfeiture must be counseled to use the excess annual leave prior to the effective date of their retirement.

586.132 Continuing Leave Status

Employees who have applied for disability retirement and who are unable to work while their applications are under review by OPM continue on the rolls in a leave status (either with or without pay) pending notification by OPM of its decision on the application.

586.2 Factors Affecting Annuity Computations**586.21 Primary Factors**

Primary factors are:

- a. Length of Creditable Service.
- b. High-3 Average Pay.

586.22 Other Factors

Other factors are:

- a. Retirement at MRA with less than 30 years service.
- b. Failure to make a pre-1989 deposit.
- c. Withdrawal of contributions for a prior period of service.
- d. Election of Survivor Annuity or Insurable Interest Annuity.
- e. Election of Alternative Annuity.

586.23 Determining Length of Service

For annuity computation purposes, length of service is determined by adding together all periods of the employee's creditable civilian service where deductions were not refunded and all creditable military service where a deposit was completed for post-1956 service as well as pre-1957 service where no deposit is required. After obtaining total service the fractional part of a month is dropped because the annuity is computed on the basis of years and months.

586.24 Determining High-Three-Year Period**586.241 Dates Included**

The 3-year period starts and ends on the dates producing the highest average pay. The period need not start on the first day of any month or on the date of a pay change.

586.242 Consecutive

The 3-year period need not be continuous but must be consecutive.

Example: Two or more separate periods of employment may be joined provided there is not an intervening period of service to be considered.

586.25 Determining High-Three Average Pay Computation**586.251 Computation**

The high-3 average pay is determined by averaging the rates of an employee's basic pay over a period of 3 consecutive years of creditable service, with each rate weighed by the period of time during which it was in effect.

586.252 Basic Pay

Basic pay for retirement purposes includes higher level pay but does not include cost-of-living adjustments (COLA, TCOLA), overtime pay, night differential, military pay, allowances, premium pay, or lump-sum terminal leave benefits.

586.3 Formula**586.31 Basic**

The annuity of an employee is 1 percent of the high-3 average pay multiplied by total creditable service.

586.32 At Age Sixty-Two

If a retiring employee is at least age 62 and has at least 20 years of creditable service, the annuity is 1.1 percent of the high-3 average pay multiplied by total creditable service.

586.33 Annuity Supplement**Reference Note:**

For additional material concerning the subject matter found in 586.33, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 51.*

586.331 Eligibility

An employee who retires optionally at the MRA with at least 30 years of service, or who retires at age 60 with at least 20 years of service, is eligible for the annuity supplement. Law enforcement personnel who retire under the law enforcement provisions receive the annuity supplement beginning at retirement. Employees who retire under the discontinued annuity provisions will receive the annuity supplement beginning no sooner than the month in which they reach the MRA. The annuity supplement ends the last day of the month in which the employee becomes 62.

586.332 Amount

The supplement is computed by estimating the amount of a full Social Security benefit and multiplying it by a fraction comprised of the number of years of FERS creditable civilian service divided by 40. This benefit is then actuarially reduced by a percentage based on the retiree's year of birth.

586.333 Reduction Based on Excess Earnings

The supplement may be reduced depending on the amount earned after retirement. Any earnings above the amount set by the Social Security Administration each year will reduce the supplement by \$1 for every \$2 earned. This reduction does not apply to an individual who retires under the law enforcement provisions until he reaches the MRA.

586.4 Transferees to FERS**Reference Note:**

For additional material concerning the subject matter found in 586.4, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 11.*

Individuals who retire with frozen CSRS service as well as FERS service will have their annuity calculated under both retirement systems. The frozen CSRS service will be calculated using CSRS rules (see 566.3). The FERS portion will be computed using the FERS rules. Only a career high-3 average salary will be used for both calculations. The beginning and ending date of

the total annuity are based on FERS rules. The FERS reduction for a survivor annuity will be applied to the total annuity, and the amount of the survivor annuity is determined by FERS rules. The annuity supplement is applicable only to the time actually served under FERS.

586.5 Disability Retirement

Reference Note:

For additional material concerning the subject matter found in 586.5, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 61.*

586.51 Initial Computation — Under Age Sixty-Two

586.511 First Year of Disability

During the first year of disability the retiree will receive an amount equal to 60 percent of the high-3 average salary minus 100 percent of the Social Security benefit received.

586.512 Second and Succeeding Years

In the second and following years the amount of the disability annuity is 40 percent of the high-3 average salary minus 60 percent of the Social Security benefit received.

586.513 Exceptions

The above percentages do not apply to any individual who is eligible for optional retirement. In those cases the amount will be the same as an optional retirement.

586.52 Computation — Age Sixty-Two and Over

Employees who are age 62 or older at the time they are approved for disability retirement will have the annuity computed as though it were an optional retirement.

Example: John Doe age 63 is approved for disability retirement. He has four years of service. He receives 4 percent of his high-3 average salary.

586.53 Recomputation — Age Sixty-Two

All disability retirees will have their annuity recomputed at age 62. The annuity will be recomputed as though it were an optional retirement on the day prior to the retiree becoming age 62. The creditable service used will consist of the retiree's total service prior to the disability retirement plus the years between retirement and age 62. The high-3 will be the high-3 average salary at retirement increased by all intervening FERS COLAs.

586.6 Reemployed Annuitants — Additional Annuity**Reference Note:**

For additional material concerning the subject matter found in 586.6, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 100 and 102.*

586.61 Salary Payable

When a FERS retiree is reemployed in the federal government, the salary for the position is reduced by the annuity the retiree is receiving.

586.62 Eligibility

Retirees whose annuity continues upon reemployment are eligible for an additional annuity if they work the equivalent of 1 full year. If retirees work the equivalent of 5 full years, they may elect either the additional annuity or a recomputation of their total annuity.

586.63 Reemployed Less Than One Year

When retirees are reemployed for less than the equivalent of 1 full year, the retirement deductions withheld during their reemployment are, upon proper application, refunded to them.

586.64 Reemployed One Year or More

When retirees are reemployed for at least 1 full year or its equivalent they receive, upon separation from reemployment, an additional annuity based on the period of reemployment. The additional annuity is based on the same formula as a regular annuity but uses the average basic salary while reemployed rather than a high-3 average salary. If the retiree had a survivor annuity with his previous annuity, the additional annuity will be reduced to provide an additional survivor annuity.

586.65 Reemployed Five Years or More

When retirees are reemployed for at least 5 full years, or its equivalent, they may elect either an additional annuity or a redetermination of their annuity. The redetermination will include all prior creditable service plus the creditable service for the current reemployment.

586.7 Alternative Form of Annuity**Reference Note:**

For additional material concerning the subject matter found in 586.7, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 53.*

586.71 Eligibility

Employees diagnosed with a life-threatening medical condition who are eligible to retire under an optional retirement may choose the Alternative Form of Annuity (AFA). This option allows a refund of all employee contributions made to the FERS retirement fund in addition to an actuarially reduced monthly benefit. This option is not available to those employees filing for disability retirement. Also, even if the conditions for this alternative annuity (as outlined above) are met, if a court order has been established to provide annuity benefits for a former spouse, this election is not allowed. Married employees must have the current spouse's consent to elect an AFA.

586.72 Computation

To compute the AFA, the normal monthly annuity is first calculated. That monthly rate is then reduced by an amount equal to the retiree's lump-sum credit divided by the applicable present value factor for the retiree's attained age (in full years) at the time of retirement. A table of present value factors is published periodically.

586.73 Survivor Annuity

Election of an AFA has no impact on a survivor annuity. The survivor annuity is determined based on the retiring employee's unreduced annuity.

Note: The lump sum payable to nondisability retirees whose annuities commence after January 3, 1988 and before October 1, 1989 will be broken into two portions. The first is payable at retirement and represents 60 percent. The remaining 40 percent, with interest, is paid 1 year after retirement. If no congressional action is taken, the lump sum returns to 100 percent on October 1, 1989.

586.8 Cost-of-Living Adjustments (COLA)**Reference Note:**

For additional material concerning the subject matter found in 586.8, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 2.*

586.81 Amount

The amount of the COLA is determined based on the growth in the Consumer Price Index (CPI). The COLA is generally 1 percent less than the increase in the CPI.

CPI Change	COLA
0%–2%	Same as CPI
2%–3%	2%
Over 3%	CPI Minus 1%

If a retiree's first increase falls within the first year after she or he begins to receive benefits, the increase will be prorated to cover the portion of the year in which benefits were paid.

586.82 Eligibility**586.821 Optional Retirement**

Those retiring optionally (see 583.1) are eligible for COLA at age 62.

586.822 Involuntary Separation

Those retiring on a discontinued annuity (see 583.21) are eligible for COLA at age 62.

586.823 Disability

Those retiring on a disability (see 583.23) are eligible for COLA in the second year after the disability annuity begins.

586.824 Law Enforcement

Those retiring under the law enforcement provisions (see 583.22) are eligible for COLA at retirement.

586.825 Transfers to FERS

Those retiring with a combined frozen CSRS annuity and a FERS annuity are eligible for the CSRS COLA on the CSRS portion of the annuity from retirement, and the FERS COLA on the FERS portion of the annuity at age 62.

587 Death Benefits — Death in Service**Reference Note:**

For additional material concerning the subject matter found in 587, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapters 70, 72, 73, 74, and 75.*

587.1 Basic Employee Death Benefit**587.11 General**

A basic employee death benefit is payable to the current spouse if the following conditions are met:

- a. The employee dies after completing 18 months of creditable civilian service; and
- b. The marriage has lasted at least 9 months; or
- c. A child was born of the marriage; or
- d. The death was accidental.

587.12 Amount

The basic employee death benefit consists of

- a. 50 percent of the final annual rate of basic pay, and
- b. \$21,335.30 in 1998 and as adjusted under title 5, United States Code, 8462.

587.13 Payment

A spouse may elect to receive the basic employee death benefit as either

- a. A one-time payment, or
- b. Thirty-six equal monthly installments.

587.2 Survivor Benefit — Spousal**587.21 General**

When an employee dies after completing at least 10 years of creditable service, the spouse is entitled to an annuity equal to 50 percent of the annuity the employee had earned through the day of death. This is in addition to the basic employee death benefit. (see 587.1)

587.22 Beginning and Ending Date**587.221 Beginning**

An annuity begins on the day after the death of the employee on whose service the annuity is based.

587.222 Ending

An annuity ends on the last day of the month before the spouse remarries before age 55 or dies.

587.223 Reinstatement

If a current spouse annuity is terminated because of a remarriage, the annuity can be reinstated on the day of the termination of the remarriage. A former spouse annuity may never be reinstated.

587.3 Refund of Contributions**587.31 Eligibility**

If there is no survivor entitled to monthly survivor annuity benefits, the employee's contribution to the retirement fund are paid in accordance with the normal order of precedence.

587.32 Normal Order of Precedence

- a. First, to the beneficiary or beneficiaries designated by the employee on SF 3102, *Designation of Beneficiary*;
- b. Second, to the widow or widower;
- c. Third, to the child or children of the employee;
- d. Fourth, to the parents of the employee or the surviving parent;
- e. Fifth, to the duly appointed executor or administrator of the estate;
- f. Sixth, to such other next of kin of the employee as OPM determines to be entitled under the laws of the domicile of the employee at the date of death.

587.4 Former Spouse(s)

Any benefit (or a portion of any benefit) payable to a current spouse is payable to a former spouse instead if the former spouse is entitled to the benefit under the terms of a qualifying court order.

587.5 Child Annuities**587.51 Eligibility**

A surviving child of an employee who dies after completing 18 months of creditable civilian service is entitled to an annuity.

587.52 Rates of Annuities

The amount of the annuity payable is the difference between the amount that would be paid by CSRS (see 567.143) and the amount actually paid by Social Security. In cases where the Social Security amount exceeds the amount otherwise payable under CSRS regulations, no payments are made from the retirement fund.

587.53 Beginning and Ending Dates**587.531 Beginning Date**

The annuity begins on the day after the employee dies.

587.532 Ending Date

An annuity ends on the last day of the month before the child:

- a. Becomes 18 years old unless she or he is a full-time student or incapable of self-support;
- b. Becomes capable of self-support after becoming 18 years old unless a full-time student;
- c. Becomes 22 years of age if he or she is a full-time student and capable of self-support;
- d. Ceases to be a full-time student after becoming 18 years of age;
- e. Marries or dies.

587.54 Disabilities

A child is eligible for a continued annuity if the Social Security Administration finds that the child is incapable of self-support.

587.6 Procedures Upon Death of an Employee**587.61 Contacting Next of Kin**

When an employee dies, the employing office (a) contacts the next of kin and advises such person of benefits payable and of the right to apply for them and (b) renders every assistance in completing SF 3104, *Application for Death Benefits*. The family should also be referred to the Social Security Administration and assistance should be provided concerning the Thrift Savings Plan (see 597.62g).

587.62 Filing Death Claim Applications

SF 3104 is filed with the Eagan ASC through the employing office or sent directly to the

RETIREMENT OPERATIONS CENTER
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 200
BOYERS PA 16020-0200

588 **Management Initiated Disability Retirement Procedures**

Reference Note:

For additional material concerning the subject matter found in 588, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 60.*

588.1 **General**

There are certain limited situations under which an employing office may initiate a disability retirement application on behalf of an employee. OPM will not accept an application filed by an employing office unless the conditions in 588.21 are met. OPM will not act on the application until it receives the appropriate documentation of the separation action.

588.2 **Procedures**

588.21 **Basis for Filing**

An employing office may file an application for disability retirement for an employee who has at least 18 months of creditable civilian service when all of the following conditions are met:

- a. The employing office has issued a decision to remove the employee;
- b. The employing office concludes, after its review of medical documentation, that the cause for unacceptable performance, attendance, or conduct is disease or injury;
- c. The employee is institutionalized or, based on a review of medical and other information, the employing office concludes that the employee is incapable of making a decision to file an application for disability retirement;
- d. The employee has no personal representative or guardian;
- e. The employee has no immediate family member who is willing to file an application on her or her behalf.

588.22 **Notice to Employee**

The employing office must inform the employee, in writing, that: (a) a disability retirement application has been submitted to OPM on the employee's behalf; and (b) the employee may review any medical information and obtain copies of any records at no expense; and (c) the action does not affect the employee's right to submit a voluntary application for disability retirement or any other retirement benefit to which he or she is entitled under FERS.

588.23 **Notice to OPM**

When submitting an application for disability retirement to OPM under these procedures, the employing office must provide OPM with copies of the

decision to remove the employee, the medical documentation, and any other documents required to show that the cause for removal is due to a medical condition. Following separation, OPM must be provided with a copy of the documentation of the separation.

588.3 **Processing by OPM**

588.31 **Required Documentation**

OPM will not act on an application for disability retirement initiated by management until it receives the appropriate documentation of the separation. OPM will notify the former employee when it has received the completed application. OPM will also provide the former employee with an opportunity to submit additional medical documentation.

588.32 **Decision**

OPM will issue its decision, in writing, to the former employee and to the former employing office through the Retirement Branch, Eagan ASC. The decision will include a statement of findings and conclusions and an explanation of the right to request a reconsideration of OPM's decision.

588.4 **Cancellation of Retirement**

OPM will cancel a disability retirement when a final decision of an administrative authority or court reverses the removal action and orders the reinstatement of the employee.

588.5 **Employee's Status Pending OPM's Decision**

The employee will remain on Postal Service rolls pending the final disposition of an adverse action through the appropriate appeal procedures. The employee will not be retained on the rolls pending OPM's decision on the disability application once all appeal procedures have been exhausted regarding the adverse action.

589 **General Retirement Information**

Reference Note:

For additional material concerning the subject matter found in 589, refer to:

- *Office of Personnel Management CSRS/FERS Handbook, Chapter 40.*

589.1 **Retirement Counseling**

589.11 **Responsibility**

District managers are responsible for ensuring that retirement information and counseling are made available to all employees.

589.12 National Retirement Counseling System (NARECS)**589.121 Purpose**

- a. The basic purpose of NARECS is to provide employees with information and counseling to assist in making their transition into retirement a smooth one.
- b. NARECS emphasizes improved retirement paperwork processing and advance employee planning so that when an employee retires the necessary papers are sent to OPM correct, complete, and timely (no later than 30 days after the separation date).

589.122 Contents

NARECS provides:

- a. Automatic semiannual printouts of computer-generated annuity estimates for employees eligible for optional retirement.
- b. Individual annuity estimates upon request.
- c. Management reports.

589.123 Individual Counseling

On request, interested employees are given individual preretirement counseling. Counseling is by an individual who can provide detailed information on FERS, the Thrift Savings Plan, health benefits and life insurance programs. This individual directs the employee to community or private sources for retirement planning information not available in the installation. This includes the local office of the Social Security Administration for information on the Social Security portion of FERS. These Postal interviews are "on the clock" if the interviewer is available during the same tour as the employee seeking advice.

589.124 Advice to Employee

Employees must be cautioned that, although they may be given information on various provisions and options under the retirement law, the final choice on these matters is the decision of the employee. Further, employees must be cautioned that any estimate of annuity is preliminary and subject to final determination by OPM.

589.13 Group Counseling and Assistance**589.131 Objectives and Responsibility**

Group retirement planning programs provide employees with (a) general information on retirement, (b) aging problems, and (c) general information on available federal and local community services. Such programs attempt (1) to motivate employees to constructively plan for their retirement years and (2) to assist them in anticipating some of the opportunities and problems that retirement brings.

589.132 Frequency

District managers are responsible for ensuring that at least one group retirement counseling seminar is held each fiscal year for employees within 3 years of optional retirement eligibility. Group counseling is supplementary to, but not a substitute for, individual counseling.

589.133 Location and Participation

Group counseling sessions may be held on Postal Service premises, if space is available, or in any other available place. Employees within 2 to 5 years of retirement age and employees actively considering retirement are encouraged to attend. Participation is voluntary and off-the-clock and may include husbands and wives.

589.134 Suggestions for Program Content

Suggestions for program content include the following:

- a. Income and Financial Affairs:
 - (1) Federal Employees Retirement System Basic.
 - (2) Social Security.
 - (3) Thrift Savings Plan.
 - (4) Veterans Benefits.
 - (5) Budgeting.
 - (6) Federal and State Income Taxes.
 - (7) Life Insurance.
 - (8) Health Benefits.
 - (9) Investments.
- b. Legal Affairs:
 - (1) Wills.
 - (2) Contacts.
 - (3) Acquiring and Dispensing of Property.
 - (4) Legal Advice.
 - (5) Record of Important Documents.
- c. Health:
 - (1) Food and Nutrition.
 - (2) Psychological Problems of Retirement.
 - (3) Problems of Physical Health.
- d. Retirement Activities:
 - (1) Volunteer Work.
 - (2) Employment.
 - (3) Hobbies.
 - (4) Recreation.
 - (5) Travel.
 - (6) Family and Social Relations.

589.2 Retirement Forms**589.21 Processing**

Handbook EL-301, *Guidelines for Processing Personnel Actions*, contains information on processing retirement forms in connection with personnel actions.

589.22 Requisitioning Forms

Installations are expected to maintain a supply of retirement forms sufficient to meet anticipated needs. Such forms are requisitioned from the materiel distribution centers under regular requisitioning procedures.

589.3 Information Source for Separated or Retired Employees

Questions relating to the amount of annuity to which a separated or retired employee is entitled, or to specific benefits of survivors of employees or of annuitants, are referred to the

RETIREMENT SERVICE CENTER
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 200
BOYERS PA 16020-0200

589.4 Information Source for Employees

Questions relating to administration or questions requiring interpretation of the Federal Employees Retirement System law or regulations, are referred, through channels, to the

MGR COMPENSATION
EMPLOYEE RESOURCE MANAGEMENT
US POSTAL SERVICE
475 L'ENFANT PLZ SW
WASHINGTON DC 20260-4213

589.5 Federal Income Tax**589.51 Taxable Annuities**

Annuities under FERS are subject to the general rule under the Internal Revenue Code. This rule provides that each monthly annuity payment is made up of two parts: (a) the tax-free part (which represents a return of employee contributions) and (b) the taxable balance. The tax-free part, once calculated, is a specific dollar amount which remains in effect until a retiree has recovered all of the contributions made to the retirement fund. At that time the entire monthly annuity becomes taxable.

589.52 Federal Income Tax Withholding

Annuities are subject to federal tax withholding unless a retiree elects not to have tax withheld. Retirees who elect not to have tax withheld, may have to make estimated tax payments. Generally, the tax withheld or estimated tax, or the total of both, must cover at least 90 percent of the retiree's total tax for the year or 100 percent of the tax shown on the retiree's return for the

previous year, whichever is less. Retirees may elect the amount they wish to have withheld on Form W-4P, which is available from OPM or the IRS.

589.53 **Federal Income Tax Questions**

Questions relative to any aspect of federal income tax must be directed to the Internal Revenue Service.

589.6 **Privacy Act Considerations**

589.61 **General**

Retirement records contain information about individuals. As such, they may be handled and disclosed only in accordance with the Privacy Act and implementing instructions. (See *Administrative Support Manual* 353).

589.62 **OPM Records**

Those records which are sent to OPM become OPM's records. Retired employees making requests under the Privacy Act for such records should, therefore, direct their requests to the

RETIREMENT SERVICE CENTER
OFFICE OF PERSONNEL MANAGEMENT
PO BOX 200
BOYERS PA 16020-0200

589.63 **Postal Service Records**

Copies of an individual's retirement records and related correspondence may be maintained within the Postal Service in one of two ways: either in the personnel area as part of the privacy system entitled USPS 120.070, *Personnel Records — General Personnel Folders (Official Personnel Folders and Records Related Thereto)*, or in the Eagan ASC as part of the privacy system entitled "USPS 050.020, Finance Records — Payroll Systems." Employees making requests specifically for access to or update of these records direct their requests to the nearest Postal Service personnel office for processing.