

Special Retirement Coverage Questions & Answers

Criminal Investigators

Position eligibility

Q: What is Special Retirement Coverage (SRC)?

A: The provisions of SRC allow an employee to retire with a full annuity before he or she would have ordinarily been eligible to retire under CSRS or FERS. Employees covered by SRC are subject to a Department of Defense (DoD) established maximum entry age and statutory mandatory separation age. In order to be eligible for SRC, employees must be serving in positions that have been found to meet the statutory, regulatory, and DoD policy standards for SRC under the Civil Service Retirement System (CSRS) and the Federal Employee Retirement System (FERS).

Q: What makes a Criminal Investigator (CI) position eligible for SRC?

A: In Department of the Army, employees serving in positions properly classified in the GS-1811 (Criminal Investigating) series are eligible for SRC if they are performing duties that are primarily the investigation, apprehension or detention of individuals suspected of or convicted of offenses against the criminal laws of the United States.

Q: What does it mean if I am advised that my position(s) is ineligible for SRC?

A: It means that the identified position(s) does not contain the duties indicated above, or that those duties do not constitute at least 50% of the duties of the position.

Q: What if I am performing duties that make me eligible for SRC but they are reflected on my position description (PD)?

A: If you believe that you are or were performing SRC eligible duties at least 50% of the time, and your position has not been formally denied coverage, you may submit an individual request for SRC approval through your chain of command. If your position has been formally denied coverage, you may appeal the denial to the Merit Systems Protection Board. Information on both of these options should accompany any notification received from CHRA concerning correction of your records to reflect that you are not eligible for SRC. For both of these options, you will be required to provide evidence to support your request.

Retirement Correction

Q: It has been determined that my position is ineligible for SRC, what is the effective date of the change to regular retirement coverage?

A: The correction will be processed retroactive to the date that you were appointed to the ineligible position.

Q: What will happen to the time I worked as a CI which is not creditable toward SRC retirement?

A: That time will count toward eligibility for regular retirement.

Q: Will I get a refund of the extra retirement contributions I paid while serving in the ineligible SRC position?

A: Once a correction to your record is processed, payroll will audit your pay record and you will receive a refund of the extra contributions which were erroneously deducted. Usually the refund is in two portions, the online portion (1 year back) and the audited portion (anything prior to 1 year back).

Q: Will I receive interest on the refunded retirement contributions?

A: There is no interest paid on the refund of erroneous retirement deductions.

Q: Will I need to file amended tax returns?

A: As a general rule income is considered taxable in the year in which it is received. Based on your particular situation, you should seek advice from the IRS website or your tax consultant.

Law Enforcement Availability Pay (LEAP)

Q: If I received LEAP while occupying a misclassified CI position, will I owe a refund?

A: No. However, only CI (occupational series 1811) positions formally approved for SRC are eligible to receive LEAP.

Q: If I received LEAP while occupying a CI position which has not been approved for SRC, does it count toward my high three average salary for retirement purposes?

A: Only LEAP received while occupying a CI position that has been formally approved for SRC would count toward an employee's high three average salary.

Program R

Q. Could my position be downgraded as a result of the SRC position review?

A. Yes, that is possible. The SRC position review may identify positions that are misclassified, and the necessary reclassification may result in a reduction in grade.

Q. Is there a manner in which employees who are reduced in grade through no fault of their own may be re-promoted?

A. Yes, you would most likely qualify for grade retention, and the Department of Defense (DoD) Priority Placement Program (PPP) (Program R) is the means by which employees on retained grade are afforded consideration for mandatory placement at their previous grade.

Q. Is registration in Program R mandatory?

A. Yes, registration in Program R is mandatory for all DoD employees who are serving under retained grade. Employees must be registered as soon as they enter the grade retention period.

Q. What locations must I register for?

A. Program R registrants must register for all DoD activities in the commuting area. When placement in the commuting area is unlikely, the Component Coordinator may expand the zone outside the commuting area but within that DoD Component. The DoD Civilian Transition Program Administrator

may approve further expansion across DoD Component lines. Registrants placed outside of their commuting area will have permanent change of station costs paid by the losing activity

Q. What types of positions can I register for?

A. The registration must include the original position and all other skills in the same pay group for which the registrant is well qualified.

Q. How long will I be registered in Program R?

A. Registration in Program R is only for the 2-year period authorized by the C.F.R. for grade retention.

Q. Am I eligible for registration if my position is in the Excepted Service?

A. Excepted service employees who do not have competitive status based on previous employment are eligible to register in Program R for excepted service positions only, unless they are immediately appointable to competitive service positions based on other considerations.

Q. Where do I register? What if I have further questions?

A. You should contact your servicing Civilian Personnel Advisory Center for assistance in registering for Program R or if you have additional questions.

Grade Retention (5 Code of Federal Regulations Sections 536.201 - 536.208)

Q. Who is eligible for grade retention?

A. An employee is eligible for grade retention if he or she has served at least 52 weeks at the current or higher grade. Employees placed in a lower graded position, as a result of a reclassification of their position to a lower grade, are eligible for grade retention.

Q. What is grade retention?

A. Grade retention allows an employee to retain the grade held prior to the reduction in grade for a period of two years as if the reclassification action had never occurred.

Q. Are employees eligible for pay increases under grade retention?

A. Yes, employees remain eligible for any within grade increases due and receive the full general increase.

Q. What happens after the two years of grade retention?

A. After the employee has completed two years of grade retention, if their rate of pay cannot be encompassed within the rates of the grade to which reduced, they will retain their revert to the lower grade and be placed on pay retention.

Pay Retention (5 Code of Federal Regulations Sections 536.301 – 536.310)

Q. What is pay retention?

A. Pay retention allows an employee to retain their rate of basic pay at the expiration of the two year grade retention period or when a reclassification action that places an employee in a lower grade position does not meet the eligibility requirements for grade retention.

Q. How is pay set when entering pay retention?

A. When grade retention ends and pay retention begins, the employee's current salary is compared to the rates of the grade of the position to which the employee has been reduced. If the rate of basic pay prior to the beginning of pay retention can be accommodated within the rates for the grade of the position now occupied, the salary will be set at the step that equals or exceeds the pay retention rate, and pay retention will terminate.

However, if the retained rate exceeds step 10 of the reduced grade the employee now occupies, the employee will be entitled to the LOWER of the rate of basic pay received immediately before becoming eligible for pay retention; or 150 percent of the maximum rate of basic pay for the grade now occupied.

Q. Are employees eligible for pay increases under pay retention?

A. While on pay retention, the employee is entitled to 50 percent of the general increase. There is no eligibility for within grade increases.

Q. When does pay retention terminate?

A. Pay retention terminates when the employee has a break in service of one day or more, becomes entitled to a rate of basic pay equal to or better than the retained rate, or is demoted for cause or at his or her request.