

3 FAM 6150
SPECIAL PROVISIONS FOR LAW
ENFORCEMENT RETIREMENT
COVERAGE FOR SPECIAL AGENTS
COVERED UNDER THE FOREIGN
SERVICE RETIREMENT AND DISABILITY
SYSTEM

(TL:PER-369; 04-21-1999)

3 FAM 6151 AUTHORITY

(TL:PER-369; 04-21-1999)
(Uniform State/USIA)
(Applies to Foreign Service Employees)

Pub. L. 105-382, enacted November 13, 1998, provides for certain State Department special agents covered under the Foreign Service Retirement and Disability System (FSRDS) to receive retirement benefits similar to Civil Service law enforcement officers covered under the Civil Service Retirement System (CSRS).

3 FAM 6152 COVERAGE

3 FAM 6152.1 Automatic Coverage

(TL:PER-369; 04-21-1999)
(Uniform State/USIA)
(Applies to Foreign Service Employees)

Any special agent as defined in Pub. L. 105-382 who is first appointed, on or after November 13, 1998, as a special agent and who is a participant in the Foreign Service Retirement and Disability System (FSRDS) or who will have any part of his or her annuity computed under section 806(a)(6) of the Foreign Service Act (an FSRDS provision) is automatically subject to Pub. L. 105-382.

3 FAM 6152.2 Election

(TL:PER-369; 04-21-1999)
(Uniform State/USIA)
(Applies to Foreign Service Employees)

a. **Eligibility.** An individual who is serving or has served as a special agent and who was an employee participating in the FSRDS or FSPS (Foreign Service Pension System), on November 13, 1998, may elect coverage under Pub. L. 105-382. A survivor may make the election in the case of a special agent who has died but would have been eligible to make the election on November 13, 1998.

b. **Notice.** The Office of Retirement in the Bureau of Personnel, Department of State (PER/RET), will provide notification of the opportunity to elect coverage under Pub. L. 105-382 and an election form to eligible special agents. PER/RET also will issue a Department notice and ALDAC.

c. **Time Limit.** An election of coverage under Pub. L. 105-382 must be submitted within 90 days of the date of such notice.

d. **Belated Elections.** Upon determination by PER/RET that an eligible employee did not receive notice (by individual letter, Department Notice, or ALDAC), PER/RET may accept, within 90 days of actual notice to the employee, the employee's election of coverage under Pub. L. 105-382.

e. **Effective date.** An election of coverage under Pub. L. 105-382 shall take effect immediately, except that the extra .5% contribution will not become effective until the first day of the first pay period following the employing agency's receipt of a signed election form.

f. **Irrevocability.** An election made under this section is irrevocable.

3 FAM 6153 EFFECT OF COVERAGE UNDER PUB. L. 105-382

(TL:PER-369; 04-21-1999)
(Uniform State/USIA)
(Applies to Foreign Service Employees)

All employees who are automatically covered or who will become covered as a result of an election under 3 FAM 6152 are subject to the following provisions:

(1) Mandatory retirement effective on the last day of the month in which the employee attains age 57 and has 20 years of service as a special agent (including service as a law enforcement officer under the Civil Service Retirement System (CSRS) or Federal Employees Retirement System (FERS) or a member of the Capitol Police), unless exempted by the Secretary of State or his or her delegate under Section 812 of the Foreign Service Act. Special agents who are age 57, at the time of an election, will be provided at least 60 days written notice of their separation date;

(2) The employing agency will deduct and withhold from the employee's pay the amount of contributions required under 5 U.S.C. 8334 (a)(1). The additional employee contribution and any special contribution properly made or deposited under Pub. L. 105-382 are not separately refundable in the event that the employee or his or her survivor does not qualify for the special annuity computation under 3 FAM 6154;

(3) A special annuity computation if eligible under 3 FAM 6154; and

(4) The opportunity to make a special contribution for prior service as a special agent. The amount of the special contribution is the difference between contributions that were deducted from the employee's salary and those contributions that would have been deducted if Pub. L. 105-382 had been in effect. The special contribution must include interest, as computed pursuant to Section 1(a) of Executive Order 12446 dated October 17, 1983.

3 FAM 6154 COMPUTATION OF BASIC ANNUITY UNDER PUB. L. 105-382

(TL:PER-369; 04-21-1999)

(Uniform State/USIA)

(Applies to Foreign Service Employees)

a. Eligible service includes all service as a special agent defined in Section 2 of Pub. L. 105-382, service as a law enforcement officer under the Civil Service Retirement System, as defined in 5 U.S.C. 8331(20), service as a law enforcement officer under the Federal Employees Retirement System as defined in 5 U.S.C. 8402(17), or as a member of the Capitol Police.

b. These are the types of annuities and computation:

(1) The basic annuity or the FSRDS component of a basic annuity of a special agent who has 20 years of service as defined in 3 FAM 6154 paragraph b(1) and who retires under one of the provisions identified in 3 FAM 6154 paragraph b(2) is computed as follows: 2.5% of high three average salary for each year of eligible service not exceeding 20 years and 2.0% of high three average salary for service in excess of 20 years.

(2) In order to receive the special annuity computation, a special agent must retire and be eligible for an immediate annuity under one of the following provisions of the Foreign Service Act:

- (a) 607—Retirement for Expiration of Time-in-Class;
- (b) 608—Retirement Based on Relative Performance;
- (c) 611—Reduction in Force;
- (d) 808—Retirement for Disability and Incapacity;
- (e) 811—Voluntary Retirement (50 years of age and 20 years of service);
- (f) 812—Mandatory Retirement for Age; or
- (g) 813—Retirement of Former Presidential Appointees.

The special annuity computation is not authorized in cases of separation for cause under section 610 of the Foreign Service Act or any other legal authority on charges of misconduct or delinquency.

c. In the event that no special contribution is made under 3 FAM 6153 paragraph a(4), or less than the entire amount of the special contribution is made, the basic annuity or FSRDS component of the basic annuity will be reduced (after all necessary reductions, e.g. survivor benefit) on an actuarial basis by the present value of the lump sum due at the time of retirement.

3 FAM 6155 COMPUTATION OF SURVIVOR ANNUITY UNDER PUB .L. 105-382

(TL:PER-369; 04-21-1999)
(Uniform State/USIA)
(Applies to Foreign Service Employees)

a. If a special agent dies in service, after completing 20 years of service, as defined in 3 FAM 6154 paragraph b(1), a survivor annuity payable under Section 809, "Death in Service", of the Foreign Service Act shall be based on the computation formula in 3 FAM 6154 paragraph a.

b. In the event that no special contribution is made under 3 FAM 6153 paragraph a(4) or less than the total special contribution made, the survivor annuity will be reduced on an actuarial basis by the present value of the lump sum due at the time of retirement.

3 FAM 6156 THROUGH 6159 UNASSIGNED