

MAXIMUM AGE FOR APPOINTMENT TO CUSTOMS AND BORDER PROTECTION OFFICER, FIREFIGHTER, AND LAW ENFORCEMENT OFFICER POSITIONS

I. Purpose

This Directive establishes the Department of Homeland Security (DHS) human capital policy and responsibilities regarding the maximum age for original appointment to a customs and border protection officer, firefighter, or law enforcement officer position.

II. Scope

- A. This Directive applies throughout DHS, unless exempted by federal statutory or regulatory authority.
- B. DHS Directive 252-08, Revision 00, "Maximum Age for Appointment to the Department of Homeland Security Customs and Border Protection Officer Positions," is hereby superseded.
- C. DHS Directive 251-03, Revision 00, "Maximum Age for Original Appointment to DHS Law Enforcement Officers and Firefighter Positions," is hereby cancelled.

III. Authorities

- A. Title 5, United States Code (U.S.C.), § 2108, "Veteran; Disabled Veteran; Preference Eligible"
- B. Title 5, U.S.C. § 3307, "Competitive Service; Maximum-Age Entrance Requirements; Exceptions"
- C. Title 5, U.S.C. § 3312, "Preference Eligibles; Physical Qualifications; Waiver"

- D. Title 5, U.S.C. § 3320, “Excepted Service; Government of the District of Columbia; Selection”
- E. Title 5, U.S.C. §§ 8331 and 8401, “Definitions” for Civil Service Retirement System (CSRS) and for Federal Employees’ Retirement System (FERS)
- F. Title 5, U.S.C. §§ 8336 and 8412, “Immediate Retirement” for CSRS and FERS
- G. Title 5, Code of Federal Regulations (CFR), Part 831, Subpart I, “Law Enforcement Officers and Firefighters” and Subpart P, “Customs and Border Protection Officers” for CSRS
- H. Title 5, CFR, Part 842, Subpart H, “Law Enforcement Officers, Firefighters and Air Traffic Controllers” and Subpart J, “Customs and Border Protection Officers” for FERS
- I. DHS Delegation 00002, “Delegation to the Under Secretary for Management”
- J. DHS Delegation 03000, “Delegation for Human Capital and Human Resources”

IV. Responsibilities

- A. The **Under Secretary for Management** establishes the policy regarding maximum age for original appointment to customs and border protection officer, firefighter, and law enforcement officer positions within DHS.
- B. The **DHS Chief Human Capital Officer** establishes and oversees the implementation of the human capital policy and guidance regarding the maximum age policy, consistent with the statutes, regulations, and guidelines prescribed by Office of Personnel Management.
- C. The **Component Heads**:
 - 1. Oversee the administration and implementation of the maximum age policy within their Components, in compliance with all applicable federal laws, rules, and regulations; the policy and procedures outlined in this Directive and associated Instructions; and any other DHS policies, procedures, and guidance; and
 - 2. Establish guidelines and procedures, as necessary, to administer the maximum age policy within their Components.

D. The **Executive Director, Headquarters Human Resources Management and Services** assumes the responsibilities listed under section IV.C. for all Support Components with the exception of the National Protection and Programs Directorate (NPPD), the Office of Inspector General (OIG), and the Federal Law Enforcement Training Centers (FLETC).

E. The **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under section IV.C. for their respective Support Component.

V. Policy and Requirements

A. The day before an individual's 37th birthday is the maximum age for original appointment to a customs and border protection officer, firefighter, or law enforcement officer position within DHS.

B. The maximum age policy allows the appointment or reappointment of an individual to a customs and border protection officer, firefighter, or law enforcement officer position when:

1. The individual is able to complete a total of twenty years of service covered by the special provisions of the retirement law [as described in 5 U.S.C. § 8336(c) for CSRS or § 8412(d) for FERS] before the age of 57; or

2. The individual was previously appointed under an exception to the maximum age policy (provided under section V.C.3. or equivalent authority exercised within DHS or another federal agency) and is able to complete the service requirements described in section V.B.1. before the age of 60.

C. Exceptions to the maximum age policy:

1. The maximum age policy does not apply to positions determined to be secondary positions.

2. The maximum age policy does not apply to the appointment of a preference eligible veteran, unless the hiring component can show that the age requirement is essential to the performance of the duties of the position for which the application has been made.

3. Component Heads may establish exceptions to the maximum entry age policy up to the day before an individual's 40th birthday:

- a. In cases involving highly qualified individuals and the unique needs of the Component, or

b. To address documented skills shortages in specific positions or in certain geographic areas.

4. An individual who has retired under the special provisions for customs and border protection officers, firefighters, and law enforcement officers [5 U.S.C. § 8336(c) for CSRS or 5 U.S.C. § 8412(d) for FERS] is barred from reemployment in a primary or rigorous position after the age of 60.

VI. Questions

Address any questions or concerns regarding this Directive to the Office of the Chief Human Capital Officer.



Chip Fulghum
Deputy Under Secretary for Management



Date