

MANDATORY SEPARATION FOR LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

I. Purpose

This directive establishes the Department of Homeland Security (DHS or Department) policy, responsibilities, and requirements regarding the mandatory separation of law enforcement officers and firefighters.

II. Scope

This Directive applies throughout DHS, unless exempted by statutory or federal regulatory authority.

III. Authorities

- A. Title 5, United States Code (U.S.C.) §§ 8331, "Definitions for Civil Service Retirement System (CSRS)," and 8401, "Definitions for Federal Employees Retirement System (FERS)"
- B. 5 U.S.C. §§ 8335, "Mandatory Separation for CSRS," and 8425, "Mandatory for FERS"
- C. 5 U.S.C. §§ 8336, "Immediate Retirement for CSRS," and 8412, "Immediate Retirement for FERS"
- D. Title 5, Code of Federal Regulations (CFR) §§ 831.502, 831.902, 831.908, 831.909, 842.208, 842.802, 842.806, 842.809
- E. DHS Delegation 00002, "Delegation to the Under Secretary for Management"
- F. DHS Delegation 3000, "Delegation for Human Capital and Human Resources"

IV. Responsibilities

A. DHS Chief Human Capital Officer (CHCO):

1. Establishes Departmental policy and guidance on the implementation of mandatory separation provisions for law enforcement officers and firefighters, consistent with the statutes, regulations, and guidelines prescribed by OPM.
2. Establishes procedures for the submission of requests for exemption from mandatory separation involving employees who would serve beyond the age of sixty.
3. Evaluates Component requests for exemption from mandatory separation involving employees who would serve beyond the age of sixty; and, at his/her discretion, recommends approval to OPM. This provision does not apply to requests from the Office of Inspector General (OIG).

B. Component heads:

1. Oversee the administration and implementation of the mandatory separation provisions within their Components, in compliance with the policy and procedures outlined in this directive, the associated instruction, any DHS or OPM policies, procedures, and guidance, and all applicable federal laws, rules, and regulations.
2. Establish Component procedures for the submission of requests for exemption from mandatory separation involving employees who would not serve beyond the age of sixty.
3. Evaluate requests for exemption from mandatory separation involving employees within their Components and at their discretion:
 - a. Approve exemptions for employees who would not serve beyond the age of sixty; and
 - b. Submit requests to the CHCO for employees who would serve beyond the age of sixty.
4. Ensure that responsibilities under labor relations statutes and union agreements are fulfilled, if applicable, at the level of recognition.

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

D. **Heads of NPPD, OIG, and FLETC** assume the responsibilities listed under section IV.B. for their respective Component.

V. Policy and Requirements

A. **Policy**: It is DHS policy to comply with the laws and regulations with regard to the mandatory separation provisions for law enforcement officers and firefighters.

B. **Requirements**: Requests for exemptions from mandatory separation are approved or submitted for approval only when it is determined that it is required by the public interest.

VI. Questions

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



Russell C. Poyo
Under Secretary for Management



Date