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Subchapter 41A CSRS**Part 41A1 General Information****Section 41A1.1-1 Overview**

- A. Introduction** This subchapter covers voluntary or nondisability retirement (the terms can be used interchangeably). When employees have the age and years of service to retire with no reduction in annuity, they may retire at any time.
- B. Topics Covered**
1. This subchapter covers:
 - The CSRS eligibility requirements for voluntary retirement;
 - The commencing date of the annuity;
 - The withdrawal of a retirement application;
 - The documentation necessary to process a voluntary retirement under this Chapter.
 2. This Chapter does not cover voluntary retirement under the following provisions: MRA + 10 under FERS; early retirement under an OPM authority; or special group provisions.
 - See Chapter 42, Minimum Retirement Age Plus 10 years (MRA + 10) Retirement, for retirement under MRA + 10 provisions.
 - See Chapter 43, Early Voluntary Retirement, for retirement under an OPM approved major RIF, reorganization, or transfer of function.
 - See Chapter 46, Special Retirement Provisions for Law Enforcement Officers, Firefighters, Air Traffic Controllers, and Military Reserve Technicians, for retirement provisions for those employees.
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Section 41A1.1-1 Overview (Cont.)

- C. Organization of Subchapter** The CSRS subchapter has four parts.

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NOTE: Subchapter 41B about voluntary retirement under FERS begins on page 11.

- D. Statement of Authority** This subchapter is based on the laws and regulations cited below.
- United States Code: 5 U.S.C. 8333, 8336, and 8345
 - Code of Federal Regulations: 5 CFR Part 831
 - Public Law 103-66 section 11002
-

Section 41A1.1-2 Employee Eligibility Requirements

A. General An employee is eligible to retire voluntarily with an immediate annuity, without any reduction in annuity due to age, if all of the following conditions are met:

- Age and service requirements;
- Minimum civilian service requirement;
- Separated from a position subject to CSRS coverage; and
- "1-out-of-2" requirement. (See Subsection E Below)

B. Minimum Age and Service The employee must meet one of the age and service requirements below at separation:

AGE is at least...	and CREDITABLE SERVICE is at least..
62	5 years
60	20 years
55	30 years

NOTE 1: If an employee has the minimum 5 years of creditable civilian service, creditable military service may be used to meet the balance of the years of service necessary for an optional retirement.

> NOTE 2: Public Law 104-208 gives employees who are involuntarily separated **the right** to use their annual leave to achieve initial eligibility for retirement and/or continued health benefits coverage.

NOTE 3: If an employee does not have the years of service for a DSR but is eligible for voluntary retirement and the nature of separation is involuntary, the commencing date of the annuity is the day after separation/last day of pay.<

CAUTION: Accrued and unused sick leave may not be used to meet any of the service requirements noted above.

Section 41A1.1-2 Employee Eligibility Requirements (Cont.)**C. Minimum
Civilian Service**

An employee must have at least 5 years of creditable civilian service to be eligible for a voluntary retirement. Use the method outlined in Chapter 50 for service computation, rather than the service computation date (SCD) used for leave and reduction-in-force (RIF) purposes.

Creditable civilian service for this purpose includes:

- Service for which full CSRS deductions were taken, even if CSRS deductions were refunded and not redeposited;
- Service for which full Social Security taxes and reduced CSRS deductions were taken, even if CSRS deductions were refunded and not redeposited; and
- Nondeduction service (that is, temporary or intermittent service), whether or not a deposit for such service is made or deemed made under the alternative annuity provisions.

NOTE: See Chapter 20, Creditable Service, for a full description of creditable service.

**D. Separation from
Covered Position**

The employee must be separated from a position covered by retirement deductions.

Section 41A1.1-2 Employee Eligibility Requirements (Cont.)

E. "One-Out-of-Two" Requirement

An employee must be covered by CSRS for at least 1 year within the 2-year period immediately preceding the separation on which the annuity is based. The 1 year of service does not have to be continuous. The year of service does, however, have to be **covered** service. An employee cannot meet the requirement by paying a deposit for nondeduction service.

The following examples assume the employee is 57 years old.

EXAMPLE	SERVICE HISTORY	ELIGIBLE TO RETIRE?
1	Career appt. 2-1-51 Separated 4-3-80 Career reinst. 9-4-88 Separated 9-30-89	Yes
2	Career appt. 2-1-51 Separated 4-3-80 Career reinst. 9-4-88 Separated 6-30-89 Comment: The employee is not eligible to retire with an immediate annuity because he or she has less than 1 year of service during the 2-year period preceding the last date of separation.	No

F. Employee Eligible for More Than One Type of Retirement

A retiree whose separation was involuntary should be processed under discontinued service retirement procedures (see Chapter 44), even though the individual meets the age and service requirements for voluntary retirement. In addition, the annuity commencing date is the day after separation/last day of pay.

G. Employee Separated but Eligible for a Deferred Annuity Within 30 days of Separation

An employee who separates and is eligible for a deferred annuity commencing within 30 days of the date of separation should be processed under optional retirement procedures even though the individual does not meet the age and service requirements on the date of separation.

Section 41A1.1-2 Employee Eligibility Requirements (Cont.)

- H. Alternative Annuity Election** Non-disability retirees who have a life-threatening affliction or other critical medical condition currently listed in 5 CFR 831.2207 may elect the alternative annuity. See Chapter 53, Alternative Annuity Elections, for more detailed information.
-

Part 41A2 Commencing Date of Annuity

Section 41A2.1-1 Commencing Date of Annuity

A. General Rule

Except as explained in paragraphs B and C below, voluntary retirement annuities commence the first day of the month after the employee separates from service and meets the age and service requirements.

EXAMPLE 1: Date of separation: October 15
Annuity commences: November 1

EXAMPLE 2: Date of separation: April 27
Annuity commences: May 1

**B. Exception:
Three-Day Rule**

The annuities of employees who serve in pay status for 3 days (or fewer) in the month of retirement commence on the day after separation or the day after pay ceases and the age and service requirements are met.

EXAMPLE: Date of separation: March 3
Annuity commences: March 4

For purposes of applying the 3 day rule, all days--including non-work days--are used to determine how many days an employee is in a pay status during a month.

**C. Examples
Involving LWOP
or Other
Nonduty/Nonpay
Status**

If an employee is in a nonduty/nonpay status before retiring, his or her annuity commences the first day of the month after pay ceases and the age and service requirements are met, even though the employee had not yet separated from service. The 3-day rule also applies. These rules apply in all nonduty/nonpay situations: leave without pay, furlough, or suspension.

In examples 1, 2, and 3, assume that the employee already meets age and service requirements.

EXAMPLE 1: Last day in pay status: June 30
LWOP: July 1 through 16
Separation/retirement: July 16
Annuity commences: July 1
Comment: The general "first of the month" rule applies.

Section 41A2.1-1 Commencing Date of Annuity (Cont.)**C. Examples
Involving LWOP
or Other
Nonduty/Nonpay
Status (Cont.)**

EXAMPLE 2: Last day in pay status: July 2
LWOP: July 3 through 14
Return to duty: July 15
Separation/retirement and last day of pay: July 17
Annuity commences: August 1
Comment: The employee was in a pay status for 5 days in July, so the general rule applies.

EXAMPLE 3: Last day in pay status: May 1
Furlough: May 2 through 10
Return to duty: May 11
Separation/retirement and last day of pay: May 12
Annuity commences: May 13
Comment: The employee was in a pay status for 3 days in May, so the 3-day rule applies.

EXAMPLE 4: Last day in pay status: September 2
LWOP: September 3 through 30
Employee becomes 55: September 20
Separation/retirement: September 30
Annuity commences: October 1
Comment: The employee was not eligible to retire until becoming age 55 on September 20. Therefore, the general rule applies, making the commencing date October 1.

Part 41A3 Withdrawal of Retirement Application**Section 41A3.1-1 Withdrawal of Retirement Application**

- A. General** Voluntary retirement is a personnel action that results in a voluntary separation; thus, the filing of an application for retirement is equivalent to submitting a resignation.
- As a consequence, a retiring employee has the same rights that are available to employees involved in other voluntary actions with respect to establishing the effective date of the separation/retirement or withdrawing the application for separation/retirement.
- B. Rule: Specify Effective Date** An employee may apply for voluntary retirement at any time and specify the effective date of the separation in the application, provided the eligibility requirements are met.
- C. Rule: Withdrawal** Except as provided in paragraph D below, an agency must permit an employee to withdraw an application before the effective date of separation.
- D. Exception: Declination** An agency may decline a request to withdraw an application before the effective date of separation only when it has a valid reason and explains that reason in writing to the employee. (From 5 CFR Part 715.)
- E. Cancellation of Separation by Third Party** When an "appropriate authority" determines that the separation upon which a retirement has been based is an unjustified or unwarranted personnel action (From 5 CFR Subchapter 990), an individual may withdraw his or her application for CSRS benefits within 60 days of the decision. As provided under the back pay instructions, the employing agency must deduct CSRS payments from any back pay award.
-

Part 41A4 Procedures**Section 41A4.1-1 Procedures**

A. General

Chapter 40, Planning and Applying for Retirement, provides detailed instructions on the completion of the forms identified below and the information and guidance that must be given retiring employees.

B. Employee Responsibility

The employee must complete:

- Standard Form 2801, Application for Retirement (and Schedules A, B, and C when necessary); and
- OPM Form 1538, Statement Regarding Former Spouses (see sample form in Subchapter C of this Chapter); and
- OPM Form 1431, Spouse's Consent to Survivor Election, if applicable.

If the employee has been separated 30 days or less before the application is filed, the application and other forms must be filed with the agency. If the employee has been separated more than 30 days, the application must be filed directly with OPM.

C. Agency Responsibility

The agency must:

- Provide the employee with an Application for Retirement (SF 2801) and any other necessary forms;
 - Complete Certified Summary of Federal Service (SF 2801-1);
 - Complete Agency Checklist of Immediate Retirement Procedures (SF 2801-Schedule D);
 - Complete Standard Forms 2809 and 2821 concerning health and life insurance in accordance with The Federal Employees Group Life Insurance Handbook for Personnel and Payroll Offices and The Federal Employees Health Benefits Handbook for Personnel and Payroll Offices.
 - Send the employee's Individual Retirement Record (SF 2806) to OPM with the retirement application attached, insuring that they are sent early enough to be received by OPM within 30 days of separation.
-

Section 41A4.1-1 Procedures (Cont.)

D. OPM Address Send all correspondence regarding voluntary retirement to:

**Office of Personnel Management
Retirement Operations Center
Post Office Box 45
Boyers, PA 16020**

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Subchapter 41B FERS
Part 41B1 General Information

Section 41B1.1-1 Overview

A. Introduction

Subchapter 41B outlines the rules and policies applicable to voluntary retirement (with no reduction for age) under the Federal Employees Retirement System (FERS).

This subchapter explains how FERS differs from CSRS. It refers to the applicable CSRS rule or gives the FERS rule if it is different.

NOTE: Voluntary retirement under the MRA + 10 provision is covered in Chapter 42, MRA + 10 Retirement.

B. Organization of Subchapter

The FERS subchapter has four parts.

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C. Statement of Authority

This subchapter is based on the laws and regulations cited below.

- United States Code: 5 U.S.C. 8410, 8412, and 8464
 - Code of Federal Regulations: 5 CFR Parts 841, 842, and 846
-

Section 41B1.1-2 Employee Eligibility Requirements

A. General

An employee is eligible to retire voluntarily with an immediate annuity, without any reduction in annuity due to age, if all of the following conditions are met:

- Service requirement;
- Minimum civilian service requirement;
- Separation from a position subject to FERS coverage; and
- Minimum Retirement Age (MRA).

NOTE: There is no "1-out-of-2" requirement under FERS as there is under CSRS. Thus, an employee who elects to transfer to FERS does not have to be under FERS for one year to be eligible to retire. It is possible for an employee's separation for retirement to occur on the same day (but not before) the FERS election becomes effective, provided that the employee meets the other requirements.

Likewise, an employee who had FERS coverage in his or her last period of service could retire at any time after being reemployed if he or she has the required age and service.

B. Minimum Age and Service

1. The employee must meet one of the age and service requirements below at separation:

AGE is at least...	and CREDITABLE SERVICE is at least..
62	5 years
60	20 years
MRA	30 years

2. If an employee has the minimum 5 years of creditable civilian service, creditable military service may be used to meet the balance of years of service necessary for a voluntary retirement.

Section 41B1.1-2 Employee Eligibility Requirements (Cont.)

B. Minimum Age and Service (Cont.)

3. Under FERS, post-1956 military service cannot be used to meet the service requirement unless the employee makes the military service deposit before retirement. The deposit may not be deemed paid under the alternative annuity provisions.

NOTE: Public Law 104-208 gives employees who are involuntarily separated **the right** to use their annual leave to achieve initial eligibility for retirement and/or continued health benefits coverage.

CAUTION: Accrued and unused sick leave may not be used to meet any of the service requirements noted above.

C. Minimum Civilian Service

An employee must have at least 5 years of creditable civilian service to be eligible for an voluntary retirement.

Creditable civilian service for this purpose includes:

- Service for which full FERS deductions are made and not refunded;
- Nondeduction service (that is, temporary or intermittent service) performed prior to January 1, 1989, if a deposit for such service is made or deemed made under the alternative annuity provisions;
- Service for which full Social Security taxes and full or reduced CSRS deductions were taken if the CSRS deductions were not refunded; and,

For individuals eligible for a CSRS annuity component:

- Nondeduction CSRS service (that is, temporary or intermittent service), whether or not a deposit for such service is made or deemed made under the alternative annuity provisions;
- Service for which full CSRS deductions were taken even if CSRS deductions were refunded and not redeposited.

NOTE: See Chapter 20 for a full description of creditable service.

Section 41B1.1-2 Employee Eligibility Requirements (Cont.)

- D. Noncreditable Civilian Service** The following types of service performed under FERS may not be used in meeting the 5-year minimum service requirement:
- Service performed under FERS for which a refund of FERS deductions was taken;
 - Service subject to FERS computation rules for which a refund was made after FERS coverage began; and
 - Nondeduction service (that is, temporary or intermittent service) performed on or after January 1, 1989.
-
- E. Separation from Covered Position** The employee must be separated from a position covered by FERS deductions.
-
- F. Minimum Retirement Age (MRA)** The MRA is the earliest age that an employee with 30 years of creditable service is eligible for voluntary retirement without any reduction due to age.
- Depending on the employee's year of birth, the MRA ranges between ages 55 and 57. See the table on the following page.
-

Section 41B1.1-2 Employee Eligibility Requirements (Cont.)

F. Minimum Retirement Age (MRA) (Cont.)

To determine the MRA, refer to the table below.

IF YEAR OF BIRTH IS...	THE MINIMUM RETIREMENT AGE IS...
Before 1948	55
1948	55 and 2 months
1949	55 and 4 months
1950	55 and 6 months
1951	55 and 8 months
1952	55 and 10 months
1953-1964	56
1965	56 and 2 months
1966	56 and 4 months
1967	56 and 6 months
1968	56 and 8 months
1969	56 and 10 months
1970 and After	57

Part 41B2 Commencing Date of Annuity**Section 41B2.1-1 Commencing Date of Annuity**

A. Rule

Except as explained in paragraph B below, voluntary retirement annuities commence the first day of the month after separation for retirement. Unlike CSRS, there is no special provision for employees who serve three days or less in the month of retirement or any provision allowing a voluntary retirement annuity to begin on the day after the last day of pay.

EXAMPLE 1: Date of separation: October 31
Annuity commences: November 1

EXAMPLE 2: Date of separation: March 3
Annuity commences: April 1

EXAMPLE 3: Last day of pay: June 2
Date of separation: June 15
Annuity commences: July 1

**B. Exception:
Elected/
Appointed
Officials**

If a separation occurs because of the expiration of a term or other period for which the person was appointed or elected, the annuity commences the day after separation for retirement.

Part 41B3 Miscellaneous Provisions

Section 41B3.1-1 Miscellaneous Provisions

- A. Retiree Annuity Supplement** A retiree annuity supplement is payable to an employee retiring on an immediate voluntary retirement that is not reduced for age if the employee has completed at least one calendar year of FERS service and is under age 62. For rules regarding eligibility for and payment of the retiree annuity supplement, see Chapter 51, Retiree Annuity Supplement.
- B. Establishment of Separation Date** The CSRS rule regarding an employee's right to specify the effective date of his or her separation/retirement also applies under FERS. (See section 41A3.1-1, paragraph B.)
- C. Withdrawal of Retirement Application**
1. The CSRS rules in section 41A3.1-1, paragraphs C, D, and E apply to a FERS employee. In addition, the following rules apply to FERS employees.
 2. Except as provided in 3 below, a separated employee may withdraw his or her application for benefits until a regular recurring payment based on that application has been authorized, but not thereafter.

Withdrawal of the application for retirement annuity after separation does not, however, cancel the employee's separation except as provided in section 41A3.1-1, paragraph E.
 3. A separated employee may not withdraw his or her application for benefits if OPM has received a certified copy of a qualifying court order awarding benefits to a spouse or former spouse.
-

Part 41B4 Procedures**Section 41B4.1-1 Procedures****A. General**

Chapter 40, Planning and Applying for Retirement, provides detailed instructions on the completion of the forms mentioned below and the information and guidance that must be given retiring employees.

B. Employee Responsibility

The employee must complete:

- Standard Form 3107, Application for Retirement (and Schedules A, B, and C when necessary); and
- Standard Form 3107-2, Spouse's Consent to Survivor Election, if applicable.

If the employee has been separated 30 days or less before the application is filed, the application and other forms must be filed with the agency. If the employee has been separated more than 30 days, the application must be filed directly with OPM.

C. Agency Responsibility

The agency must:

- Provide the employee with an Application for Retirement (SF 3107), and any other necessary forms;
- Complete Certified Summary of Federal Service (SF 3107-1);
- Complete Agency Checklist of Immediate Retirement Procedures (SF 3107, Schedule D);
- Complete Standard Forms 2810 and 2821 concerning health and life insurance in accordance with The Federal Employees Group Life Insurance Handbook for Personnel and Payroll Offices and The Federal Employees Health Benefits Handbook for Personnel and Payroll Offices.
- Send the employee's Individual Retirement Record (SF 3100) and all FERS Designation of Beneficiary forms (SF 3102) to OPM, with the retirement application attached, within 30 days of separation.

NOTE: An SF 2806 is also required if the employee transferred to FERS and is eligible for a CSRS annuity component.

Section 41B4.1-1 Procedures (Cont.)

D. OPM Address Send all correspondence regarding voluntary retirement to:

**Office of Personnel Management
Federal Employees Retirement System
Retirement Operations Center
Post Office Box 200
Boyers, PA 16020**

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Subchapter 41C Job Aids**Section 41C1.1-1 Overview**

- A. Statement Regarding Former Spouses** This subchapter contains a copy of OPM Form 1538, "Statement Regarding Former Spouses," for local reproduction.
-

Section 41C1.1-1 Overview (Cont.)**STATEMENT REGARDING FORMER SPOUSES**

All retiring employees must complete blocks 1 through 6 of this form in addition to SF 2801, if their annuities commence after May 6, 1985

1. Name (Last, first, middle)	2. Date of birth (Month, day, year)	3. Social Security Number
<p>4. Do you have a living former spouse(s) from whom you were divorced on or after May 7, 1985, and to whom a court order gives a Civil Service survivor annuity?</p> <p><input type="checkbox"/> Yes - Attach a copy of court order(s) or divorce decree(s) and any amendments.</p> <p><input type="checkbox"/> No</p>		
<p>Warning Any intentional false statement or willful misrepresentation relative thereto is a violation of the law and punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years or both (18 USC 1001)</p>	I hereby certify that this information is true to the best of my knowledge and belief	
	5. Signature	6. Date

If a court order gives (awards or requires you to provide) a survivor annuity to a living former spouse, the CSRS must honor the terms of the court order. Your annuity will be reduced to provide the survivor annuity for the former spouse. However, a former spouse cannot receive a survivor annuity by court order unless:

1. he or she was married to you for at least 9 months;
2. you have at least 18 months of service subject to retirement deductions; and
3. he or she has not remarried before reaching age 55.

PRIVACY ACT STATEMENT

Title 5, U.S. Code, Chapter 83, Civil Service Retirement, authorizes solicitation of this information. The data furnished will be used to determine the type of annuity awarded.

This information may be shared with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs or when they are investigating a violation or potential violation of the civil or criminal law.

Executive Order 9397 (November 22, 1943), authorizes use of the Social Security Number to distinguish between you and people with similar names. Furnishing your Social Security Number, as well as the other data, is voluntary, but failure to do so may result in your receiving an annuity with full reduction for the maximum survivor benefit.

MAY BE REPRODUCED LOCALLY