



# Department of Defense INSTRUCTION

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USD(P&R)

SUBJECT: DoD Civilian Personnel Management System: Civilian Air Traffic Controllers (ATCs)

References: (a) DoD 1400.25-M, "Civilian Personnel Manual," Subchapter 331, July 31, 2000 (hereby canceled)  
(b) Sections 3307(b), 3323(a), 8331(d), 8335(a), 8336(e), 8339(e), 8412(e), 8415(d), and 8425 of title 5, United States Code  
(c) Office of Personnel Management Manual, "Qualification Standards for General Schedule Positions, Individual Operating Requirements for GS-2152, Air Traffic Control Series," current edition<sup>1</sup>

## 1. PURPOSE

a. Instruction. This Instruction is composed of several volumes, each containing its own purpose. The purpose of the overall Instruction is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. This Volume of this Instruction:

(1) Reissues Reference (a) to update policy and procedures regarding the employment of civilian ATCs in the Department of Defense.

(2) Delegates authority and prescribes procedures regarding the employment of civilian ATCs in the Department.

(3) Sets the maximum entry age for identified ATC positions and establishes procedures to be used in the waiver process.

(4) Delegates the authority to approve waivers of the entry age.

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<sup>1</sup> Available through the Internet at <http://www.opm.gov/qualifications/standards/IORs/gs2100/2152.htm>

2. APPLICABILITY. This Volume of this Instruction applies to civilian ATC positions in the Department of Defense.

3. DEFINITIONS

a. ATC. A civilian employee who, in an ATC facility (i.e., tower, ground-controlled approach, and approach control), is actively engaged in the separation and control of air traffic or in providing preflight, in-flight, or airport advisory service to aircraft operations, or is the immediate supervisor of any such employee.

b. original entry. An individual's first appointment in the Department of Defense to a covered ATC position.

c. covered position. A position that has been identified by a DoD Component as an ATC position for special retirement coverage in accordance with Volume 830 of this Instruction for employees under the Civil Service Retirement System (CSRS) or Volume 840 of this Instruction for employees under the Federal Employees Retirement System (FERS).

d. covered service. The time an employee spends working in an identified ATC position that is creditable for meeting the requirement for immediate retirement under the special retirement provisions for ATCs in section 8336(e), for CSRS, and section 8412(e), for FERS, of title 5, United States Code (U.S.C.) (Reference (b)).

4. POLICY. It is DoD policy to:

a. Employ well trained, knowledgeable, and competent ATCs who have the capacity to perform the essential functions of their positions without risk to themselves or others.

b. Employ ATCs possessing personal, physical, and emotional characteristics necessary to perform ATC work without unacceptable risk.

c. Set a maximum age limit for original entry of qualified applicants for identified ATC positions pursuant to section 3307(b) of Reference (b).

5. DELEGATIONS OF AUTHORITY

a. Position Coverage Determinations. The Secretaries of the Military Departments and heads of the Defense Agencies and DoD Field Activities with independent appointing authority for themselves and their serviced organizations (hereafter referred to as the "DoD Components") are delegated authority to determine the ATC position(s) for special retirement coverage under CSRS and FERS. This responsibility may be re-delegated, in writing, to a DoD Component

official reporting directly to the Head of the DoD Component or Deputy DoD Component Head. Such designated representative must be the sole representative for the entire DoD Component.

b. Maximum Entry Age Waivers. The Head of a DoD Component may approve, as prescribed in section 4 of the enclosure to this Volume, the original entry of an individual who exceeds the maximum entry age limit. This authority should be redelegated, in writing, to the lowest organizational level practical to enable timely hiring decisions in support of mission requirements.

c. Reentry Waivers. The Head of a DoD Component may approve reentry waivers into covered positions for individuals who do not meet the reentry formula prescribed in section 5 of the enclosure to this volume. This authority should be re-delegated, in writing, to the lowest organizational level practical to enable timely hiring decisions in support of mission requirements.

d. Mandatory Age Separation Waivers. The Head of a DoD Component may approve a waiver of the mandatory separation provisions of section 8425 of Reference (b) when an ATC who is otherwise eligible for immediate retirement pursuant to section 8412(e) of Reference (b) meets the criteria prescribed in subparagraph 6.a.(1) of the enclosure to this Volume. This authority may be delegated, in writing, to the lowest organizational level practical to enable timely hiring decisions in support of mission requirements.

## 6. RESPONSIBILITIES

a. Deputy Under Secretary of Defense for Civilian Personnel Policy (DUSD(CPP)). The DUSD(CPP), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, shall develop and maintain policy on matters relating to the employment of ATCs.

b. Heads of the DoD Components. The Heads of the DoD Components shall:

- (1) Ensure compliance with this policy.
- (2) Verify that position coverage determinations have been made by the proper DoD Component authority before filling vacant positions.
- (3) Issue implementing guidance and procedures to:
  - (a) Hire only those individuals who meet all applicable qualifications and certification requirements for ATC positions.
  - (b) Requalify ATCs based on an annual medical examination.
  - (c) Establish policy to ensure employees occupying ATC positions maintain

certifications, facility ratings, and proficiency standards as stipulated in applicable Component directives.

(d) Document all exceptions to the maximum entry age and mandatory separation provisions made in accordance with this regulation. All exceptions must be recorded in the official personnel folder (OPF) of the appointee.

(e) Maintain documentation reflecting approval of position coverage in the employee's OPF.

(f) Review vacant ATC positions for compliance with paragraph 7.a. of the enclosure to this Volume.

7. PROCEDURES. See Enclosure.

8. RELEASABILITY. UNLIMITED. This Volume is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

9. EFFECTIVE DATE. This Volume is effective immediately.

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ENCLOSURE

PROCEDURES

1. POSITION COVERAGE DETERMINATIONS. Designees in paragraph 5.a. of the front matter of this Volume:

a. Shall establish coverage determination files that include all background material used in the determination.

b. Upon retirement, must certify to the Office of Personnel Management (OPM) that the employee's service was in a covered position.

2. FILLING POSITIONS. In filling positions, human resources offices must refer individuals who may be eligible for waivers in accordance with section 4 of this enclosure along with other equally qualified candidates. Referral lists must be annotated to identify those requiring waivers. If a candidate requiring a waiver is selected, a tentative offer pending age waiver approval may be made.

3. MAXIMUM ENTRY AGE. Except as provided in section 4 of this enclosure, 36 is the maximum entry age for original entry into an identified ATC position. An individual not appointed by the last day of the month in which the individual becomes age 36 shall not be appointed or assigned to an ATC position. Any individual who has reached the mandatory separation age (56) is not eligible for employment or reemployment as an ATC (section 3323(a) of Reference (b)).

4. EXCEPTIONS TO THE MAXIMUM ENTRY AGE

a. Designees in paragraph 5.b. of the front matter of this Volume may approve the original entry of an individual who has exceeded the maximum entry age limit prescribed in section 3 of this enclosure provided the individual has:

(1) Received ATC Specialist Certification according to Federal Aviation Administration (FAA) Standards, and

(2) Been qualified and facility certified in a DoD or FAA ATC facility.

b. Each exception shall be in writing and signed by the Head of the DoD Component or designee.

c. A copy of the approved exception shall be filed in the OPF of the person for whom the waiver has been granted.

d. An employee in this category who is not otherwise eligible for immediate retirement may remain employed in a covered position until he or she meets the retirement requirements of section 8336(e), for CSRS, and section 8412(e), for FERS, of Reference (b) provided the employee continues to meet the physical and professional requirements in section 8 of this enclosure.

5. REENTRY INTO A COVERED POSITION. (See Attachment for examples). Individuals who exceed the maximum entry age limit (36) but previously served in covered positions in the Department may be reinstated to a covered position only if they:

- a. Meet the applicable qualification requirements for the position;
- b. Have received ATC Specialist Certification according to FAA standards;
- c. Have been qualified and facility certified in a DoD or FAA ATC facility; and

d. Will be able to complete a total of 20 years of covered service as ATC by the last day of the month in which they become age 56.

e. Designees in paragraph 5.c. of the front matter of this Volume may approve a waiver as prescribed in section 4 of this enclosure for an individual who does not meet reentry requirements.

## 6. MANDATORY SEPARATION

a. Age Requirements. Pursuant to section 8336(e), for CSRS, and section 8412(e), for FERS, of Reference (b), an ATC who is otherwise eligible for immediate retirement must be separated from Federal service on the last day of the month the employee becomes age 56 unless:

(1) The designee in paragraph 5.d. of the front matter of this Volume has granted the employee a waiver of the mandatory separation provisions of section 6 of this enclosure based on possession of exceptional skills and experience as an ATC. In such a case, the employee shall be separated on the day he or she becomes age 61.

(2) The designee in paragraph 5.b. of the front matter of this Volume has granted the employee a waiver of the maximum entry age provisions of section 6 of this enclosure and the employee has not yet completed 20 years of service. In such a case, the employee shall be separated on the last day of the month he or she completes 20 years of service (Reference (b)).

b. Notification Requirements. Employing offices are responsible for notifying covered employees in writing of the date of separation at least 60 days before that date. Notwithstanding paragraph 5.d. of the front matter of this Volume, action to separate such an employee shall not

be effective until the last day of the month the 60-day notice expires unless the employee consents to an earlier date.

7. ENHANCED RETIREMENT BENEFITS. Special retirement coverage allows an enhanced annuity formula and reduced age/service requirements for retirement for ATC positions.

a. CSRS Coverage. Pursuant to section 8336(e) of Reference (b), an employee is entitled to a special annuity computation as provided by section 8339(e) of Reference (b) after:

- (1) Completing 25 years of service as an ATC, or
- (2) Becoming 50 years of age and completing 20 years of service as an ATC.

b. FERS Coverage. Pursuant to section 8412(e) of Reference (b), an employee is entitled to a special annuity computation as provided by section 8415(d) of Reference (b) after:

- (1) Completing 25 years of service as an ATC, or
- (2) Becoming 50 years of age and completing 20 years of service as an ATC.

8. RETENTION REQUIREMENTS. The physical requirements prescribed by OPM Manual (Reference (c)) apply for covered positions. These are that employees occupying ATC positions:

- a. Must requalify in an annual medical examination.
- b. Must maintain certifications, facility ratings, and proficiency standards as stipulated in applicable Component directives.
- c. Who are found to be physically or emotionally unqualified for ATC duties at any time will be subject to reassignment to positions for which they are qualified; retired for disability, if eligible; or separated from the service.

Attachment

Examples of Reentry Into Covered Positions



ATTACHMENT TO ENCLOSURE

EXAMPLES OF REENTRY INTO COVERED POSITIONS

1. EXAMPLE 1. Peter receives his original appointment to a covered ATC position under CSRS at age 25. After working as an ATC for 8 years, Peter resigns. Now, at age 39, he applies, once again, for an ATC position with DoD.

a. To determine whether Peter is eligible for reentry into a covered ATC position without an age waiver, we first determine whether he will be able complete a minimum of 20 years of covered service by age 56. Peter has 8 years of covered service. He needs an additional 12 years of covered service to retire. ( $20 \text{ years} - 8 \text{ years} = 12$ ). Peter must retire by age 56.

b. To determine the maximum reentry age without a waiver, subtract the 12 additional years of covered service Peter needs to be eligible for retirement from the mandatory retirement age, 56 ( $56 - 12 = 44$ ). Peter must reenter DoD employment by the last day of the month that he becomes 44 years of age. Peter is 39; therefore he has not exceeded the maximum reentry age standard and can be reemployed in the covered ATC position without an age waiver.

2. EXAMPLE 2. Joan received her original appointment to a covered ATC position under CSRS at the age of 28. After working in a covered ATC position for 3 years, Joan resigned. At age 34 she was reemployed to a covered DoD ATC position under FERS. After 5 years, Joan again resigned and took a refund of her FERS retirement contributions. Now at age 42, Joan is applying for another covered ATC position. The ATC must have 20 years of covered service by the time they reach the last day of the month they become age 56.

a. Joan's 3 years of covered service under CSRS can be used to meet the reentry age standard. However, because she received a refund for her 5 years of service in the FERS covered position, the FERS refunded service is not creditable for retirement and is not covered service for computing her reentry age.

b. Since Joan has only 3 years of covered service, she will need 17 more years to reach 20 years of covered service by age 56 ( $56 - 17 = 39$ ). Subtract 17 from 56 to arrive at Joan's maximum reentry age of 39. Joan is 42; her maximum reentry age is 39. Therefore, Joan cannot be rehired for a covered ATC position without an age waiver.