

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DEPARTMENTAL PERSONNEL MANUAL SYSTEM

Published in advance
of incorporation in
DPM Chapter _____
Retain until superseded

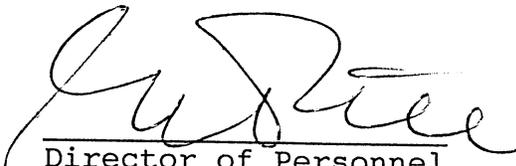
DPM LETTER: 338- 2

SUBJECT: Entry Age Policy for Law Enforcement
Officer Positions

DATE: OCT 19 1993

In accordance with the provisions of 5 U.S.C. 3307(d) and (e), the Secretary has established the attached policy for determining the maximum entry age for positions determined to be law enforcement officer positions as defined by 5 U.S.C. 8331 and 8401.

Questions should be directed to the Personnel Policy Division, M-16.



Director of Personnel

Attachment

Filing Instructions: File after FPM Chapter 338 Letters

Distribution: All FPM Subscribers, Headquarters and Field

OPI: M16/DSchossler/(202)366-9447

Maximum Age for Entry into Law Enforcement Officer Positions

- A. **POLICY.** In accordance with 5 U.S.C. 3307(d) and (e), the head of an agency may determine and fix the maximum age limit for an original appointment to a position as a law enforcement officer. It is the policy of the Department to recognize the need to maintain a young and vigorous work force in physically arduous law enforcement officer positions. The provisions of this chapter are intended to ensure that these positions are held, insofar as possible, by men and women who are physically capable of meeting the vigorous demands of law enforcement activities.
- B. **ORIGINAL APPOINTMENT.**
1. The day immediately preceding an individual's 37th birthday is the last date for original appointment to a position as a law enforcement officer as defined in 5 U.S.C. 8331(20) or in 5 U.S.C. 8401(17).
 2. Candidates will be considered eligible if they have not attained age 37 at the time of certification to the Department from OPM registers, regardless of whether the age limit is subsequently passed during the selection process prior to actual entry on duty.
 3. Likewise, candidates examined or appointed directly by the Operating Administrations will be considered to meet the age requirement if they have not reached age 37 at the time they are referred to the selecting official.
 4. Requests to OPM for certification of candidates for law enforcement officer positions must be accompanied by a copy of the position description for the position to be filled. Either the request for certification or the position description must be annotated to reflect that the position is subject to the retirement provisions of 5 U.S.C. 8336(c) or 5 U.S.C. 8412(d)(2).
- C. **EXCEPTIONS TO MAXIMUM ENTRY AGE.**
1. Exceptions to the maximum entry age policy are allowed in rare situations involving especially qualified individuals and the unique needs of the Operating Administration, or where documented skills shortages arise in specific law enforcement positions or in certain areas of the country. In these cases, the day immediately preceding an individual's 40th birthday will be the last date for original appointment.

2. The same policy applicable to passing the age limit during the referral process (Sections B.2. and 3.) applies to approved exceptions, i.e., an individual must not have reached age 40 at time of referral; and, subsequent attainment of age 40 during the selection process or prior to entry on duty will not be cause for rejection based on age.
3. Operating Administrations must establish procedures to document exceptions granted under this section. At a minimum, documentation must include: location, title, series and grade of each position; brief summary of the duties of the position; and labor markets, recruitment efforts, etc., which resulted in the determination that a skills shortage existed or that the selectee possessed qualifications justifying the exception.
4. Each Operating Administration head is responsible for approving exceptions and for ensuring that documentation is maintained for each exception made.
 - a. The Inspector General shall make such determinations for positions for which appointing authority is exercised.
 - b. The Assistant Secretary for Administration shall make such determinations for all other positions in the Office of the Secretary.
 - c. This authority may be redelegated no lower than the operating administration head of administration or equivalent headquarters level.

D. REENTRY INTO COVERED POSITIONS.

1. An individual who has passed the maximum entry age limit, but previously served in a covered position, may in some cases be reinstated to coverage in a primary or rigorous position, as defined in the regulations at 5 C.F.R. Parts 831 and 842, if the individual:
 - a. Meets the applicable qualification requirements for the position; and
 - b. Will be able to complete a total of 20 years of covered law enforcement service by the time he/she reaches the mandatory retirement age of 57.

For example, an individual who, after original appointment to a covered primary or rigorous position, works 7 years as a law enforcement officer, then accepts appointment to a non-covered job, may not be older than 44 (37 entry age plus 7 years of service, actually computed to the nearest day) to be eligible for reentry into a primary or rigorous position.

2. There is no maximum age for reentry to a position in which the individual will be ineligible for law enforcement retirement coverage. For example, the reentry age formula is not applied to an individual who is excluded from law enforcement retirement coverage because of a break in secondary covered service.

E. REPORTING REQUIREMENTS.

Each Operating Administration must maintain a current listing of its positions that are covered by this chapter. A report is required annually on exceptions granted during the preceding fiscal year. The report must be submitted to the Departmental Director of Personnel, M-10, by December 1 of each year and include the documentation outlined in Section C.3.