



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington D.C. 20240



## **DIRECTOR'S ORDER NO. 214**

**Subject:** Phased Retirement Policy

**Sec. 1 What is the purpose of this Order?** This Order establishes the U.S. Fish and Wildlife Service (Service) policy that eligible employees, Human Resources (HR) professionals, and managers must follow when applying for and administering the phased retirement program.

### **Sec. 2 What are the legal authorities for this Order?**

a. Government Organization and Employees, Civil Service Retirement, Phased Retirement (5 U.S.C. 8336a).

b. Government Organization and Employees, Federal Employees' Retirement System, Basic Annuity (5 U.S.C. 8412a).

c. Office of Personnel Management (OPM) Civil Service Regulations, Retirement, Phased Retirement (5 CFR Part 831, Subpart Q).

d. OPM Civil Service Regulations, Phased Retirement (5 CFR Part 848).

### **Sec. 3 What is phased retirement?**

a. Phased retirement is a program that allows the Service to retain employees for a specific amount of time on a part-time basis while they begin to draw retirement benefits. They must spend a percentage of their time mentoring (see section 10).

b. It gives the employee the ability to better transition into retirement, while providing the Service with more comprehensive mentoring opportunities by accessing decades of institutional knowledge and experience that retirees provide.

### **Sec. 4 Who is eligible to participate in phased retirement?**

a. Employees are eligible to participate if all of the following conditions are met, and the supervising Directorate member approves the employee's request:

- (1) Duties must be appropriate for part-time work.

- (2) There must be enough staffing to support the part-time schedule.
- (3) The employee must be willing and able to mentor.
- (4) The employee must have been employed by the Service full-time for at least 3 years before entering phased retirement.
- (5) The employee must be eligible for immediate retirement.

b. The following employees are not eligible for phased retirement:

- (1) Law enforcement officers,
- (2) Firefighters, and
- (3) Employees currently employed on a part-time basis.

**Sec. 5 What documents are required to apply for phased retirement?** The employee must work with HR staff and his/her manager to complete the following documents:

- (1) A signed FWS Phased Retirement Agreement (see Exhibit 1),
- (2) The standard Application for Immediate Retirement ([SF-2801](#) for the Civil Service Retirement System (CSRS) or [SF-3107](#) for the Federal Employees Retirement System (FERS)),
- (3) Phased Employment/Phased Retirement Status Elections ([SF-3116](#)), and
- (4) Information and Instructions for Completing an Application for Phased Retirement under CSRS ([SF-2825](#)) or FERS ([SF-3117](#)). These two documents have a page at the end the employee must sign.

**Sec. 6 What are the time limits for participating in phased retirement?**

a. We must set a participant's phased retirement period for an initial 6 months through an agreement (see section 8b(2)), and we may extend it in 6-month increments for up to 2 years.

b. The employee and his/her manager may request additional 2-year agreements if they do so before the existing agreement expires (see section 7).

c. The employee or his/her manager may request an agreement period of less than 2 years.

d. An employee in phased retirement who has agreed to a time limitation may voluntarily retire before the expiration date of the agreement.

**Sec. 7 What happens when the time limit expires?**

a. When the time limit expires, the employee may:

- (1) Enter into full retirement, or

- (2) With Service approval, return to regular employment (see section 11).

b. The employee may also enter into a new 2-year agreement if they do so before the existing agreement expires. The new agreement must follow the same requirements as those found in section 4.

c. The employee may also transfer to another bureau/agency as a phased retiree or a regular employee any time before the expiration of the agreement with the Service or within 3 days after the expiration date of the agreement. This is subject to the other bureau's/agency's approval.

### **Sec. 8 Who approves requests for phased retirement, and how does he/she make the decision?**

a. The supervising Directorate member is the official who approves requests for phased retirement.

- (1) The Directorate member makes the decision based on the criteria in section 4a.
- (2) If he/she cannot approve all the requests received for phased retirement for employees in similar positions, he/she has the discretion to prioritize selection, a decision that may be subject to bargaining for employees represented by a labor organization.
- (3) Prioritization decisions should be based on:
  - Mission-critical occupational series,
  - Sufficient budget allocations, and
  - Critical need for knowledge transfer.

b. The Directorate member or supervisor must notify applicants about whether or not their request was approved.

- (1) For approved requests, the employee must get a written notice that includes the effective date of separation.
- (2) In addition, the employee, the supervisor, and the Service Directorate member must sign the Service's phased retirement agreement that describes the terms and conditions. They must use the template we provide in Exhibit 1, FWS Phased Retirement Agreement.

**Sec. 9 What are the scheduling requirements for phased retirement?** The employee continues to work as an employee of the Service, but under a part-time work schedule. He/she must work 20 hours a week; the number of hours is not negotiable. The supervisor/manager sets the hours of duty and work schedule.

## **Sec. 10 What are the mentoring requirements?**

a. Following are the mentoring requirements:

- (1) A phased retiree must spend at least 20 percent (4 hours a week) of their working hours in mentoring activities.
- (2) The supervising Service Directorate member may waive mentoring requirements in an emergency, or if another unusual circumstance makes it impractical for a phased retiree to fulfill the mentoring requirement.

b. It is the responsibility of supervisors/managers to track the number of hours the phased retiree spends mentoring.

c. We leave it to the discretion of the supervisor/manager and the supervising Directorate member to define what mentoring activities are appropriate depending on the employee, the position, and the needs of the program.

## **Sec. 11 What does the phased retiree need to do to return to regular employment status?**

a. To return to regular employment:

- (1) The employee submits a completed and signed request using Part 2a of [SF-3116, Phased Employment/Phased Retirement Status Elections](#), through his/her supervisor to the supervising Directorate member.
- (2) The Directorate member approves or declines to approve the request.
  - If an employee's request to return to regular employment is declined, the employee may continue work as a phased retiree or enter into full retirement.
  - If approved, the servicing HR office notifies OPM that the phased retiree's status has ended by sending them a copy of the signed, approved form within 15 days of approval.

b. The servicing HR office completes a personnel action to return the employee to full employment. They send the action through the Federal Personnel Payroll System (FPPS) for processing.

c. When the employee returns to regular employment status, the period he/she was in phased retirement is treated as if he/she had been a part-time employee.

d. If an employee ends phased retirement and returns to regular employment, he/she may not reelect phased retirement later.

## **Sec. 12 Can the supervisor/manager backfill a position where there is a phased**

**retiree?** Not on a full-time basis. The supervisor/manager may not backfill the position on a full-time basis because the phased retiree continues to encumber the current position until fully retired. However, he/she could fill the position on a part-time basis so that the total time of both employees equals 80 hours per pay period. Managers should consult with their servicing HR office for additional considerations and options.

**Sec. 13 How does phased retirement affect the employee's annuity?** Employees who enter into a phased retirement agreement will receive 50% of their basic pay and 50% of their annuity. Employees must consult with their servicing HR offices for specific details associated with their retirement applications and their phased employment/phased retirement status.

**Sec. 14 How does phased retirement compare to other ways of retaining employees who are close to retirement age?** To help you understand the new flexibilities available to us for retaining employees, see Exhibit 2. This chart compares phased retirees, reemployed annuitants, civilian retirees with dual compensation under the National Defense Authorization Act (NDAA), and temporary, not-to-exceed appointments,

**Sec. 15 When is this Order effective?** This Order is effective immediately. It remains in effect until we incorporate it into the Fish and Wildlife Service Manual or until we amend, supersede, or revoke it, whichever comes first. If we do not amend, supersede, or revoke it, the Order will terminate in 18 months.

/sgd/ Stephen Guertin  
DEPUTY DIRECTOR

Date: March 3, 2016