Office of Personnel Management


(a) Who may elect—(1) General rule. Any individual appointed by the District of Columbia Financial Responsibility and Management Assistance Authority (the Authority) in a position not excluded from FERS coverage under §842.105 may elect to be deemed a Federal employee for FERS purposes unless the employee has elected to participate in a retirement, health or life insurance program offered by the District of Columbia.

(2) Exception. A former Federal employee being appointed by the Authority on or after October 26, 1996, no more than 3 days (not counting District of Columbia holidays) after separation from Federal employment cannot elect to be deemed a Federal employee for FERS purposes unless the election was made before separation from Federal employment.

(b) Procedure for making an election. The Authority or the agency providing administrative support services to the Authority (Administrative Support Agency) must establish a procedure for notifying employees of their election rights and for accepting elections.

(c) Time limit for making an election. (1) An election under paragraph (a)(1) of this section must be made within 30 days after the employee received the notice under paragraph (b) of this section.

(2) The Authority or its Administrative Support Agency will waive the time limit under paragraph (c)(1) of this section upon a showing that—

(i) The employee was not advised of the time limit and was not otherwise aware of it; or

(ii) Circumstances beyond the control of the employee prevented him or her from making a timely election and the employee thereafter acted with due diligence in making the election.

(d) Effect of an election. (1) An election under paragraph (a) of this section is effective on the commencing date of the employee’s service with the Authority.

(2) An individual who makes an election under paragraph (a) of this section is ineligible, during the period of employment covered by that election, to participate in any retirement system for employees of the government of the District of Columbia.

(e) Irrevocability. An election under paragraph (a) of this section becomes irrevocable when received by the Authority or its Administrative Support Agency.

(f) Employee deductions. The Authority or its Administrative Support Agency must withhold, from the pay of an employee of the District of Columbia Financial Responsibility and Assistance Authority who has elected to be deemed a Federal employee for FERS purposes, an amount equal to the percentage withheld from Federal employees’ pay for periods of service covered by FERS and, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund the amounts deducted from an employee’s pay.

(g) Employer contributions. The District of Columbia Financial Responsibility and Assistance Authority must, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions required under FERS.

[61 FR 58459, Nov. 15, 1996]

§ 842.107 Employees covered under the National Capital Revitalization and Self-Government Improvement Act of 1997.

The following categories of employees of the District of Columbia Government are deemed to be Federal employees for FERS purposes on and after October 1, 1997:

(a) Nonjudicial employees of the District of Columbia Courts;

(b) The District of Columbia Department of Corrections Trustee, authorized by section 11202 of Pub. L. 105–33, 111 Stat. 251, and an employee of the Trustee if the Trustee or employee is a former Federal employee appointed with a break in service of 3 days or less;

(c) The District of Columbia Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee, authorized by section 11292 of Pub. L. 105–33, 111 Stat. 251, as amended by section 7(b) of Pub. L. 105–274, 112 Stat. 2419,
and an employee of the Trustee, if the
Trustee or employee is a former Fed-
eral employee appointed with a break
in service of 3 days or less.
FR 15289, Mar. 31, 1999]

§ 842.108 Employees covered under the
District of Columbia Courts and
Justice Technical Corrections Act
of 1998.

Employees of the Public Defender
Service of the District of Columbia are
deemed to be Federal employees for
FERS purposes on and after April 1,
1999.
[64 FR 15289, Mar. 31, 1999]

§ 842.109 Continuation of coverage for
former Federal employees of the Ci-
vilian Marksmanship Program.

(a) A Federal employee who was cov-
ered under FERS;
1) Was employed by the Department
of Defense to support the Civilian
Marksmanship Program as of the day
before the date of the transfer of the
Program to the Corporation for the
Promotion of Rifle Practice and Fire-
arms Safety; and
2) Was offered and accepted employ-
ment by the Corporation as part of the
transition described in section 1612(d)
of Public Law 104-106, 110 Stat. 517—re-
mains covered by FERS during contin-
uous employment with the Corporation
unless the individual files an election
under paragraph (c) of this section.
Such a covered individual is treated as
if he or she were a Federal employee
for purposes of this part, and of any
other part within this title relating to
FERS. The individual is entitled to the
benefits of, and is subject to all condi-
tions under, FERS on the same basis as
if the individual were an employee of
the Federal Government.

(b) Cessation of employment with the
Corporation for any period terminates
eligibility for coverage under FERS
during any subsequent employment by
the Corporation.

(c) An individual described by para-
graph (a) of this section may at any
time file an election to terminate con-
tinued coverage under the Federal ben-
efits described in §1622(a) of Public
Law 104-106, 110 Stat. 521. Such an elec-
tion must be in writing and filed with
the Corporation. It takes effect imme-
adiately when received by the Corpora-
tion. The election applies to any and
all Federal benefits described by sec-
tion 1622(a) of Public Law 104–106, 110
Stat. 521, and is irrevocable. The Cor-
poration must transmit the election to
OPM with the individual’s retirement
records.

(d) The Corporation must withhold
from the pay of an individual described
by paragraph (a) of this section an
amount equal to the percentage with-
held from the pay of a Federal em-
ployee for periods of service covered by
FERS and, in accordance with proce-
dures established by OPM, pay into the
Civil Service Retirement and Dis-
ability Fund the amounts deducted
from the individual’s pay.

(e) The Corporation must, in accord-
ance with procedures established by
OPM, pay into the Civil Service Retire-
ment and Disability Fund amounts
equal to any agency contributions re-
quired under FERS.
[74 FR 65666, Dec. 16, 2009]

Subpart B—Eligibility

SOURCE: 52 FR 4473, Feb. 11, 1987, unless
otherwise noted.

§ 842.201 Purpose.

This subpart regulates the statutory
provisions on eligibility for nondis-
ability retirement under the Federal
Employees Retirement System
(FERS).

§ 842.202 Definitions.

In this subpart—
Commuting area has the same mean-
ing given that term in §351.203 of this
chapter.
Minimum retirement age means an age
based on an individual’s year of birth,
as follows:

<table>
<thead>
<tr>
<th>Year of Birth</th>
<th>Minimum Retirement Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 1948</td>
<td>55 years.</td>
</tr>
<tr>
<td>1948</td>
<td>55 years and 2 months.</td>
</tr>
<tr>
<td>1949</td>
<td>55 years and 4 months.</td>
</tr>
<tr>
<td>1950</td>
<td>55 years and 6 months.</td>
</tr>
<tr>
<td>1951</td>
<td>55 years and 8 months.</td>
</tr>
<tr>
<td>1952</td>
<td>55 years and 10 months.</td>
</tr>
<tr>
<td>1953-1964</td>
<td>56 years.</td>
</tr>
<tr>
<td>1965</td>
<td>56 years and 2 months.</td>
</tr>
<tr>
<td>1966</td>
<td>56 years and 4 months.</td>
</tr>
<tr>
<td>1967</td>
<td>56 years and 6 months.</td>
</tr>
</tbody>
</table>