

## **3 FAM 6140**

# **BENEFITS WHEN SEPARATED DUE TO EXPIRATION OF LIMITED CAREER EXTENSION, EXPIRATION OF TIME IN CLASS, RELATIVE PERFORMANCE OR REDUCTION IN FORCE**

*(TL:PER-477; 08-08-2003)*  
*(Office of Origin: DIR)*

## **3 FAM 6141 ELIGIBILITY FOR IMMEDIATE RETIREMENT BENEFITS**

*(TL:PER-362; 08-29-1998)*  
*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*  
*(Applies to individuals covered by FSRDS or FSPS)*

A member of the Foreign Service who is separated:

- (1) For expiration of a limited career extension under section 607(c)(2) of the Foreign Service Act, or
- (2) For expiration of maximum time in class under section 607(c)(1) of the Foreign Service Act, or
- (3) Based on relative performance under section 608(b) of the Foreign Service Act, or
- (4) Due to a reduction in force under section 611 of the Foreign Service Act,

is entitled to immediate retirement benefits as described in 3 FAM 6141.1 and 3 FAM 6141.2.

### **3 FAM 6141.1 Participants in the Foreign Service Retirement and Disability System**

*(TL:PER-362; 08-29-1998)*  
*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*  
*(Applies to individuals covered by FSRDS or FSPS)*

A participant in the Foreign Service Retirement and Disability System (FSRDS):

(1) At Class 01 or above is entitled to immediate retirement benefits computed in accordance with section 806 of the Foreign Service Act.

(2) At Class 02 or below who is at least 50 years of age and has 20 years of creditable service under FSRDS and who has been a member of the Foreign Service for at least 5 years is entitled to immediate retirement benefits computed in accordance with section 806 of the Foreign Service Act.

(3) At Class 02 and below who is at least 60 years of age and has 5 years of civilian service is entitled to immediate annuity benefits computed in accordance with section 806 of the Foreign Service Act.

### **3 FAM 6141.2 Participants in the Foreign Service Pension System**

*(TL:PER-362; 08-29-1998)*

*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*

*(Applies to individuals covered by FSRDS or FSPS)*

A participant in the Foreign Service Pension System (FSPS):

(1) At Class 01 or above, who has completed at least 5 years as a member of the Foreign Service is entitled to immediate retirement benefits computed in accordance with section 855(b)(2) of the Foreign Service Act.

(2) At Class 02 or below who is at least 50 years of age and has 20 years of creditable service under the FSPS, and who has completed at least 5 years as a member of the Foreign Service is entitled to immediate retirement benefits computed in accordance with section 855(b)(2) of the Foreign Service Act.

(3) Who is not covered under 3 FAM 6141.2 (1) and (2), but who meets the eligibility criteria for an immediate annuity under the Federal Employees Retirement System (FERS), Chapter 84 of Title 5, U.S.C., is entitled to immediate retirement benefits under the FSPS. For example, retirement eligibility under FERS is extended to FSPS participants with 5 years of service at age 62; with 25 years of service, at any age; and with 10 years of service at the Minimum Retirement Age (5 U.S.C. 8412(h)). Such benefits are computed in accordance with and subject to the relevant provisions of Chapter 84 of Title 5, U.S.C.

## **3 FAM 6142 ELIGIBILITY FOR DEFERRED RETIREMENT BENEFITS**

### **3 FAM 6142.1 Participants in the Foreign Service Retirement and Disability System**

*(TL:PER-362; 08-29-1998)*

*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*

*(Applies to individuals covered by FSRDS or FSPS)*

A participant in the FSRDS who does not meet the criteria for an immediate annuity, but who has at least 5 years of civilian service may elect to receive:

(1) A deferred annuity, computed under section 806 of the Foreign Service Act, commencing at age 60; or

(2) A refund of the contributions the participant made to the Foreign Service Retirement and Disability Fund in accordance with section 815 of the Foreign Service Act.

### **3 FAM 6142.2 Participants in the Foreign Service Pension System**

*(TL:PER-362; 08-29-1998)*

*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*

*(Applies to individuals covered by FSRDS or FSPS)*

A participant in the FSPS who does not meet the criteria for an immediate annuity, but who has at least 5 years of civilian service may elect to receive:

(1) A deferred annuity, in accordance with section 8413 of Title 5 U.S.C. commencing at age 62 or the applicable Minimum Retirement Age; or

(2) A refund of the contributions the participant made to the Foreign Service Retirement and Disability Fund in accordance with section 8424 of Title 5, U.S.C.

## **3 FAM 6143 SEVERANCE PAY**

*(TL:PER-362; 08-29-1998)*

*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*

*(Applies to individuals covered by FSRDS or FSPS)*

a. A member of the Foreign Service who is separated:

(1) For expiration of a limited career extension under section 607 (c)(2) of the Foreign Service Act, or

(2) For expiration of maximum time in class under section 607(c)(1) of the Foreign Service Act, or based on relative performance under section 608(b) of the Foreign Service Act, or

(3) Due to a reduction in force under section 611 of the Foreign Service Act, is entitled to severance pay under section 609(b) of the Foreign Service Act except as provided in subsection (b).

b. The following members of the Service are not entitled to severance pay:

(1) Participants at class 01 or above, and

(2) Participants at class 02 or below and who are at least age 50 with 20 years creditable service under the FSRDS or FSPS, including at least 5 years as a member of the Foreign Service.

### **3 FAM 6144 MISCELLANEOUS PROVISIONS**

*(TL:PER-477; 08-08-2003)*

*(Uniform State/USAID/USIA/Commerce/Peace Corps/Foreign Service Corps—USDA)*

*(Applies to individuals covered by FSRDS or FSPS)*

Material previously published in 3 FAM 671.5, Creditable Service; 3 FAM 672, Separation or Retirement Under the Foreign Service Retirement and Disability System; and 3 FAM 673 Benefits Under the Foreign Service Retirement System, are republished in their entirety in 3 FAM 6000.

### **3 FAM 6145 THROUGH 6149 UNASSIGNED**