



Department of Defense **INSTRUCTION**

NUMBER 1400.25, Volume 331
January 26, 2015

USD(P&R)

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

References: See Enclosure 1

1. PURPOSE

a. Instruction. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction, in accordance with the authority in DoD Directive 5124.02 (Reference (a)), is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the DoD.

b. Volume. In accordance with the authority in DoD Directive 1400.25 (Reference (b)), this volume:

(1) Reissues Volume 331 of DoD Instruction 1400.25 (Reference (c)) to establish policy, assign responsibilities, and provide procedures regarding the employment of civilian ATCs in the DoD.

(2) Pursuant to sections 2109 and 3307(b) of Title 5, United States Code (Reference (d)), sets the maximum entry age for identified ATC positions.

(3) Delegates the authority to approve waivers of the entry age, and establishes procedures to be used in the waiver process, including waivers for preference eligible applicants pursuant to section 3312(a)(1) of Reference (d).

(4) Defines procedures to be used in mandatory separation situations, and delegates the authority to approve exceptions to mandatory separation in accordance with sections 8335(a) and (f) of Reference (d) for Civil Service Retirement System (CSRS) employees and sections 8425(a) and (e) of Reference (d) for Federal Employees Retirement System (FERS) employees.

2. APPLICABILITY. This volume applies to:

a. OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this volume as the “DoD Components”).

b. Covered civilian ATC positions in the DoD.

3. POLICY. It is DoD policy to:

a. Employ well-trained, knowledgeable, and competent ATCs who can 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 sections 2109 and 3307(b) of Reference (d).

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Cleared for public release.** This volume is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This volume is effective January 26, 2015.


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Under Secretary of Defense for
Personnel and Readiness

Enclosures

1. References
2. Responsibilities
3. Procedures

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008
- (b) DoD Directive 1400.25, “DoD Civilian Personnel Management System,” November 25, 1996
- (c) DoD Instruction 1400.25, Volume 331, “DoD Civilian Personnel Management System: Civilian Air Traffic Controllers (ATCs),” December 1, 1996, as amended (hereby cancelled)
- (d) Title 5, United States Code
- (e) Office of Personnel Management, “Classification and Qualifications: General Schedule Qualification Standards, Air Traffic Control Series, 2152,” current edition¹

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

ENCLOSURE 2

RESPONSIBILITIES

1. ASSISTANT SECRETARY OF DEFENSE FOR READINESS AND FORCE MANAGEMENT (ASD(R&FM)). Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), and in accordance with Reference (a), the ASD(R&FM) has overall responsibility for the development of DoD policy regarding the employment of civilian ATCs in the DoD.

2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR CIVILIAN PERSONNEL POLICY (DASD(CPP)). Under the authority, direction, and control of the ASD(R&FM), the DASD(CPP) supports the development of civilian personnel policy covered by this volume and monitors its execution by DoD Components, ensuring consistent implementation and continuous application throughout the DoD.

3. DIRECTOR, DEPARTMENT OF DEFENSE HUMAN RESOURCES ACTIVITY (DoDHRA). Under the authority, direction, and control of the USD(P&R), the Director, DoDHRA provides support to the DASD(CPP), as appropriate, in the execution of the duties and responsibilities of this volume.

4. DOD COMPONENT HEADS WITH INDEPENDENT APPOINTING AUTHORITY AND DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS). The DoD Component heads with independent appointing authority and the Director, WHS, on behalf of OSD and the DoD Components receiving civilian personnel support from WHS:
 - a. Ensure that the procedures in Enclosure 3 of this instruction are followed by their respective Components.

 - b. Verify that position coverage determinations have been made by the proper DoD Component authority before filling a vacant ATC position.

 - c. Issue implementing guidance and procedures to:
 - (1) Hire only those individuals who meet all applicable qualifications and certification requirements for ATC positions.

 - (2) Re-qualify ATCs based on an annual medical examination.

 - (3) Ensure employees occupying ATC positions maintain certifications, facility ratings, and proficiency standards as stipulated in applicable DoD Component policies.

(4) Document all exceptions to the maximum entry age and mandatory separation provisions made in accordance with this volume, and ensure that all such exceptions are recorded in the official personnel folder (OPF) of the appointee.

(5) Provide documentation reflecting approval of position coverage to the servicing human resources office for filing in the employee's OPF.

ENCLOSURE 3

PROCEDURES

1. POSITION COVERAGE DETERMINATIONS. Servicing human resources offices will:

a. Establish coverage determination files that include all background material used in the determination made pursuant to paragraph 4b of Enclosure 2.

b. On retirement, certify to the OPM that the employee's service was in a covered position.

2. MAXIMUM ENTRY AGE

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

b. Reentry into a Covered Position

(1) Individuals who are past the maximum entry age limit of 36 but who previously served in covered positions 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 Federal Aviation Administration (FAA) standards.

(c) Have been qualified and facility-certified in a DoD or FAA ATC facility.

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

(2) Example 1: An individual receives his or her original appointment to a covered ATC position at age 25. After working as an ATC for 8 years, the individual resigns. Now, at age 39, the individual applies, once again, for an ATC position with the DoD.

(a) To determine whether the individual is eligible for reentry into a covered ATC position without an age waiver, first determine whether he or she will be able complete a minimum of 20 years of covered service by age 56. In this example, the individual has 8 years of covered service and needs an additional 12 years of covered service to retire. (20 years – 8 years = 12). The individual must retire by age 56.

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

(3) Example 2: An individual received his or her original appointment to a covered ATC position at the age of 34. After working for 5 years, the individual resigned and took a refund of his or her retirement contributions. Now at age 42, the individual is applying for another covered ATC position. The ATC must have 20 years of covered service by the last day of the month he or she reaches age 56.

(a) Because the individual received a refund for the 5 years of service in the covered ATC position, the refunded service is not creditable for retirement and is not covered service for computing his or her reentry age unless he or she redeposits their time.

(b) The individual still needs 20 years to reach 20 years of covered service by age 56. Subtract 20 from 56 to arrive at the individual's maximum reentry age of 36. The individual is 42. Therefore, the individual cannot be rehired for a covered ATC position without an age waiver.

3. EXCEPTIONS TO THE MAXIMUM ENTRY AGE

a. A DoD Component head may approve the original entry of an individual who has passed the maximum entry age limit prescribed in paragraph 2a of this enclosure, or the reentry of an individual who does not meet the requirement in paragraph 2b of this enclosure, provided the individual has:

- (1) Received ATC Specialist Certification according to FAA Standards.
- (2) Been qualified and facility-certified in a DoD or FAA ATC facility.

b. DoD Components will waive the maximum entry age requirements in subparagraphs 2a and 2b of this enclosure, pursuant to section 3312(a)(1) of Reference (d), for preference eligibles who meet requirements in paragraphs 3a(1) and (2) of this enclosure, unless it is determined that the age is essential to the performance of the duties of the position being filled.

c. Each exception will be in writing and signed by the DoD Component head.

d. A copy of the approved exception will be filed in the OPF of the person concerned.

e. 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) of Reference (d) for CSRS employees and section 8412(e) of Reference (d) for FERS employees, provided the employee continues to meet the physical and professional requirements in section 6 of this enclosure.

4. FILLING POSITIONS. When filling positions, a determination of whether age is essential to the performance of the duties of the position will be made before announcing the position. A copy of the determination will be provided to the human resources office and retained in the case file. The human resources offices will refer individuals who may be eligible for waivers in accordance with section 3 of this enclosure along with other equally qualified candidates. Referral lists must be annotated to identify those candidates who would require a waiver. If a candidate requiring a waiver is selected, a tentative offer pending the age waiver approval may be made.

5. MANDATORY SEPARATION

a. Age Requirements. Pursuant to section 8335(a) of Reference (d) for CSRS employees and section 8425(a) of Reference (d) for FERS employees, 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 the employee has not yet completed 20 years of service and a waiver has been granted. In that case, the employee will be separated on the last day of the month in which he or she completes 20 years of service. However, the employee must continue to meet the physical requirements of the position, and if the employee cannot meet those requirements, he or she will have to be removed from the position.

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. In accordance with sections 8335(a) and 8425(a) of Reference (d), action to separate such an employee will not be effective until the last day of the month in which the 60-day notice expires, unless the employee consents to an earlier date.

c. Exceptions

(1) A DoD Component head may exempt an individual having exceptional skills and experience as an ATC from mandatory separation until he or she becomes 61 years of age, in accordance with section 8335(a) of Reference (d) for CSRS employees and section 8425(a) of Reference (d) for FERS employees. In such a case, the employee will be separated on the date specified by the official who exercises personnel appointing authority and no later than the day the ATC becomes age 61.

(2) Pursuant to section 8335(f) of Reference (d) for CSRS employees and section 8425(e) of Reference (d) for FERS employees, the President of the United States, by Executive order, may exempt an employee from automatic separation if the President determines the public interest so requires.

6. RETENTION REQUIREMENTS. The physical and professional requirements prescribed by OPM Manual Air Traffic Control Series 2152 in Reference (e) apply for covered positions. Employees occupying ATC positions:

- a. Must re-qualify in an annual medical examination.
- b. Must maintain certifications, facility ratings, and proficiency standards as stipulated in applicable DoD 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, if one is available within their DoD Component. If such a position is not available, they will be retired for disability, if eligible, or separated from federal service.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(R&FM)	Assistant Secretary of Defense for Readiness and Force Management
ATC	air traffic controller
CSRS	Civil Service Retirement System
DASD(CPP)	Deputy Assistant Secretary of Defense for Civilian Personnel Policy
DoDHRA	Department of Defense Human Resources Activity
FAA	Federal Aviation Administration
FERS	Federal Employees Retirement System
OPF	official personnel folder
OPM	Office of Personnel Management
USD(P&R)	Under Secretary of Defense for Personnel and Readiness
WHS	Washington Headquarters Services

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this volume.

ATC. Defined in section 8331(30) of Reference (d) for CSRS employees and section 8401(35) of Reference (d) for FERS employees.

covered position. A position that has been identified by a DoD Component as an ATC position for special retirement coverage in accordance with section 4 of Enclosure 2 of this volume.

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) of Reference (d) for CSRS employees and section 8412(e) of Reference (d) for FERS employees.

original entry. An individual's first appointment in the DoD to a covered ATC position.

preference eligible. Defined in section 2108(3) of Reference (d).