



Waiver of the Mandatory Retirement Age

A Mandatory Reference for ADS Chapter 414

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1. Overview

This mandatory reference describes when a waiver of the Mandatory Retirement Age (MRA) is determined to be in the public interest, and the Chief Human Capital Officer's (CHCO) procedures in granting such a waiver.

In accordance with [Section 812 of the Foreign Service Act](#), an officer must retire from the Foreign Service (FS) at the end of the month in which they reach age 65 and have at least five years of service under the FS retirement system, excluding military and naval service. However, per [Section 812 \(b\)\(2\) of the Act](#), the Administrator (A/AID) may grant approval to retain on active duty an officer who is 65 years of age or older for a period not to exceed five years, when it is determined to be in the public interest. [ADS 103, Delegations of Authority](#) delegates this function to the Assistant to the Administrator for the Office of Human Capital and Talent Management (AtA/HCTM). As the alter ego authority for the AtA/HCTM, the CHCO reviews and approves these requests (see [ADS 414, Foreign Service Appointments](#)). The officer will be retired on the appointment "not to exceed date" at the end of the period of authorized service under the waiver, or on the expiration of their Time in Class date, whichever comes first.

Officers serving on MRA waivers are not eligible to compete for promotion; however, they are eligible to receive within grade increases (FS) and/or performance pay (Senior Foreign Service [SFS]). Officers on MRA waivers must fulfill all the annual requirements in [ADS 461, Foreign Service and Senior Foreign Service Performance Management and Development Programs](#), including the completion of:

- For FS:
 - Annual Performance Evaluations (APE)
 - Annual Accomplishment Records (AAR)
- For SFS: Annual Evaluation Form (AEF)

The Combined Performance Board reviews AEFs for performance pay (see [ADS 463.3.2.2](#), Foreign Service and Senior Foreign Service Promotion Eligibility Requirements and Procedures).

An officer who receives an MRA waiver may participate in the U.S. Department of State's [Job Search Program](#) or other training related to retirement as outlined in [ADS 476mae, Career Transition Program](#). Officers may attend the Job Search Program within one year of their official retirement date. After the retirement date, the Agency does not pay the officer's per diem, salary, or other costs related to such retirement training. An MRA waiver must not be granted or extended for the purpose of allowing the officer to attend such training. If an officer is interested in attending training after retirement, they must complete enrollment prior to their retirement date.

MRA waivers are not guaranteed and once approved, may be terminated by the CHCO any time the CHCO determines the public interest reason for the waiver no longer exists or for any other reason that promotes the efficiency of the service. MRA waivers are automatically terminated if the assignment that justified a waiver is canceled or shortened. If the waiver is terminated, the officer will be retired on the last day of the month following their 65th birthday, or, if that date has passed, no later than 30 days after the cancellation or shortening for officers assigned to domestic positions, and no later than 60 days after the cancellation or shortening for officers stationed overseas.

2. MRA Waiver Criteria

USAID defines the public interest to be when the Agency requires the services of the Foreign Service Officer (FSO) or SFS Officer to (1) fill critical FS positions that will otherwise go unfilled by a qualified officer, or (2) in exceptional circumstances where the continued service of an officer in their existing position is required to meet a time-limited need.

(1) Critical Positions

Critical positions must be advertised in their respective assignments system (i.e., FS or Senior Leadership Group [SLG] Major Listing and Update 1). The CHCO may grant MRA waivers in conjunction with approval of new assignments to positions that have been identified as meeting the above criteria by HCTM's Foreign Service Center (HCTM/FSC) for non-SLG assignments and by the Deputy Administrator (DA) for SLG positions.

For FS assignments:

- a. Positions in designated hard-to-fill posts; and/or
- b. Other priority positions identified by HCTM in the bidding instructions that may otherwise remain unfilled if an MRA waiver is not granted.

For SLG assignments: A waiver may be granted for positions, determined by the DA or designee, that require an MRA waiver due to Agency critical needs. Factors to be considered in the decision include the position(s)' geopolitical significance, importance in advancing Agency priorities, and the set of skills and skill level required for a position.

(2) Exceptional Circumstances in Current Position

HCTM/FSC reviews individual requests for MRA waivers from the Bureau/Independent Office (B/IO) heads for FSOs who will reach the MRA in their current positions only in exceptional circumstances that meet the public interest. HCTM/FSC considers requests for any position, for up to one year, if needed, to complete one overseas tour, or up to one year for positions with a U.S. duty station. These waivers are granted when they are necessary to cover unavoidable staffing gaps in high priority Agency programs. Examples of circumstances that meet the public interest may include when the officer's

work is critical to completing programs or functions for which no other qualified staff are available at the time of mandatory retirement or when it is unrealistic or cost prohibitive to recruit a replacement due to the length of time or dates of service (e.g., the retiring officer will reach MRA in March and the replacement will not arrive until August).

3. Procedures

a. MRA Waiver for a Future Assignment:

i. FSOs Bid on Advertised Positions

FS/SFS officers who will reach the MRA during their next assignment are considered for an MRA waiver only if they bid on, and are assigned to fill, designated positions that meet the criteria specified above during the assignment cycle. Otherwise, officers who will reach the MRA during their next assignment will be expected to retire on the last day of the month in which they reach age 65. USAID does not approve an overseas assignment that results in any officer serving less than 12 months overseas. If an officer cannot serve 12 months overseas before reaching MRA in a new assignment, the following options may be considered for the period of time until they retire:

- The officer may be returned to the separation complement in the United States and be detailed to an office in a manner similar to the reassignment complement;
- The officer may request an extension in their current position via the Exceptions Committee; and
- The officer may request to bid on U.S. positions only via the Exceptions Committee.

ii. Approval of MRA Waiver for the Assignment

For non-SLG assignments, the Bureau AA or Independent Office equivalent may request CHCO approval of an MRA waiver at any time after the assignment has been officially announced. The HCTM/FSC Director must clear these requests before being advanced to the CHCO, and HCTM/FSC will verify along with their clearance that the position was designated as a position eligible for consideration of MRA waivers. These requests must include a compelling justification which explains why it is in the public interest for an MRA waiver to be approved.

For SLG assignments, the DA must first approve an assignment to a position that meets the definition outlined above following a recommendation by the SLG Small Panel, and the CHCO must approve the waiver.

If an officer declines to accept the assignment or extension for which the waiver was requested, an MRA waiver will not be granted. Approved waivers are effective on the day following the last day of the month the officer reaches age 65.

iii. Extension of Not to Exceed Date of Appointment

Upon receiving approval of the MRA waiver for an assignment, HCTM/FSC extends the officer's appointment by up to the normal length of the assignment's tour of duty (i.e., between one and four years) or by the approved extension period, if shorter. Extensions that would exceed the statutory maximum of five years total are not approved. Officers receiving MRA waivers are still subject to Time in Class [TIC] limitations per [ADS 440](#), and will be retired on their TIC or MRA extension date, whichever comes first.

iv. Notification to B/IOs of Upcoming MRAs

Per the Merit System Principles (see [ADS 436.3.2](#) for FS assignments, and [ADS 424.3.2](#) for SLG assignments), age must not be a factor when ranking and assigning FSOs. Once an officer has been assigned, B/IOs will be notified of upcoming MRAs in the assignment cable that is generated by HCTM/FSC's Foreign Service Staffing Team (FSS). This notification will include the following standard language:

"The assigned officer will reach Mandatory Retirement Age in MM/YYYY and must be separated by the last day of that month. Both the officer and operating unit are encouraged to review ADS 414mXX - Mandatory Retirement Age Guidance to understand eligibility for the Retirement Planning Course and the policy on extensions and waivers. Please create a LaunchPad ticket if you have questions regarding retirement or to schedule an appointment with your Retirement and Benefits Specialist."

b . MRA Waivers for Current Assignments:

i. Waiver Request Submitted to HCTM, CHCO

B/IOs may request an MRA waiver for an officer who will reach the MRA in their current position in exceptional circumstances as defined above (Waiver Criteria #2). Waivers in these circumstances are for periods not to exceed one year, and must not result in double encumbrance of a position. Missions and B/IOs must submit their requests and justifications to HCTM by submitting a request via [LaunchPad](#) or emailing the HR Help Desk at hr-helpdesk@usaid.gov at least 90 days prior to the officer's MRA date. HCTM will not approve extension requests (either through a pre-assignment action request [PAAR] or Exceptions Committee request) for officers who require an MRA waiver for the period of service. A waiver request consistent with these guidelines must be submitted for officers who will reach the MRA.

ii. Approval

The CHCO is the approving official for all MRA waivers.

iii. Extension of Not to Exceed Date of Appointment

HCTM/FSC will extend the appointments of officers receiving an approved MRA waiver in their current position in exceptional circumstances for the approved time period, not to exceed one year.

c. Difficult-to-Staff Incentive Differential (DSID)

Officers must meet service requirements to receive a DSID, but an MRA waiver will not be granted specifically to meet the service requirement. An officer newly assigned to a DSID-designated post under an MRA waiver is eligible to receive DSID if the Bureau requests and HCTM approves an MRA waiver for a three-year assignment, assuming they meet all other DSID eligibility requirements. The officer must serve the three full years in the assignment to qualify, and would be required to repay any DSID payments received if their assignment ends before the end of the third year. An officer currently serving in a DSID-designated post for two years who is assigned to the same post for another tour (or extended for a year) under an approved MRA waiver would be DSID eligible if they choose to elect to participate. DSID would be effective as of the date of the approved election.

d. Follow-on Assignments

Officers who are on an MRA waiver are eligible to bid on future assignments if the position meets the public interest criteria above and the length of the new assignment would not extend five years beyond the officer's MRA. Such follow-on bidding for FSOs with an MRA waiver is limited to bidding in Update 1 or subsequent rounds (i.e. follow-on bidding will not be permitted during the Major Listing Phase, and those on MRA waivers will not receive priority consideration). Follow-on assignments are granted in rare and exceptional circumstances.

e. MRA Cancellations

The CHCO may cancel an MRA waiver at any time the CHCO determines that the public interest reason for the waiver no longer exists. MRA waivers are automatically terminated if the assignment that justified a waiver is canceled or curtailed. The CHCO, or designee, will provide the officer with at least 30 days written notice that the CHCO is canceling the MRA waiver and the revised end date of their appointment. If the waiver is terminated, the officer will be retired on the last day of the month following their 65th birthday, or, if that date has passed, no later than 30 days after the cancellation or shortening for officers assigned to domestic positions, or no later than 60 days after the cancellation or curtailment for officers stationed overseas.

f. Preference-Eligible Veterans

Qualified preference-eligible veterans may be appointed into the FS at any time before they turn age 65. If appointed between the ages of 60 to 65, a qualifying, preference-eligible veteran may serve five years prior to being mandatorily retired. However, the CHCO can extend this appointment (and the MRA) up to a maximum of five additional years, if the officer is assigned according to the criteria identified above. The same procedures outlined above for assignment to an FS or SLG position will be followed.