



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-J1
DISTRIBUTION: A

CNGBI 1400.25, Vol. 840
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NATIONAL GUARD TECHNICIAN PHASED RETIREMENT PROGRAM

References: See Enclosure B.

1. Purpose.

a. This instruction is composed of several volumes, each containing its own purpose. The purpose of the overall instruction is to establish policy and assign responsibilities regarding the National Guard (NG) Technician Personnel Program in accordance with (IAW) reference a.

b. Volume. This volume provides policy and procedures for the NG Technician Phased Retirement Program IAW references a through i.

2. Cancellation. None.

3. Applicability. This instruction applies to NG employees in the States, Territories, and District of Columbia.

4. Policy. It is NG policy to allow full-time NG employees to work a part-time schedule and draw partial retirement benefits during employment under the NG Phased Retirement Program, which allows eligible full-time NG employees to request part-time work and receive a portion of their retirement annuity. Phased retirement is designed to assist the NG with short-term transfer of knowledge and continuity of operations. NG employees in phased retirement retain the same rights and responsibilities as in regular employment.

a. Eligibility. Employees must request and be approved for phased retirement. Employees meeting eligibility for phased retirement will complete and submit Standard Form 3116, "Phased Employment/Phased Retirement Status Elections," along with any other appropriate documentation to their technician chain of command for review and consideration for approval.

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(1) The immediate supervisor will review the application, make a recommendation, and forward the application for directorate-level decision. The directorate-level decision may approve the application in writing and may establish a time limit for the period of phased retirement IAW reference j, Section C, as a condition of approval, using Department of Defense Form 3018, "Phased Retirement Request and Agreement," located at reference j.

(2) If approved for phased retirement, employees must submit the appropriate documentation to their servicing human resources office to transition into a phased retirement status. Employees may withdraw their applications at any time before the phased retirement becomes effective, but not after.

b. Approval Authority. The Adjutants General (TAGs) may approve requests for phased retirement. This authority may be delegated only to a directorate-level authorized approving official to enable timely workforce management.

c. Phased Retiree. An employee may enter phased retirement only one time. The employee may, with approval from TAG, or another authorized official, extend or reduce an approved period of phased retirement by entering a new Phased Retirement Agreement before the expiration of the agreement currently in effect.

(1) An employee in phased retirement may voluntarily retire at any time.

(2) An employee in phased retirement may return to regular employment with the approval of the employing TAG. The employee must obtain written approval by submitting DD Form 3018, located at reference j. If an employee's request to return to regular employment is not approved, the employee has the option to continue to work as a phased retiree or enter full retirement. An employee cannot appeal an agency's decision to deny the employee's request to return to regular employment status. However, any issue can be grieved through the agency's administrative grievance process. For bargaining unit employees, the agency's collective bargaining agreement may also provide a method for challenging certain management decisions.

d. Phased Retirement Systems. NG phased retirement systems include the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS). Employees eligible for a CSRS or FERS immediate retirement must have been employed full-time for at least a three-year period ending on the effective date of entry into phased retirement status. This will include employees who meet the following criteria:

(1) CSRS.

(a) Dual Status (DS) Employees. DS employees are eligible for an immediate retirement with at least 30 years of service and at least 55 years of age, or TAG may approve the retention of officers beyond the mandatory separation or removal date until the technician qualifies for an immediate CSRS unreduced annuity, whichever is earlier.

(b) Title 5 Employees. Title 5 employees are eligible for an immediate retirement with at least 30 years of service and at least 55 years of age, or 20 years of service and at least 60 years of age.

(2) FERS.

(a) DS Employees. DS employees are eligible for an immediate retirement with at least 30 years of service if they have reached their minimum retirement age (between 55 and 57, depending on their birth year), or TAG may approve the retention of officers beyond the mandatory separation or removal date until the military technician qualifies for an immediate FERS unreduced annuity, whichever is earlier.

(b) Title 5 Employees. Title 5 employees are eligible for an immediate retirement with at least 30 years of service if they have reached their minimum retirement age (between 55 and 57, depending on their birth year), or 20 years of service and at least 60 years of age.

e. Ineligible DS Employees. DS employees who qualify for retirement under the provisions for law enforcement officers, firefighters, or air traffic controllers are not eligible for phased retirement. DS employees age 60 or over are not eligible for phased retirement.

f. Working Percentages. Full-time employees will enter a 50 percent working schedule. The working percentage for a phased retiree may not be changed during the phased retirement period. Criteria include:

(1) The work is necessary to respond to an emergency posing a significant, immediate, and direct threat to life or property.

(2) TAGs or directorate-level authorized approving officials determine that no other qualified employee is available to perform the required work.

(3) The phased retiree is relieved from performing excess work as soon as possible (for example, management assignment of work to other employees).

(4) When an emergency can be anticipated, management will make plans to minimize any necessary excess work by the phased retiree.

g. Established Hours. The number of officially established hours per pay period to be worked by a phased retiree must equal one-half the number of hours the phased retiree would have been scheduled to work if the retiree had remained in a full-time work schedule and had not elected to enter phased retirement status (40 hours per pay period). Otherwise, a phased retiree's work schedule is subject to any applicable policy or collective bargaining agreement.

h. Mentoring. Phased retirees will mentor for at least 20 percent of their working hours. Mentoring is not limited to an employee who may assume the phased retiree's duties upon the phased retiree's final retirement. TAGs may waive the mentoring requirement in the event of an emergency or other unusual circumstance (this includes being called up for active duty) that would make it impractical for the phased retiree to fulfill the mentoring requirement.

i. Outside Employment While on Phased Retirement. An individual will remain an employee IAW references f, g, and h while on phased retirement.

(1) IAW references k and l, specific statutes prohibit certain outside activities, and agency-specific supplemental rules require prior approval of, and may prohibit, outside employment.

(2) Before engaging in outside employment, an employee should review references k and l, and then consult with the employee's ethics official to learn whether there are any NG-specific supplemental rules governing the technician.

j. Bargaining Obligations. Bargaining unit employees and other organizations must fulfill their collective bargaining obligations before entering the NG Phased Retirement Program. Any complaint procedures, including any applicable administrative or collective bargaining grievance procedures that are available in regular employment, remain available to phased retirees. No new rights are provided.


k. Criteria for Approval or Denial. Any decision to approve or deny a request for phased retirement is at the sole discretion of management. Considerations may include items in Table 1.

Management will determine whether:

- Current performance rating is at least “Fully Successful.”
- Separation would be mandatory for DS employees due to maximum age.
- The employee is willing and able to meet the mentoring requirement.
- They have identified appropriate mentoring activities for the employee.
- The employee’s change in work schedule will affect the work unit’s ability to meet goals and objectives.
- Operational needs require the employee to work in excess of a 50 percent work schedule.
- The employee holds a mission-critical or emergency-essential position.
- The employee has knowledge that needs to be transferred.

Table 1. Considerations for Approval or Denial

5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This is the initial publication of CNGBI 1400.25, Vol. 840.
8. Releasability. This instruction is approved for public release; distribution is unlimited. Obtain copies through <<http://www.ngbpdc.ngb.army.mil>>.
9. Effective Date. This instruction is effective upon publication and must be reissued, canceled, or certified as current every five years.


JOSEPH L. LENGYEL
General, USAF
Chief, National Guard Bureau

Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. Manpower and Personnel Directorate Technician Personnel Division (NGB-J1-TN). NGB-J1-TN will:
 - a. Oversee the implementation, application, and management of the NG Phased Retirement Program.
 - b. Ensure that the NG Phased Retirement Program procedures and requirements are applied properly.
 - c. Ensure that new supervisors and employees are properly oriented to the NG Phased Retirement Program.
2. TAGs and the Commanding General of the District of Columbia (CG). TAGs and the CG will:
 - a. Hold managers and supervisors accountable for proper operation and administration of the NG Phased Retirement Program.
 - b. Communicate with supervisors and employees, through formal training, about relevant parts of the NG Phased Retirement Program.
3. Human Resources Officers (HROs). HROs will:
 - a. Administer the NG Phased Retirement Program and provide advice and assistance to managers, supervisors, and employees.
 - b. Develop and conduct training necessary to ensure all personnel are adequately trained in the NG Phased Retirement Program, including responsibilities of all parties.
4. Managers and Supervisors. Managers and supervisors will:
 - a. Effectively manage the NG Phased Retirement Program of assigned employees.
 - b. Ensure employees are trained in the NG Phased Retirement Program.

ENCLOSURE B

REFERENCES

- a. CNGB Instruction 1400.25A, 10 October 2017, “National Guard Technician Personnel Program”
- b. Title 32 United States Code (U.S.C.), Section 709, “Technicians: Employment, Use, Status”
- c. 10 U.S.C. § 10508, “National Guard Bureau: General Provisions”
- d. CNGB Memorandum, 16 February 2017, “Designation of The Adjutants General to Appoint, Employ, and Administer National Guard Employees”
- e. Public Law 114-328, 23 December 2016, “National Defense Authorization Act for Fiscal Year 2017”
- f. 5 U.S.C, Chapter 83, “Retirement”
- g. 5 U.S.C., Chapter 84, “Federal Employees’ Retirement System”
- h. DoD Directive-Type Memorandum 16-004, 21 June 2016, extended through 21 June 2018, “Phased Retirement”
- i. 10 U.S.C. § 10216, “Military Technicians (Dual Status)”
- j. DD Form 3018, June 2016, “Phased Retirement Request and Agreement,” <<http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd3018.pdf>> accessed 26 February 2018
- k. 5 Code of Federal Regulations, Part 2635, “Standards of Ethical Conduct for Employees of the Executive Branch”
- l. DoD 5500.07-R, 17 November 2011, “The Joint Ethics Regulation (JER), including Changes 1-7”

GLOSSARY

PART I. ACRONYMS

CSRS	Civil Service Retirement System
CG	Commanding General of the District of Columbia
DS	Dual status
FERS	Federal Employees Retirement System
HRO	Human Resources Officer
IAW	In accordance with
NG	National Guard
NGB-J1-TN	Technician Personnel Division
TAG	The Adjutant General

PART II. DEFINITIONS

Authorized Approving Official -- The Adjutant General or an approving official with delegated authority at the applicable Army National Guard or Air National Guard directorate level.

Employee -- Title 32 dual status Excepted Service employee or Title 5 National Guard Excepted or Competitive Service employee defined in references d and e.

Full-Time -- An officially established recurring work schedule of 80 hours per biweekly pay period.

Phased Employment -- Less than full-time employment of a phased retiree.

Phased Retiree -- Retirement-eligible employee who enters phased retirement status and is not fully retired.