U.S. Department of Housing and Urban Development

PHASED RETIREMENT

Pilot Program

Policy & Procedures Handbook

For Non-Bargaining and NFFE Bargaining Unit Employees

Office of Policy, Planning & Advisory Staff
Office of the Chief Human Capital Officer

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1 INTRODUCTION

As employees become eligible for retirement and prepare to leave Federal service, it is critical to implement human resource tools to maintain and develop a highly skilled workforce capable of effectively carrying out the organization's mission. Workforce and succession planning are human resources tools that are being used in a government-wide effort to help sustain, develop, and manage the talents of the ongoing workforce. Consistent with these efforts, on August 8, 2014, the U.S. Office of Personnel Management (OPM) released its final regulations implementing "phased retirement," pursuant to section 100121 of the "Moving Ahead for Progress in the 21st Century Act," or "MAP-21," Public Law 112-141.

The Department of Housing and Urban Development (HUD) encourages and fully supports the use of phased retirement as a human resources tool when used in a manner that helps to transfer skills, cultivates knowledge management, or promotes short-term continuity of operations of the organization.

1.1 Purpose

The primary objective of Phased Retirement is to reduce the impact of the loss of organizational knowledge due to the retirement of well-experienced employees. This program allows certain retirement-eligible employees to convert to a part-time work schedule while drawing a portion of their retirement annuity prior to entering full retirement. In addition, phased retirees are required to spend a percentage of their work time--each bi-weekly pay period mentoring fellow employees.

The Office of the Chief Human Capital Officer (OCHCO) is responsible for the administration of this policy, which will be implemented under a one-year pilot program that will allow assessment of the results of implementation at the conclusion of the pilot period. Approval to deviate from this policy must be obtained from HUD's Chief Human Capital Officer.

1.2 Authority/References

- 5 U.S.C. 8336a and 5 U.S.C. 8412a
- 5 CFR, Parts 581, 582, 831, 838, 841, 842, 843, 848, 870, and 890
- 79 FR 46607 (August 8, 2014)
- OPM.gov/Phased Retirement
  http://www.opm.gov/retirement-services/phased-retirement/

1.3 Definitions

Approving Official – The lowest-level approving official designated by the agency head. (Title 5 of the Code of Federal Regulations (CFR) recognizes the agency head as the authorized approving official, but also allows re-delegation of this responsibility as appropriate

Composite Retirement Annuity –The annuity computed when a phased retiree converts to full retirement status.

Continuity of Operations (COOP) – An effort within individual agencies, including HUD, to ensure HUD is able to continue to perform Mission Essential Functions (MEF) and Primary Mission Essential Functions (PMEF).

Full Retirement Status – A phased retiree who has ceased employment and is entitled, upon application, to a composite retirement annuity.

Full Time – An officially established recurring basic workweek consisting of 40 hours within the employee's administrative workweek (as established under 5 CFR §610.111) or 80 hours per biweekly pay period for employees with a flexible or compressed work schedule (as established under 5 CFR §§ 831.1702 and 848.102).

Job Sharing – When a second individual is hired to fill the vacant portion of a phased retiree's full-time equivalent (FTE) position so that the total work time of both part-time employees equals 80 hours per bi-weekly pay period.

Mentoring - A process that focuses specifically on providing guidance, direction, and career advice, which includes a wide range of activities that allow for the transfer knowledge and skills from one employee to others.

Phased Employment – Less than full-time employment of a phased retiree (5 U.S.C. 8336).

Phased Retiree – A *retirement-eligible* FERS or CSRS employee who (1) has entered phased retirement status; and (2) has not entered full retirement (as defined in 5 CFR § 848).

Phased Retirement – Allows *retirement-eligible* employees to elect to convert to working on a part-time (50%) basis while receiving a portion of their annuity for the other portion (50%) of time they are no longer working.

Phased Retirement Annuity – The annuity payable under 5 U.S.C. 8336a before full retirement.

Phased Retirement Period – The period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies [in service] or separates from phased retirement.

Phased Retirement Status – An employee concurrently employed in phased employment and eligible to receive a phased retirement annuity.

Retirement-Eligible Employee – As described in 5 CFR §§ 831.1711(b) and 848.201(b), for the purposes of phased retirement only, a retirement-eligible employee as an employee, who if separated from service, would meet the requirements under 5 U.S.C. 8336(a) and (b) for CSRS and 5 U.S.C. 8412(a) and (b) for FERS.

Time Limit – The length of time an employee may participate in phased retirement.

Time Limit Agreement – A written condition of approval whereby the agency and the employee mutually agree on a specified time limit the employee may work as a phased retiree.

Working Percentage - The percentage of full-time equivalent (FTE) employment an employee may work as a phased retiree (as described in 5 CFR §§ 831.1712(a) and 848.202(a)). By regulation, the Director of OPM establishes this percentage.

1.4 Participation Eligibility Requirements

In general, non-temporary, *retirement-eligible* employees, including supervisors and managers who meet all of the following requirements may request to enter phased retirement. Phased retirement regulations stipulate that to be eligible to participate, an employee:

1. Must have been employed, on a full-time basis for not less than the 3-year period preceding the effective date of his or her entry into phased retirement status as stated in 5 CFR §848.201 (this is a regulatory requirement and may not be waived).
2. Must be an employee in the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS), who is eligible for immediate

retirement AND meet the provisions of the implementing regulations identified in this handbook. This program limits participation to:

a. CSRS employees who have at least 30 years of service and have attained at least age 55 or have at least 20 years of service and have attained at least age 60 (5 U.S.C. 8336a(a)(9)).

b. FERS employees who have at least 30 years of service and have attained at least their Minimum Retirement Age (MRA), between ages 55-57, or have at least 20 years of service and have attained at least age 60 5 U.S.C. 8412a(a)(9).

1.5 Exclusions

Those excluded from participation in phased retirement include *retirement-eligible* employees who are:

1. Currently employed on a part-time basis.
2. Not covered under either the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS).
3. Covered by a special work schedule authority that does not allow for a regularly recurring part-time schedule, which is required upon conversion.
4. Law enforcement officers.

2 ROLES AND RESPONSIBILITIES

2.1 Chief Human Capital Officer (CHCO)

The CHCO will:

Approve a phased retiree's hours of work when in excess (i.e. overtime, comp time) of the officially established part-time scheduled hours. **Note**: Authorization may only occur in rare and exceptional circumstances in accordance with the provisions prescribed in 5 CFR §§ 831.1715(h) and 848.205(j)).

2.2 Approving Official

Approval authority is delegated to the General Deputy Assistant Secretary (GDAS) or equivalent position for the program office. However, Senior Executive Service (SES) applicants require approval of the Deputy Secretary. All requests must be submitted to immediate supervisors. Approval is determined individually according to the facts of the particular situation.

The approving official will:

1. Review each Phased Retirement application to determine the eligibility of the employee and the employee's position based on the eligibility criteria and considerations outlined in this handbook.
2. Approve or disapprove the employee's participation in the program in writing, within 10 business days of receipt of a complete application package, unless extenuating circumstances preclude processing within this period. An employee will be notified in writing of any delay in processing due to extenuating circumstances (e.g., the supervisor is on leave, travel, and/or higher management level approval of the request is required).
3. Provide written explanation to the employee, if the request to participate is denied.
4. Enforce the terms of the phased retirement policy and time limit and mentoring agreement and take appropriate corrective action to ensure conformance.

2.3 Supervisor

The immediate supervisor will:

1. Accept phased retirement applications from employees.
2. Ensure the employee meets the participation eligibility requirements specified in Section 1.4 of this handbook.

3. Educate the employee on time limit agreement and mentoring obligation.
4. Determine if the requesting employee has significant and unique knowledge, skill, and/or experience necessary to educate other staff members that is critical to carrying out the mission or function of the organization.
5. Clearly identify (in writing) in the Mentoring Agreement the type of mentoring, mentee(s) and detail mentoring activities that the employee will be required to perform.
6. Decide whether the employee will require mentoring training
7. Agree on and establish a time limit and date that the employee will enter and end phased retirement.
8. Establish official part-time work schedule of the employee.
9. Submit completed and signed application package to Program Office Coordinator.
10. Ensure that the Performance Management Office adds "Mentoring" as a core competency to the approved phased retiree's performance standards.
11. Evaluate the employee's mentoring activities during the regular performance cycle to ensure the mentoring requirement is met satisfactorily.
12. Refrain from coercing any employee into entering phased retirement, as it is a voluntary program.
13. Monitor the phased retiree's work time and mentoring hours to ensure compliance with all phased retirement regulations and policies.

2.4 Employee

The employee will:

1. Contact a benefits specialist to obtain retirement counseling, annuity estimates, and civilian or military deposit/redeposit information (if applicable) prior to completing/submitting a phased retirement application.
2. Submit a written request to enter phased retirement to the immediate supervisor.
3. Identify the type(s) of mentoring he/she is capable of and willing to perform. Cooperate with the immediate supervisor in drafting of specific mentoring activities to be performed (prior to supervisory approval of request).
4. Sign and submit completed application package (refer to the "Applications" section for the list of all required documents) to immediate supervisor.
5. Complete OPM's "How to Be a Mentor Training," if needed. [OPM will provide training on how to be a mentor upon an agency's request.]
6. Pay Civilian Deposits/Military Deposits/Redeposits, prior to the employee beginning phased retirement in order for this service to be creditable at full retirement.

7. Perform approved mentoring activities a minimum of 20% of work hours each pay period. Record mentoring hours each pay period in the WebTA system.

2.5 Pay, Benefits & Retirement Division (PBRD)

PBRD will:

1. Maintain records of all approved/disapproved application packages received from Program Offices in accordance with standard retirement reporting and recordkeeping requirements.
2. Initiate Phased Retirement actions in HIHRTS.

2.6 Service Provider

The Service Provider will:

1. Provide requesting employees with annuity estimates (i.e. phased and full retirement) and retirement counseling.
2. Process and submit agency approved Phased Retirement application package to National Finance Center (NFC) for processing within three (3) business days after the date of phased retirement of receipt.
3. Provide data of all applicants (including time limit and phased retirement start and end dates, election upon expiration, etc.).
4. Report phased retirement data to HUD as requested.

2.7 Program Office

The Program Office Coordinator will:

1. Review approved Phased Retirement Application packages for completeness and notify the employee and/or supervisor of any deficiencies.
2. Provide agency officials with technical assistance to help resolve phased retirement issues.
3. Maintain and provide PBRD with copies of all approved/disapproved applications and supporting documentation for reporting purposes.
4. Develop and maintain a spreadsheet of all applicants for the program area.
5. Notify employee 30 days prior to expiration and/or termination of phased retirement agreement.

3 APPLICATIONS

The application for the Phased Retirement Program consists of the following documents:

1. Phased Employment/Phased Retirement Status Elections (OPM Standard Form (SF) 3116 Part 1a);
2. Application for Immediate Retirement under CSRS (OPM SF-2801) or Application for Immediate Retirement under FERS (SF-3107)
3. Time Limit and Mentoring Agreement (HUD Form 1013)

Note: Any references to a phased retirement application in this policy or any other references include all of the documents listed above. Failure to complete any of the above documents constitutes an incomplete application; and therefore, will not be considered.

- **The Phased Retirement Application, instructions, Frequently Asked Questions (FAQs), and associated retirement forms, are available on OPM's website:**

  https://www.opm.gov/retirement-services/phased-retirement/

- **HUD's Time Limit/Mentoring Agreement is available via HUDCLIPS:**

  http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips

3.1 Application Withdrawal

1. An applicant may withdraw his or her phased retirement application any time before the election becomes effective, but not thereafter.
2. An applicant may not withdraw his or her application after OPM has received a certified copy of a court order affecting the benefits described under 5 CFR, §581 or §838 (e.g. divorce decree, judgment, garnishment order, death, etc.).

3.2 Criteria for Approval

The following list of criteria must be met for the Department's approval of an employee to enter phased retirement. In each case, the employer and employee must mutually agree that phased retirement is appropriate for the specific position and situation. All decisions must adhere to merit system principles.

Criteria for approval:

1. The employee must have achieved a minimum rating of fully successful on their most recent annual performance evaluation.
2. The requesting employee submits a completed, signed, and agency time limit and mentoring agreement (HUD Form #1013).
3. The operational needs of the unit do not require the employee to work in excess of a part-time (50%) work schedule.
4. The staffing level is sufficient to accommodate the part-time work schedule of the phased retiree.
5. No other eligible employees submitted a written request to enter phased retirement. (If multiple requests are received, refer to guidance on the sequence for approval consideration in this handbook under section 3.3: Managing Multiple Participation Requests.)
6. The employee has expert knowledge and/or skills essential to the organization and mission that need to be conveyed to others.
7. The employee is capable of being a mentor; also, consider the style(s) of mentoring the employee is able and willing to provide (see section 4.1). (**Note**: The employee and supervisor must identify the mentoring activities to be performed on the Time Limit/Mentoring Agreement prior to supervisor's approval of the phased retirement request.)
8. If the applicant is a supervisor or manager—a deputy must be available or other qualified employee (who can perform the duties in an acting capacity), within the unit for the remaining percentage of the employee's fulltime work hours. (**Note**: Phased retirees are required to work 40 hours each pay period, which include 8-hours that are exclusively dedicated to meeting the mandatory mentoring requirement. Other considerations: How will the work be divided? To whom will the staff go to in the phased retiree's absence?)
9. The employee has not previously entered phased retirement. (**Note**: An individual may only enter phased retirement once.).
10. Senior Executive Service (SES) applicants require approval of the Deputy Secretary.

3.3 Managing Multiple Participation Requests

In all cases, consideration must be based on the critical nature of the work of the organization and its mission corresponding to employees who meet "Participation Eligibility Requirements" and "Criteria for Approval." In instances that a program area receives multiple requests, but is unable to approve all requests, the order of consideration is to be given as follows.

1. For positions with the same title, series, and grade, the order of consideration will be given on a first come, first serve basis, but will require a written justification.
2. For positions differing in title, series, and grade, the order of consideration will be given at management's discretion. All denials will require written justification.

3.4 Time Limit Agreement

1. As a condition for approval, a written time limit agreement establishing beginning and ending dates of phased retirement must be signed by the employee, supervisor, and authorized approving official conferring a mutually agreeable time period—prior to the commencement of phased retirement. Time limits may vary on a case-by-case basis.

    - Time limits are to be set for any period up to a maximum of one (1) year during the one-year pilot. If the program is fully implemented following the pilot, additional time may be authorized by the approving official when an official request from the employee is received at least thirty (30) days prior to the expiration of the time limit agreement currently in effect, in increments not to exceed one year per extension. The maximum time an employee may participate in phased retirement overall is three (3) years.

2. Phased retirees may voluntarily fully retire at any time prior to the expiration date of the time limit agreement, but the employee should consider processing time requirements.

3.5 Disapproved Applications

Phased retirement is not an employee entitlement and not all employees and/or positions will be suited for phased retirement. Agencies have the discretion to approve some, all, or none of the phased retirement applications received from employees.

3.6 Appeals

The following actions are <u>not</u> appealable:

1. Entering phased retirement since it is a voluntary action.
2. Denial of phased retirement requests by the agency is not an "appealable" adverse action under 5 U.S.C. Chapter 75.

3. An agency's decision to disapprove the employee's request to return to regular full-time employment.

3.7 Ending Phased Retirement Status

At least **30** days prior to expiration of the time limit agreement, the phased employee must submit a request to the Agency for options #1 and #2 or elect option #3 below:

1. **Return to Regular Employment Status** - in lieu of regular retirement. (Approval is at the employing agency's discretion and may be affected by funding availability, FTE availability, etc.) The employee must obtain written approval by submitting Part 2 of the SF-3116 form. (**Note**: OPM requires receipt of this request at least **15** days prior to expiration of the time limit agreement in order for timely processing.)
2. **Enter Immediate (Regular) Retirement** – Submit an Application for Immediate Retirement (SF-2801 or SF-3107) and other required documents.
3. **Transfer to a Different Agency and either**:
    a. Return to regular employment at the new agency.
    b. Continue phased retirement, if the new agency approves.

Note: If the employee fails to take any action within three (3) days of the separating from phased employment, the employee will be deemed to have elected full retirement and such separation will be considered voluntary, based on the written agreement 5 CFR §§ 831.1731(b) and 848.203.

3.8 Denial of an Employee's Request to Return to Regular Employment

If a manager denies an employee's request to return to full-time regular employment, the employee may elect to:

1. Continue phased retirement for the remainder of the time limit agreement.
2. Request (within 30 days of expiration) approval to extend time limit agreement.
3. Request regular part-time employment with the same agency.
4. Transfer to a different agency and either:
    a. Return to regular employment at the new agency.
    b. Continue phased retirement, if the new agency approves.
5. Apply for full retirement.

4 MENTORING REQUIREMENT

Mentoring is an essential element of phased retirement (5 CFR §§ 831.1781 and 848.901) intended to allow the transfer of knowledge and skills from a well-experienced employee to other employees who are less experienced. It is not limited to those employees who may assume the duties of the phased retiree upon regular retirement.

- A minimum of twenty percent (i.e. 8 hours) of the employee's work hours, each pay period, must be spent performing mentoring activities. Mentoring hours may be distributed over the bi-weekly pay period and must be recorded on the employee's timesheet in the WebTA system. The agency official is authorized to waive the requirement only in the event of an emergency (as defined in the regulations) or unusual circumstances (e.g. individual being called to military active-duty).
- The employee must carry out the mentoring requirement beginning the effective date in which the phased retirement commences.
- An employee who enters Phased Retirement must certify on the "Time Limit and Mentoring Agreement," that he/she voluntarily agrees to either, (1) enter immediate regular retirement, or (2) be returned to regular working status if it is determined that he/she has not been regularly meeting the mandatory mentoring requirement or is performing the required duties unsuccessfully. The employee also acknowledges that an individual may only enter phased retirement once.
- The performance standards of phased retirees will be modified to include the mentoring activities.
- Prior to allowing an individual to register as a mentor, the agency and the phased retirement applicant should consider the focus of the mentorship.

***The following four types of activities meet the mentoring requirement:**

1. **Knowledge transfer** - Is the sharing of institutional knowledge by professionals and experts in a field.
2. **Knowledge management** – Is commonly viewed as cataloguing and storing information in a database. It also captures, develops, and effectively uses organizational knowledge and information. Phased retiree mentors can share their strategies and processes used during their work experience and lessons learned as a strategic asset for the organization.
3. **Succession Planning** – Identifying and developing staff members who have the potential to fill key leadership positions. Phased retiree

mentors help the organization develop the competencies of potential future leaders within the agency.

4. **Career Development** – Is providing advice and guidance to an individual that will help develop their career at HUD. It may involve discussing training, job assignment, work balance, and / or focusing on areas needing improvement (e.g. writing skills). *This does not guarantee that the mentee will receive a promotion or job of choice.*

4.1 Styles of Mentoring

Identify what style(s) of mentoring for which the phased retiree will be available to perform.

1. **Traditional** – senior employee mentors a lower-graded employee.
2. **Situational** – focus is on a specific situation (e.g. to solve a problem).
3. **Peer-to-Peer** – mentoring of an individual.
4. **Group Mentoring** – mentoring of two or more individuals.

Note: School and community volunteer activities during non-work periods will not count toward the mentoring requirement.

4.2 Accessing Mentoring Readiness

Prior to management's approval of an employee's request to enter phased retirement, the supervisor and employee must agree to, in writing, the type(s) of mentoring, as well as, specify the mentoring activities that the employee is willing and capable of performing in accordance with the needs of the organization and mission.

4.3 Performance Standards

Mentoring activities must be clearly defined in the employee's performance standards. Performance requirements must be measurable and results-oriented.

5 PAY AND LEAVE

5.1 Hours of Duty

Typically, phased retirees are permitted to work a maximum of 40 hours during a given bi-weekly pay period. As provided by 5 CFR §§ 831.1715(g) and 848.205(i), except as otherwise expressly provided in law or regulation, a phased retiree is treated like any other employee on a part-time tour of duty.

5.2 Work Schedule

As provided by 5 CFR §§ 831.1712 and 848.202, the number of officially established hours per pay period to be worked by an employee in phased retirement status must equal one-half the number of hours the phased retiree would have been scheduled to work had the phased retiree remained in a full-time work schedule and not elected to enter phased retirement status (i.e., 40 hours per pay period for most employees). With supervisory approval, the employee may participate in an agency's flexible or compressed work schedule program under subchapter II of 5 U.S.C. 6101 and subpart D of 5 CFR part 610 on the same basis as any other part-time employee.

A phased retiree:

1. Is not permitted to work intermittent pay periods.
2. Must have an officially established part-time work schedule.
3. Work time must equal 40 hours at the end of each bi-weekly pay period to include a minimum of eight (8) hours of mentoring activities (mandatory requirement).
4. Should not be assigned hours of work in excess of established part-time work schedule except under rare and exceptional circumstances as specified in (5 CFR §§ 831.1715(h) and 848.205(j).
5. Is limited to working 8 hours per scheduled workday unless on an approved alternate work schedule. Phased retirees have limitations on hours worked in excess of the officially established part-time work schedule, which also applies to "suffered and permitted" overtime for FLSA covered employees except if phased retiree is working a flexible work schedule, in which the "suffered and permitted" concept does not apply.

5.3 Pay

The phased retiree receives half of their gross pay, which is subject to employee withholdings for FEHB, FEGLI, FEDVIP, FLTCIP, TSP, Federal and State tax, Social Security and Medicare tax, and CSRS or FERS deductions as appropriate.

5.4 Leave

1. The employee maintains annual and sick leave balances and will not receive a lump sum payment for annual leave upon transition to phased retirement.
2. Leave accrual is prorated at 50% of the full-time earnings (i.e. 4 hours of annual leave per pay period; 2 hours of sick leave per pay period).
3. Annual leave ceiling remains unchanged.
4. Accrues additional annual and sick leave on a prorated basis in emergency situations requiring the phased retiree to work excess hours.

5.5 Overtime and Compensatory Time

Phased retirees are generally restricted from working more than 40 hours in a bi-weekly pay period. However, the CHCO may order or approve a phased retiree to perform hours of work in excess of their officially established schedule in rare and exceptional circumstances meeting **ALL** of the following conditions (5 CFR §§ 831.1715(h) and 848.205(j). If this occurs, HUD will retain the approved written justification for 6 years for auditing and reporting purposes.

1. The work is necessary to respond to an emergency posing a significant, immediate, and direct threat to life or property;
2. The authorized agency official determines 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 reasonably possible (e.g. by management assignment of work to other employees); and,
4. When an emergency situation can be anticipated in advance agency management made advance plans to minimize any necessary excess work by the phased retiree.

5.6 Holidays

Phased retirees are subject to the same rules as part-time employees with regard to holidays. In general, they are entitled to a paid holiday if it falls on a scheduled workday but, not for a holiday that falls on a scheduled non-workday.

5.7 Religious Observance

Any earned compensatory time may be used for religious observances under normal rules.

6 EFFECT OF PHASED RETIREMENT

6.1 Performance and Conduct

A phased retiree is considered a part-time employee, has the same performance and conduct requirements as in regular employment, and retains the same due process rights. Removal prior to the end of the phased retiree's time limit agreement could occur due to budget restrictions, performance, or conduct issues under existing workforce authorities.

6.2 Health and Life Insurance Premiums

Phased retirees are considered full-time employees for the purpose health (FEHB) and life (FEGLI) insurance benefits, premiums, and contributions (see 5 CFR §§ 831.1715(a)(1) and 848.205(a)(1) for FEHB premiums; 5 CFR §§ 831.1715(a)(2) and 848.205(a)(2) for FEGLI premiums). The normal rules governing health benefits premiums for part-time employees in 5 U.S.C. 8906(b)(3) do not apply.

6.3 Bargaining Unit Status

Since phased retirees convert from full-time to part-time employees, the status of a *bargaining unit employee* will depend on whether part-time employees are excluded in the bargaining unit's description (found in the Certification of Representative issued by the Federal Labor Relations Authority (FLRA)). The OCHCO Labor Relations staff should be consulted for questions regarding bargaining unit status.

7 ADDITIONAL INFORMATION

7.1 OPM - Benefits Administration Letter Number 14-108: Phased Retirement Employee Frequently Asked Questions (FAQs)

http://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2014/14-108.pdf

7.2 OPM - Phased Retirement Information/Forms

http://www.opm.gov/retirement-services/phased-retirement/