

§ 77.1 Purpose.

This part implements Pub. L. 102-484, Section 4462 and Pub. L. 103-160, Section 561 by establishing policy, assigning responsibilities, and prescribing procedures to:

(a) Encourage and assist separating Service members, Service members retiring with 20 or more years of service, DoD civilian personnel leaving the Government, and spouses to enter public and community service employment.

(b) Encourage and assist Service members requesting retirement with fewer than 20 years of service to register for public and community service employment.

§ 77.2 Applicability and scope.

This part applies to:

(a) The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, and the Defense Agencies (hereafter referred to collectively as “the DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

(b) All active duty Service members and former members under Pub. L. 102-484, Section 4462 and Pub. L. 103-160, Section 561, and DoD civilian personnel leaving the Government, and their spouses.

§ 77.3 Definitions.

(a) *Community service employment.* Work in nonprofit organizations that provide or coordinate services listed in paragraphs (d) (1) through (12) of this section. “Nonprofit” is defined as having been recognized by the Internal Revenue Service as having a tax-exempt status under 26 U.S.C. 501 (c)(3) or (c)(4). These organizations shall not be administered by businesses organized for profit, labor unions, partisan political organizations, or organizations engaged in religious activities, unless such activities are unrelated to religious instructions, worship services, or any form of proselytization.

(b) *Creditable early retirement public or community service employment for service members.* Employment in a DoD-registered public and community service

organization that provides the services listed in paragraphs (d) (1) through (12) of this section, or that coordinates the provision of the services listed in paragraphs (d) (1) through (12) of this section. Federal employment shall count toward recomputed military retirement pay and Survivor Benefit Plan base amount for early retirees: however, working in a DoD-registered Federal public service organization may trigger the dual-compensation restrictions of 5 U.S.C. 5532. Employment must have occurred between that date of early retirement and the date in which the Service member would have attained 20 years of credible service for computing retired pay, or he or she must have retired on or after October 23, 1992 and before October 1, 1999.

(c) *Early retirement.* Retirement from active duty with at least 15 but fewer than 20 years of service, as provided by Pub. L. 102-484, Section 4403.

(d) *Public and community service organization.* Government or private organizations that provide or coordinate the provision of the following services.

(1) Elementary, secondary, or post secondary school teaching or administration.

(2) Support of teachers or school administrators.

(3) Law enforcement.

(4) Public health care.

(5) Social services.

(6) Public safety.

(7) Emergency relief.

(8) Public housing.

(9) Conservation.

(10) Environment.

(11) Job training.

(12) Other public and community service not listed previously, but consistent with or related to services described in paragraphs(d)(1) through (11) of this section.

(e) *Public service employment.* Work in a Federal, state or local government organization which provides or coordinates services listed in paragraphs (d)(1) through (12) of this section.

(f) *Separation.* Normal separation from activity duty or civil service, military retirement with 20 or more year’s service, release from active military service, and reduction in force.

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(g) *Transition assistance program counselor.* A person charged with the responsibility of conducting transition programs. Examples include personnel assigned to family centers, military or civilian personnel offices, unit transition counselors, and as command career counselors.

§ 77.4 Policy.

It is DoD policy that:

(a) All separating Service members and former members shall be encouraged to enter public or community service employment.

(b) Service members determined to be eligible by the Secretary of their Military Department for, and who do request retirement with fewer than 20 years of service, are required by Pub. L. 102-484, Section 4403 to register for public and community service employment.

(1) This registration normally shall take place not earlier than 90 days before retirement or terminal/transition leave.

(2) In order to have their military retired pay and Survivor Benefit Plan base amount (if applicable) recomputed in accordance with DoD Instruction 1340.19¹ early retirees must be employed with a DoD-registered public or community service organization that provides the services listed in sections 77.3(d)(1) through (d)(12), or that coordinates the provision of services listed in section 77.3(d)(1) through (d)(12).

(c) DoD civilian personnel leaving the Government, their spouses, and spouses of Service members who are seeking employment shall be encouraged to register for public and community service employment.

§ 77.5 Responsibilities.

(a) The Under Secretary of Defense for Personnel and Readiness shall:

(1) Monitor compliance with this rule.

(2) Establish policy and provide guidance related to public and community service employment.

(3) Provide program information to the public on the Department of De-

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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fense's public and community service employment program.

(4) Ensure that the Director, Defense Manpower Data Center (DMDC):

(i) Maintains the Public and Community Service Organizational Registry.

(ii) Maintains the Public and Community Service Personnel Registry.

(5) Decide the status of requests for reconsideration from employers resubmitting their request to be included on the Public and Community Service Organizational Registry, but whose first request was disapproved.

(b) The Secretaries of the Military Departments shall:

(1) Ensure compliance with this rule.

(2) Encourage public and community service employment for separating Service members, their spouses, DoD civilian personnel leaving the Government, and their spouses.

(3) Coordinate with the Under Secretary of Defense for Personnel and Readiness before promulgating public and community service employment policies and regulations.

§ 77.6 Procedures.

(a) Military personnel offices shall advise Service members desiring to apply for early retirement that they shall register, normally, within 90 days of their retirement date, for public and community service (PACS) employment, and refer them to a Transition Assistance Program Counselor for registration.

(b) Personnel offices shall advise separating Service members, DoD civilian personnel leaving the Government, and their spouses to contact a Transition Assistance Program Counselor about PACS employment and registration.

(c) Transition Assistance Program Counselors shall counsel separating Service members (during pre-separation counseling established by DoD Instruction 1332.36²), DoD civilian personnel leaving the Government, and their spouses on PACS employment. Counselors shall update into the Defense Outplacement Referral System (DORS) database Service members requesting early retirement and other DoD personnel or spouses who request registration. Transition Assistance Program

²See footnote 1 to section 77.4(b)(2).