

Special Provisions

"Vision 100-Century of Aviation Reauthorization Act"

Section 226 of Public Law 108-176, "Vision 100-Century of Aviation Reauthorization Act", adopted February 10, 2004, will have an impact on the retirement calculation, and broadens the language of specific sections of current provisions.

Section 226 now includes second level managers to the previous class of individuals eligible for special ATC retirement benefits. In addition this calculation would apply to service as a second-level supervisor of ATC's employed in-flight service station.

The terms applicable to ATC mandatory retirement under CSRS and FERS were amended. The newly added second-level supervisor will not be subject to mandatory retirement. Currently active ATC's with a date of birth on or after January 1, 1965 can not qualify for the higher retirement annuity, because their age would exceed mandatory retirement at age 56.

New provisions were added that apply only to ATC's and former ATC's who retire and meet the following criteria. Under 5 U.S.C. 8412 (a) retirement is permitted at minimum retirement age, MRA (**MRA is between 55 and 57, depending on your date of birth**) with 30 years of service. If an individual meets the provisions as stated or has a least 5 years of service as an ATC, as defined by 5 U.S.C. (a) (1) (A) (i), actively engaged in the separation and control of air traffic, the retiree's annuity **will be computed at a rate of 1.7% for all years of service in lieu of the 1% after 20 that would normally apply.** This provision includes some, but not all flight service station ATC's. Your current contribution percentage deposited to your FERS annuity can be used as a determining factor.

Second-level supervisors under FERS will be required to make an additional deposit into the retirement fund for all service performed prior to the effective date of Section 26. Individuals must make a deposit of 0.5% of basic pay, the difference between 1.3%, ATC .and .8% supervisor. Active ATC's do not owe any additional deposits (result as they currently contribute the full 1.3%,

Military service will be credited in your retirement annuity. Military service, however, will only be calculated at one percent not one point seven percent. Example, an ATC employee has 27 years of FAA service and 5 years military service; your annuity would be computed at 27 x 1.7% plus 5 years times 1.0%. Under the FERS you must buy back your military service for any of the service time to count.

If a FERS ATC qualifies for the annuity rate of 1.7% then they will not be eligible for a Cost of Living Adjustment (COLA) until age 62.