

## § 77.1

AUTHORITY: 10 U.S.C. 1143 (c).

SOURCE: 59 FR 40809, Aug. 10, 1994, unless otherwise noted.

### § 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.

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(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