

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.

(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 1340.19<sup>1</sup> 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 Defense's public and community service employment program.

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

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