

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1614 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Assistant General Counsel (Administration) shall be responsible for coordinating implementation of this section. Complaints may be sent to the Executive Director.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.

(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals with handicaps.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

- (1) Findings of fact and conclusions of law;
- (2) A description of a remedy for each violation found; and
- (3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by § 1636.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional informa-

tion is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

[58 FR 57696, 57699, Oct. 26, 1993, as amended at 58 FR 57697, Oct. 26, 1993]

§§ 1636.171–1636.999 [Reserved]

PART 1640—PERIODIC PARTICIPANT STATEMENTS

Sec.

- 1640.1 Definitions.
- 1640.2 Duty to provide information.
- 1640.3 Statement of individual account.
- 1640.4 Account transactions.
- 1640.5 Investment fund information.
- 1640.6 Method of providing information.

AUTHORITY: 5 U.S.C. 8439 (c)(1) and (c)(2), 5 U.S.C. 8474 (b)(5) and (c)(1).

SOURCE: 52 FR 20371, June 1, 1987, unless otherwise noted.

§ 1640.1 Definitions.

As used in this Subpart:

Board means the Federal Retirement Thrift Investment Board, established pursuant to 5 U.S.C. 8472;

C Fund means the Common Stock Index Investment Fund established pursuant to 5 U.S.C. 8438(b)(1)(C);

Employee contribution means any contribution made pursuant to 5 U.S.C. 8432(a) or 5 U.S.C. 8351(a);

Employer basic contribution means any contribution made pursuant to 5 U.S.C. 8432(c)(1) or 5 U.S.C. 8432(c)(3);

Employer matching contribution means any contribution made pursuant to 5 U.S.C. 8432(c)(2);

Executive Director means the Executive Director of the Board, as defined in 5 U.S.C. 8401(11) and as further described in 5 U.S.C. 8474.

F Fund means the Fixed Income Investment Fund established pursuant to 5 U.S.C. 8438(b)(1)(B);

G Fund means the Government Securities Investment Fund established pursuant to 5 U.S.C. 8438(b)(1)(A);

Individual account means the account established for a participant in the Thrift Savings Fund pursuant to 5 U.S.C. 8439(a);

Investment fund means either the G Fund, the F Fund, or the C Fund, or all three collectively;

Open season means the period during which participants may make an election with respect to the Thrift Savings Plan.

Participant means any person with an individual account in the Thrift Savings Fund.

Source, when used in reference to contributions, means any one of the three types of contributions which are made to the Fund on behalf of participants—employee contributions, employer basic contributions, or employer matching contributions.

Thrift Savings Fund means the Fund described in 5 U.S.C. 8437;

Thrift Savings Plan or *Plan* means the Federal Retirement Thrift Savings Plan established under subchapter III of the Federal Employees' Retirement System Act of 1986, 5 U.S.C. 8431, *et seq.*

Thrift Savings Plan Service Office means the office established by the Board to service separated participants.

§ 1640.2 Duty to provide information.

At least once every six months, and not later than thirty (30) days prior to a period established by the Executive Director pursuant to 5 U.S.C. 8432(b)(1) in which participants may make effective elections concerning contributions to or investments in the Plan, the Executive Director shall provide the information prescribed in §§ 1640.3 and 1640.5.

§ 1640.3 Statement of individual account.

The Executive Director shall furnish each participant with the following information concerning that participant's individual account:

- (a) Name and social security number under which the account is established;
- (b) Beginning and ending dates of the period covered by the statement;

(c) As of the opening of business on the beginning date and the close of business on the ending date of the period covered by the statement:

- (1) The balance of the account;
- (2) The amounts of principal and earnings in the G Fund, the F Fund, and the C Fund by source of contribution;

(d) An itemization of all transactions affecting the account which occurred during the period covered by the statement, made in accordance with section 1640.4; and

(e) Any other information which the Executive Director determines should be included in the statement.

§ 1640.4 Account transactions.

(a) *Types of transactions contained in statement.* Where relevant, the following transactions shall be reported in each individual account statement:

- (1) Contributions;
- (2) Earnings posted;
- (3) Withdrawals;
- (4) Forfeitures;
- (5) Loan activity;
- (6) Transfers between investment funds;
- (7) Adjustments to prior transactions; and

(8) Any other transaction which the Executive Director deems to affect the status of the individual account.

(b) *Information concerning each transaction.* Where relevant, the statement shall contain the following information concerning each transaction identified in paragraph (a) of this section:

- (1) Type of transaction;
- (2) Pay date of the pay period in which the transaction was reflected in the participant's salary payment;
- (3) Investment fund affected;
- (4) Date the transaction was processed;
- (5) Source of contribution;
- (6) Amount of the transaction; and
- (7) Any other information which the Executive Director deems relevant.

§ 1640.5 Investment fund information.

For each open season, the Executive Director shall furnish each participant with a statement concerning each of the investment funds. This statement shall contain the following information concerning each investment fund:

§ 1640.6

(a) A summary description of the type of investments to be made by the particular investment fund, written in a manner designed to facilitate informed decision-making by the participant; and

(b) An evaluation of the performance history of the type of investments to be made by the particular investment fund covering the five year period preceding the date of the evaluation.

For the May 15, 1987 through July 31, 1987 open season, the statement described in this section shall only be provided for the G Fund.

§ 1640.6 Method of providing information.

(a) *Individual account statement.* The information concerning each participant's individual account described in § 1640.3 shall be sent to the participant at the participant's last known address, by first class mail, at least three business days before the date when such statement must be furnished under § 1640.2 It shall be the participant's responsibility to provide his or her current address to the employing office or, in the case of separated employees, to the Thrift Savings Plan Service Office.

(b) *Investment information.* The investment information described in § 1640.5 shall be furnished to each participant either by mailing the information to the participant by the method described in paragraph (a) of this section, or by including such information in material published by the Board to be distributed in any manner reasonably designed to reach the participant, including distribution through the participant's employing office or, in the case of separated employees, through the Thrift Savings Plan Service Office.

PART 1645—ALLOCATION OF EARNINGS

Sec.

1645.1 Definitions.

1645.2 Posting of receipts.

1645.3 Calculation of net earnings for each investment fund.

1645.4 Administrative expenses attributable to each investment fund.

1645.5 Basis for allocation of earnings.

1645.6 Earnings allocation for individual accounts.

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1645.7 Posting of earnings to individual accounts.

AUTHORITY: 5 U.S.C. 8439(a)(3) and 5 U.S.C. 8474.

SOURCE: 53 FR 15621, May 2, 1988, unless otherwise noted.

§ 1645.1 Definitions.

As used in this part, the following terms have the following meanings:

Accrued means accounted for during a valuation period, whether or not actually paid or received during that period.

Administrative expenses means the expenses authorized by 5 U.S.C. 8437(c)(3).

Agency automatic (1%) contributions means contributions made pursuant to 5 U.S.C. 8432(c)(1) or 5 U.S.C. 8432(c)(3).

Agency matching contributions means contributions made pursuant to 5 U.S.C. 8432(c)(2).

Allocation means any *pro rata* distribution of amounts.

Allocation date means the last day of each calendar month.

Basis means the portion of an account or Investment Fund upon which the allocation of earnings is based.

Board means the Federal Retirement Thrift Investment Board established pursuant to 5 U.S.C. 8472.

C Fund means the Common Stock Index Investment Fund established pursuant to 5 U.S.C. 8438(b)(1)(C).

Employee contributions means any contributions made pursuant to 5 U.S.C. 8432(a) or 5 U.S.C. 8351(a).

Employer contributions means agency automatic (1%) contributions and agency matching contributions.

F Fund means the Fixed Income Investment Fund established pursuant to 5 U.S.C. 8438(b)(1)(B).

Forfeitures means amounts forfeited pursuant to 5 U.S.C. 8432(g)(2) and other nonstatutory forfeited amounts, net of restored forfeited amounts.

G Fund means the Government Securities Investment Fund established pursuant to 5 U.S.C. 8438(b)(1)(A).

Individual account means the account established for a participant in the Thrift Savings Fund pursuant to 5 U.S.C. 8439(a)(2).

Investment Fund means the G Fund, the F Fund, or the C Fund.

Month-end account balance means the value, as of the allocation date, of the