

in writing under procedures established by each agency similar to those established under § 575.404 of this part.

(f) The reduction or termination of a supervisory differential may not be appealed. However, the preceding sentence shall not be construed to extinguish or lessen any right or remedy under subchapter II of chapter 12 of title 5, United States Code, or under any of the laws referred to in 5 U.S.C. 2302(d).

[56 FR 20338, May 3, 1991, as amended at 57 FR 37394, Aug. 19, 1992]

**§ 575.407 Records.**

(a) Each agency shall keep a record of each determination required by §§ 575.404(a) and 575.406(e) of this part. Each record shall contain sufficient information to allow reconstruction of the action, including the basis for determining the amount of the differential and the comparison of continuing pay required by § 575.405(b) of this part.

(b) Each agency shall promptly submit a report of each determination made to establish, adjust, or terminate a supervisory differential as a part of its regular submission to OPM's Central Personnel Data File.

**PART 576—WAIVER OF REPAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS**

**Subpart A—Reemployment and Waiver of Repayment**

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576.101 Repayment requirement.

576.102 Requesting Office of Personnel Management approval for waiver of repayment.

AUTHORITY: 5 U.S.C. 2101 note.

SOURCE: 59 FR 55808, Nov. 9, 1994, unless otherwise noted.

**Subpart A—Reemployment and Waiver of Repayment**

**§ 576.101 Repayment requirement.**

(a) *Who is covered.* This subpart covers any executive agency employee who received a voluntary separation incentive payment on or after March 30, 1994, including employees of the De-

partment of Defense and Central Intelligence Agency.

(b) *What is covered.* This subpart covers reemployment of any duration, under any authority, in the Federal Government of the United States, within 5 years of the date of the separation on which payment of an incentive is based.

(c) *What is required.* The employee must repay the entire amount of the voluntary separation incentive payment, including all deductions for taxes, etc., to the agency that made the payment. Repayment will be made as provided in 5 U.S.C. 5514, as implemented in part 550, subpart K, of this chapter, or other appropriate authority.

(d) *Exception to the repayment requirement.* If the individual accepts reemployment with an Executive agency, the Office of Personnel Management may waive repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. Each waiver must be approved individually, as provided in § 576.102 of this part. Waivers of repayment are not required for individuals who work as unpaid volunteers for the Federal Government.

**§ 576.102 Requesting Office of Personnel Management approval for waiver of repayment.**

(a) *Request by agency head.* The head of an Executive agency may request the Office of Personnel Management to approve a waiver of repayment for an individual when the agency has determined that the individual involved possesses unique abilities and is the only qualified applicant available for the position. Authority to submit such a request may not be redelegated to an official below the agency's headquarters level (or, in the case of the Department of Defense, to an official below the headquarters level of the military department or Defense agency).

(b) *Content of requests.* Each request must:

(1) Identify the individual for whom the exception is requested, the appointing authority to be used, and the position to which he or she will be appointed.

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(2) Describe how the position is essential to accomplishing the agency's mission and how the individual is uniquely qualified for the position.

(3) Describe the length, breadth, and results of the agency's recruiting efforts for the position and any other factors demonstrating that the individual is the only qualified applicant available for the position.

(4) If the individual is being reemployed in the agency that paid the separation incentive, demonstrate why the recruiting need could not be foreseen at the time of separation.

(c) *Application of exceptions.* A waiver of repayment of a separation incentive approved by the Office of Personnel Management under this part applies only while the individual for whom it was approved continues to serve in the same or a successor position. The waiver terminates if the individual is assigned to a different position during the 5-year period in which repayment is required, unless OPM approves a new waiver.

## PART 581—PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

### Subpart A—Purpose and Definitions

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- 581.101 Purpose.
- 581.102 Definitions.
- 581.103 Moneys which are subject to garnishment.
- 581.104 Moneys which are not subject to garnishment.
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### Subpart B—Service of Process

- 581.201 Agent to receive process.
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### Subpart C—Compliance With Process

- 581.301 Suspension of payment.
- 581.302 Notification of obligor.
- 581.303 Response to legal process or interrogatories.
- 581.304 Nonliability for disclosure.
- 581.305 Honoring legal process.
- 581.306 Lack of moneys due from, or payable by, a governmental entity served with legal process.
- 581.307 Compliance with legal process re-

quiring the payment of attorney fees, interest, and/or court costs.

### Subpart D—Consumer Credit Protection Act Restrictions

- 581.401 Aggregate disposable earnings.
- 581.402 Maximum garnishment limitations.

### Subpart E—Implementation by Governmental Entities

- 581.501 Rules, regulations, and directives by governmental entities.

APPENDIX A TO PART 581—LIST OF AGENTS DESIGNATED TO ACCEPT LEGAL PROCESS

APPENDIX B TO PART 581—LIST OF AGENTS DESIGNATED TO FACILITATE THE SERVICE OF LEGAL PROCESS ON FEDERAL EMPLOYEES

AUTHORITY: 15 U.S.C. 1673; 42 U.S.C. 659, 661-662; E.O. 12105, 43 FR 59465, 3 CFR, 1979 Comp., p. 262; E.O. 12953, 60 FR 11013.

SOURCE: 45 FR 85667, Dec. 30, 1980, unless otherwise noted.

## Subpart A—Purpose and Definitions

### § 581.101 Purpose.

Section 659 of title 42 of the United States Code, as amended, provides that moneys, the entitlement to which is based upon remuneration for employment, due from, or payable by, the United States or the District of Columbia to any individual, shall be subject, as if the United States or the District of Columbia were a private person, to legal process brought for the enforcement of such individual's legal obligations to provide child support and/or make alimony payments. Section 666 (a)(1) and (b) of title 42 of the United States Code requires States to enact laws mandating the use of procedures for the withholding from income of amounts payable as support. The purpose of this part is to implement the objectives of sections 659 and 666 (a)(1) and (b) as they pertain to the executive branch of the Government of the United States.

[55 FR 1355, Jan. 16, 1990]

### § 581.102 Definitions.

In this part: (a) *The executive branch of the Government of the United States* means all "governmental entities" as