

**PART 1600—EMPLOYEE ELECTIONS  
TO CONTRIBUTE TO THE THRIFT  
SAVINGS PLAN**

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AUTHORITY: 5 U.S.C. 8351, 8432(b)(1)(A), 8474(b)(5) and (c)(1).

SOURCE: 52 FR 45802, Dec. 2, 1987, unless otherwise noted.

**Subpart A—General**

**§ 1600.1 Definitions.**

Terms used in this part shall have the following meanings:

*Act* means the Federal Employees' Retirement System Act of 1986, as amended.

*Basic pay* means basic pay as defined in 5 U.S.C. 8331(3), and it is the rate of pay used in computing any amount the individual is required to contribute to the Civil Service Retirement and Disability Fund as a condition for participating in the Civil Service Retirement System or the Federal Employees' Retirement System, as the case may be.

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

*CSRS* means the civil service retirement system established by Subchapter III of Chapter 83 of Title 5, United States Code.

*CSRS employee* means *employee* as defined in 5 U.S.C. 8331(1) or *Member* as defined in 5 U.S.C. 8331(2).

*Election period* means the last calendar month of an open season and is the earliest period in which an election during that open season to make or change a contribution can become effective.

*Employee* or *FERS employee* means *employee* as defined in 5 U.S.C. 8401(11) or *Member* as defined in 5 U.S.C. 8401(20).

*Employing agency* means the agency which is responsible for making contributions to the Thrift Savings Plan on behalf of a FERS employee or a CSRS employee.

*Executive Director* means the Executive Director of the Federal Retirement Thrift Investment Board, as defined in 5 U.S.C. 8401(13) and as further described in 5 U.S.C. 8474.

*FERS* means the Federal employees' retirement system established by chapter 84 of title 5, United States Code.

*Highly compensated employee* means an employee with annual basic pay of more than \$50,000. This amount is subject to adjustment from time to time in accordance with applicable tax laws and regulations.

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

*Thrift Savings Plan* means the activity established pursuant to subchapter III of Pub. L. No. 99–335 (June 6, 1986), the Federal Employees' Retirement System Act of 1986.

[52 FR 45802, Dec. 2, 1987, as amended at 61 FR 58754, Nov. 18, 1996]

### Subpart B—Elections

#### § 1600.2 Periods for making elections.

(a) *Initial open seasons.* The first open season will commence on February 15, 1987 and end on April 30, 1987. The period April 1, 1987 through April 30, 1987 is a designated election period pursuant to 5 U.S.C. 8432(b)(4)(A). The second open season will commence on May 15, 1987 and end on July 31, 1987. The period July 1, 1987 through July 31, 1987 is a designated election period pursuant to section 6001(c)(2) of Pub. L. 99–509 (Oct. 21, 1986), the Omnibus Budget Reconciliation Act of 1986.

(b) *Subsequent open season.* An open season will begin on November 15 of each year and end on January 31 of the following year and another open season will begin on May 15 of each year and end on July 31 of the same year. If the last day of an open season falls on a Saturday, Sunday, or legal holiday, the open season shall be extended through the next business day.

(c) *Number of elections.* Except for an election to terminate, an employee may make only one election during an open season.

(d) *Belated elections.* When an employing agency determines that an employee was unable, for reasons beyond the employee's control, to make an election within the time limits prescribed by these regulations, that agency may accept the employee's election within 30 calendar days after it advises the employee of that determination. Such election shall become effective not later than the first pay period beginning after the date that the agency accepts the employee's election form.

[52 FR 45802, Dec. 2, 1987, as amended at 59 FR 55331, Nov. 7, 1994]

#### § 1600.3 Eligibility of a Federal Employees' Retirement System employee to make an election.

(a) Each employee who was an employee on January 1, 1987 and continues as an employee without a break in service from January 1, 1987 through April 1, 1987 may make an election during the open season which begins on February 15, 1987 and ends on April 30, 1987.

(b) Except as provided in paragraph (c) of this section, each employee who is not eligible by virtue of paragraph (a) of this section to make an election during the open season beginning on February 15, 1987 shall not be eligible to make an election until the second open season (determined in accordance with paragraph (d) of this section) beginning after such employee's date of commencement of service as an employee.

(c) Any employee who is reemployed by the federal government and who, during a previous period of service, had become eligible to participate in the Thrift Saving Plan under the foregoing paragraphs (a) or (b) of this section shall be eligible during the first open season (determined in accordance with paragraph (d) of this section) beginning after the date of reemployment to make an election.

(d) For an employee employed or reemployed during any open season, but whose employment or reemployment during such open season is prior to the election period occurring during the last calendar month of such open season, the open season during which the employee was employed or reemployed shall be considered the first open season.

[52 FR 45802, Dec. 2, 1987, as amended at 53 FR 23379, June 22, 1988]

#### § 1600.4 Types of elections.

(a) *Contribution.* During an open season, an eligible employee may elect any one of the following:

- (1) To make contributions;
- (2) To change the amount of existing contributions; or
- (3) To terminate contributions.