

§ 575.406

5 CFR Ch. I (1-1-00 Edition)

(Pub. L. 101-509), or another locality-based payment under similar authority, excluding a continued rate adjustment under subpart G of part 531 of this chapter;

(3) Any other continuing payment, except Sunday or holiday pay or another similar payment under title 5, United States Code, or other similar authority and a retention allowance under 5 U.S.C. 5754 or other similar authority; and

(4) Premium pay paid on an annual basis under an authority similar to 5 U.S.C. 5545(c).

(e) For the purpose of making any of the comparisons required by this subpart, continuing pay shall be calculated on an annual basis for both the supervisor and the subordinate.

(f) Payment of a supervisory differential is subject to the aggregate limitation on pay under 5 U.S.C. 5307 and subpart B of part 530 of this chapter.

(g) A supervisory differential shall not be considered part of the supervisor's rate of basic pay for any purpose.

[56 FR 20338, May 3, 1991, as amended at 57 FR 2435, Jan. 22, 1992; 57 FR 37394, Aug. 19, 1992; 59 FR 66154, Dec. 23, 1994; 61 FR 3544, Feb. 1, 1996]

§ 575.406 Adjustment or termination of supervisory differential.

(a) An agency may establish procedures that allow for adjusting or terminating a supervisory differential at any time the agency determines it is appropriate to do so.

(b) A supervisory differential shall be terminated when the continuing pay of the supervisor (not including the supervisory differential) exceeds the continuing pay of the highest paid subordinate whose position is not under the General Schedule.

(c) A supervisory differential shall be reduced or terminated, as appropriate, when the continuing pay of the supervisor (including the supervisory differential) exceeds the continuing pay of the highest paid subordinate whose position is not under the General Schedule by more than 3 percent.

(d) The effective date of a reduction or termination of a supervisory dif-

ferential under paragraph (b) or (c) of this section shall be not later than 30 calendar days after the date on which the event that necessitates the reduction or termination occurs.

(e) Each determination to adjust a supervisory differential shall be made 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

Sec.

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 Department 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.

(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

Sec.

581.101 Purpose.

581.102 Definitions.

581.103 Moneys which are subject to garnishment.

581.104 Moneys which are not subject to garnishment.

581.105 Exclusions.

581.106 Future payments.

Subpart B—Service of Process

581.201 Agent to receive process.

581.202 Service of process.

581.203 Information minimally required to accompany legal process.