

Office of Personnel Management

§ 576.102

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

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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.
- 581.105 Exclusions.
- 581.106 Future payments.

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- 581.201 Agent to receive process.
- 581.202 Service of process.
- 581.203 Information minimally required to accompany legal process.

Subpart C—Compliance With Process

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- 581.302 Notification of obligor.
- 581.303 Response to legal process or interrogatories.
- 581.304 Nonliability for disclosure.
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- 581.306 Lack of moneys due from, or payable by, a governmental entity served with legal process.
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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: 42 U.S.C. 659; 15 U.S.C. 1673; E.O. 12105 (43 FR 59465 and 3 CFR 262) (1979).

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

Subpart A—Purpose and Definitions

§ 581.101 Purpose.

(a) Notwithstanding any other provision of law (including section 407 of title 42, United States Code, section 5301 of title 38, United States Code, and sections 8346 and 8470 of title 5, United States Code), section 659 of title 42, 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, in like manner and to the same extent as if the United States or the District of Columbia were a private person:

(1) To legal process for the enforcement of an obligor's legal obligations to provide child support, alimony, or both, resulting from an action brought by an individual obligee; and

(2) To withholding in accordance with State law enacted pursuant to subsections (a)(1) and (b) of section 666 of title 42, United States Code, and to regulations of the Secretary of Health and Human Services under such subsections, and to any other legal process brought by a State agency subject to regulations of the Secretary of Health and Human Services that is administering a program under an approved State plan to enforce the legal obligations of obligors to provide child support and alimony.

(b) Section 659 of title 42, United States Code, as amended, provides further that each governmental entity shall be subject to the same requirements as would apply if the governmental entity were a private person, except as set forth in this part.

[63 FR 14757, Mar. 26, 1998]

§ 581.102 Definitions.

In this part: (a) *The executive branch of the Government of the United States* means all “governmental entities” as defined in this section, including therein the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress,