

**§ 302-2.6, Nf.**

**41 CFR Ch. 302 (7-1-11 Edition)**

is less than 50 miles from your old official station, unless the head of the agency or designee authorizes an exception. On a case-by-case basis and having considered the following criteria, the head of your agency or designee may authorize the reimbursement of relocation expenses of less than 50 miles when he/she determines that it is in the interest of the Government: and

(a) The one way commuting pattern between the old and new official station increases by at least 10 miles but no more than 50 miles; or

(b) There is an increase in the commuting time to the new official station; or

(c) A financial hardship is imposed due to increased commuting costs.

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, §302-2.6 was revised, effective Aug. 1, 2011. For the convenience of the user, the revised text is set forth as follows:

**§ 302-2.6 May I be reimbursed for relocation expenses if I relocate to a new official station that does not meet the 50-mile distance test?**

Generally no; you may not be reimbursed for relocation expenses if you relocate to a new official station that does not meet the 50-mile distance test.

(a) The distance test is met when the new official station is at least 50 miles further from the employee's current residence than the old official station is from the same residence. For example, if the old official station is 3 miles from the current residence, then the new official station must be at least 53 miles from that same residence in order to receive relocation expenses for residence transactions. The distance between the official station and residence is the shortest of the commonly traveled routes between them. The distance test does not take into consideration the location of a new residence. This follows the distance guidelines found in *Internal Revenue Service Publication 521, Moving Expenses*.

(b) The head of your agency or designee may authorize an exception to the 50-mile threshold on a case-by-case basis when he/she determines that it is in the best interest of the Government. However, the agency cannot waive the applicability of the IRC; that is, all reimbursed expenses would be taxable income to you, and the agency would have to reimburse those taxes.

(c) Any relocation must be incidental to the transfer and not for the convenience of the employee.

TIME LIMITS

**§ 302-2.7 When may I begin my travel and transportation after receiving authorization to do so?**

You and your immediate family member(s) may begin travel immediately upon receipt of your authorized TA.

**§ 302-2.8 When must I complete all aspects my relocation?**

You and your immediate family member(s) must complete all aspects of your relocation within two years from the effective date of your transfer or appointment, except as provided in §302-2.9 or §302-2.10.

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, §302-2.8 was amended by removing the words "two years" and adding the words "one year" in its place, effective Aug. 1, 2011.

**§ 302-2.9 If I am furloughed to perform active military duty, will I have to complete all aspects of the relocation within the time limitation?**

No, if you are furloughed to perform active military duty, the 2-year period to complete all aspects of relocation is exclusive of time spent on furlough for active military service.

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, §302-2.9 was amended by removing "2-year" and adding "1-year" in its place, effective Aug. 1, 2011.

**§ 302-2.10 Does the 2-year time period in § 302-2.8 include time that I cannot travel and/or transport my household effects due to shipping restrictions to or from my post of duty OCONUS?**

No, the 2-year time period in §302-2.8 does not include time that you cannot travel and/or transport your household effects due to shipping restriction to or from your post of duty OCONUS.

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, §302-2.10 was amended by removing "2-year" in both the heading and the text and adding "1-year" in its place, effective Aug. 1, 2011.

**§ 302-2.11 May the 2-year time limitation for completing all aspects of a relocation be extended?**

Yes, the 2-year time limitation for completing all aspects of a relocation

## Relocation Allowances

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may be extended by your Agency for up to 2 additional years, but only if you have received an extension under §302-11.22.

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, §302-2.11 was amended by removing "2-year" in both the heading and the text and adding "1-year" in its place and by removing "2 additional years" and adding the words "one additional year" in its place, effective Aug. 1, 2011.

### SERVICE AGREEMENTS AND DISCLOSURE STATEMENT

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, the undesignated center heading appearing immediately before §302-2.12 was revised, effective Aug. 1, 2011. For the convenience of the user, the revised text is set forth as follows:

### SERVICE AGREEMENT AND DISCLOSURE STATEMENT

#### §302-2.12 What is a service agreement?

A service agreement is a written agreement between you and your agency, signed by you and an agency representative, stating that you will remain in the service of the Government for a period of time as specified in §302-2.13, after you have relocated.

EFFECTIVE DATE NOTE: By FTR Amdt. 2011-01, 76 FR 18336, Apr. 1, 2011, §302-2.12 was amended by adding a sentence at the end of the paragraph, effective Aug. 1, 2011. For the convenience of the user, the added text is set forth as follows:

#### §302-2.12 What is a service agreement?

\*\*\* A service agreement must also include the duplicate reimbursement disclosure statement specified in §§302-2.20, 302-2.21, and 302-2.100(g).

#### §302-2.13 Am I required to sign a service agreement when transferring within or outside the continental United States or performing renewal agreement travel and what is the minimum period of service?

Yes, you are required to sign a service agreement when transferring within or outside the continental United States or performing renewal agreement travel. The minimum periods of service are:

(a) Within the continental United States for a period of service of not less

than 12 months following the effective date of your transfer;

(b) Outside the continental United States for an agreed upon period of service of not more than 36 months or less than 12 months following the effective date of transfer;

(c) Department of Defense Overseas Dependent School System teachers for a period of not less than one school year as determined under chapter 25 of title 20, United States Code; and

(d) For renewal agreement travel a period of not less than 12 months from the date of return to the same or different overseas official station.

#### §302-2.14 Will I be penalized for violation of my service agreement?

Yes, if you violate a service agreement (other than for reasons beyond your control and which must be accepted by your agency), you will have incurred a debt due to the Government and you must reimburse all costs that your agency has paid towards your relocation expenses including withholding tax allowance (WTA) and relocation income tax (RIT) allowance.

#### §302-2.15 Must I provide my agency with my actual place of residence as soon as I accept a transfer/appointment OCONUS?

Yes, if you accept a transfer/appointment to an OCONUS location, you must immediately provide your agency with the information needed to determine your actual place of residence and to document it into your service agreement.

#### §302-2.16 Must I sign a service agreement for a "last move home" relocation?

No, you do not need to sign a service agreement for a "last move home" relocation.

#### §302-2.17 What happens if I fail to sign a service agreement?

If you fail to sign a service agreement, your agency will not pay for your relocation expenses.