

## § 2417.401

(e) *Waiver or reduction of fees.* The Chairman or the Chairman's designee, in his or her sole discretion, may, upon a showing of reasonable cause, waive or reduce any fees in connection with the testimony, production, or certification of records.

(f) *De minimis fees.* Fees will not be assessed if the total charge would be \$10.00 or less.

### Subpart D—Penalties

#### § 2417.401 Penalties.

(a) An employee who discloses official records or information or gives testimony relating to official information, except as expressly authorized by the Chairman or the Chairman's designee, or as ordered by a Federal court after the FLRA has had the opportunity to be heard, may face the penalties provided in 18 U.S.C. 641 and other applicable laws. Additionally, former employees are subject to the restrictions and penalties of 18 U.S.C. 207 and 216.

(b) A current employee who testifies or produces official records and information in violation of this part may be subject to disciplinary action.

## PART 2418—FLRA DEBT COLLECTION

### Subpart A—General Provisions

Sec.

2418.1 What definitions apply to the regulations in this part?

2418.2 Why is the FLRA issuing these regulations, and what do they cover?

2418.3 Do these regulations adopt the Federal Claims Collection Standards (FCCS)?

### Subpart B—Procedures to Collect FLRA Debts

2418.4 What notice will the FLRA send to a debtor when collecting an FLRA debt?

2418.5 How will the FLRA add interest, penalty charges, and administrative costs to an FLRA debt?

2418.6 When will the FLRA allow a debtor to pay an FLRA debt in installments instead of one lump sum?

2418.7 When will the FLRA compromise an FLRA debt?

2418.8 When will the FLRA suspend or terminate debt collection on an FLRA debt?

## 5 CFR Ch. XIV (1–1–16 Edition)

2418.9 When will the FLRA transfer an FLRA debt to the Treasury Department's Financial Management Service for collection?

2418.10 How will the FLRA use administrative offset (offset of non-tax Federal payments) to collect an FLRA debt?

2418.11 How will the FLRA use tax refund offset to collect an FLRA debt?

2418.12 How will the FLRA offset a Federal employee's salary to collect an FLRA debt?

2418.13 How will the FLRA use administrative wage garnishment to collect an FLRA debt from a debtor's wages?

2418.14 How will the FLRA report FLRA debts to credit bureaus?

2418.15 How will the FLRA refer FLRA debts to private collection agencies?

2418.16 When will the FLRA refer FLRA debts to the Department of Justice?

2418.17 How does a debtor request a special review based on a change in circumstances such as catastrophic illness, divorce, death, or disability?

2418.18 Will the FLRA issue a refund if money is erroneously collected on a debt?

### Subpart C—Procedures for Offset of FLRA Payments to Collect Debts Owed to Other Federal Agencies

2418.19 How do other Federal agencies use the offset process to collect debts from payments issued by the FLRA?

2418.20 What does the FLRA do upon receipt of a request to offset the salary of an FLRA employee to collect a debt owed by the employee to another Federal agency?

APPENDIX A TO PART 2418—WAIVING CLAIMS AGAINST FLRA EMPLOYEES FOR ERRONEOUS PAYMENTS

AUTHORITY: 5 U.S.C. 5514; 5 U.S.C. 5584; 5 U.S.C. 6402; 31 U.S.C. 3701, 3711; 3716, 3717, 3718, 3720A, 3720D.

SOURCE: 80 FR 24780, May 1, 2015, unless otherwise noted.

### Subpart A—General Provisions

#### § 2418.1 What definitions apply to the regulations in this part?

As used in this part:

*Administrative offset* or *offset* means withholding funds payable by the United States (including funds payable by the United States on behalf of a State Government) to, or held by the United States for, a person to satisfy a debt owed by the person. The term "administrative offset" includes, but is

## Federal Labor Relations Authority

## § 2418.2

not limited to, the offset of Federal salary, vendor, retirement, and Social-Security-benefit payments. The terms “centralized administrative offset” and “centralized offset” refer to the process by which the Treasury Department’s Financial Management Service offsets Federal payments through the Treasury Offset Program.

*Administrative wage garnishment* means the process by which a Federal agency orders a non-Federal employer to withhold amounts from a debtor’s wages to satisfy a debt, as authorized by 31 U.S.C. 3720D, 31 CFR 285.11, and this part.

*Agency or federal agency* means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of the Federal Government, including government corporations.

*Chairman* means the Chairman of the FLRA or his or her designee.

*Creditor agency* means any Federal agency that is owed a debt.

*Debt* means any amount of money, funds, or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person. As used in this part, the term “debt” does not include, as described in 31 U.S.C. 3701(d), debts arising under: The Internal Revenue Code of 1986 (26 U.S.C. 1 *et seq.*); the Social Security Act (42 U.S.C. 301 *et seq.*), except to the extent provided under sections 204(f) and 1631(b)(4) of such Act [42 U.S.C. 404(f) and 1383(b)(4)] and section 3716(c) [31 U.S.C. 3716(c)], or the tariff laws of the United States.

*Debtor* means a person who owes a debt to the United States.

*Delinquent debt* means a debt that has not been paid by the date specified in the agency’s initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made.

*Delinquent FLRA debt* means a delinquent debt owed to the FLRA.

*Disposable pay* has the same meaning as that term is defined in 5 CFR 550.1103.

*Employee or Federal employee* means a current employee of the FLRA or other Federal agency, including a current

member of the Armed Forces, Reserve of the Armed Forces of the United States, or the National Guard.

*Executive Director* means the Executive Director of the FLRA or his or her designee.

*FCCS* means the Federal Claims Collection Standards, which were jointly published by the Departments of the Treasury and Justice and codified at 31 CFR parts 900 through 904.

*Financial Management Service* means the Financial Management Service, a bureau of the Treasury Department, which is responsible for the centralized collection of delinquent debts through the offset of Federal payments and other means.

*FLRA* means the Federal Labor Relations Authority and all of its components.

*FLRA debt* means a debt that a person owes the FLRA.

*Payment agency or Federal payment agency* means any Federal agency that transmits payment requests in the form of certified payment vouchers, or other similar forms, to a disbursing official for disbursement. The “payment agency” may be the agency that employs the debtor. In some cases, the FLRA may be both the creditor agency and the payment agency.

*Person* means an individual, corporation, partnership, association, organization, State or local government, or any other type of entity other than a Federal agency.

*Salary offset* means a type of administrative offset to collect, from the current pay account of a Federal employee, a debt that the employee owes.

*Tax refund offset* is defined in 31 CFR 285.2(a).

*Treasury Department* means the United States Department of the Treasury. *Waiver* means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774, 32 U.S.C. 716, 5 U.S.C. 8346(b), 42 U.S.C. 404(b), or any other law.

### § 2418.2 Why is the FLRA issuing these regulations, and what do they cover?

(a) *Scope.* This part provides procedures for the collection of FLRA debts.