AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

a portion of an employee annuity or refund of employee contributions based on a child abuse judgment enforcement order.

AVAILABILITY OF FUNDS

§ 838.1111 Amounts subject to child abuse judgment enforcement orders.

(a)(1) Employee annuities and refunds of employee contributions are subject to child abuse enforcement orders only if all of the conditions necessary for payment of the employee annuity or refund of employee contributions to the former employee have been met, including, but not limited to—

(i) Separation from the Federal service;

(ii) Application for payment of the employee annuity or refund of employee contributions by the former employee; and

(iii) Immediate entitlement to an employee annuity or refund of employee contributions.

(2) Money held by an employing agency or OPM that may be payable at some future date is not available for payment under child abuse judgment enforcement orders.

(3) OPM cannot pay a child abuse creditor a portion of an employee annuity before the employee annuity begins to accrue.

(b) Waivers of employee annuity payments under the terms of section 8345(d) or section 8465(a) of title 5, United States Code, exclude the waived portion of the annuity from availability for payment under a child abuse judgment enforcement order if such waivers are postmarked or received before the date that OPM receives the child abuse judgment enforcement order.

APPLICATION, PROCESSING, AND PAYMENT PROCEDURES AND DOCUMENTATION REQUIREMENTS

§ 838.1121 Procedures and requirements.

(a) Except as otherwise expressly provided in this part, the procedures and requirements applicable to legal process under part 581 of this chapter apply to OPM's administration of child abuse judgment enforcement orders.

(b)(1) OPM will accept for processing any legal process under part 581 of this chapter that appears valid on its face.

(2)(i) After OPM has determined that a child abuse judgment enforcement order is valid on its face, OPM will not entertain any complaint concerning the validity of the order. Such complaints must be presented to authorities having jurisdiction to review the validity of the legal process.

(ii) OPM will not delay compliance with a child abuse judgment enforcement order based on any complaint concerning the validity of the order unless instructed to do so by an appropriate authority under the law of the jurisdiction issuing the legal process, the office of the United States Attorney for the jurisdiction issuing the legal process, or the U.S. Department of Justice.

(c)(1) The address for service of a child abuse judgment enforcement order is provided in appendix A to subpart A of this part.

(2)(i) OPM considers service of legal process by mailing or delivery of the child abuse judgment enforcement order to the designated address appropriate service notwithstanding more formal requirements imposed on creditors under State law.

(ii) OPM will execute forms required under a State procedure to waive any right to more formal procedures for service of legal process than specified in paragraph (c)(2)(i) of this section.

PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

Subpart A—General Provisions

Sec.

841.101 Purpose.
841.102 Regulatory structure for the Federal Employees Retirement System.
841.103 Definitions.
841.104 Special terms defined.
841.105 Administration of FERS.
841.106 Basic records.
841.107 Computation of interest.
841.108 Disclosure of information.
841.109 Computation of time.
841.110 [Reserved]

Subpart B—Applications for Benefits

841.201 Purpose.

841.202 Applications required.
841.203 Withdrawal of applications.
841.204 Deemed application to protect survivors.

Subpart C—Claims Processing

841.301 Purpose.
841.302 Definitions.
841.303 Applications filed with agencies.
841.304 Applications filed with OPM.
841.305 Decisions subject to reconsideration.
841.306 Reconsideration.
841.307 Final decisions without reconsideration.
841.308 Appeals to MSPB.
841.309 Competing claimants.

Subpart D—Government Costs

841.401 Purpose and scope.
841.402 Definitions.
841.403 Categories of employees for computation of normal cost percentages.
841.404 Demographic factors.
841.405 Economic assumptions.
841.406 Determination of normal cost percentages.
841.407 Notice of normal cost percentage determinations.
841.408 Effective date of normal cost percentages.
841.409 Agency appeal right.
841.410 Contents of petition for appeal.
841.411 Appeals procedure.
841.412 Rates determined by appeal.
841.413 Determinations of amount due from each agency.

APPENDIX A TO SUBPART D OF PART 841—TABLE OF NORMAL COST PERCENTAGES

Subpart E—Employee Deductions and Government Contributions

841.501 Purpose.
841.502 Definitions.
841.503 Amounts of employee deductions.
841.504 Agency responsibilities.
841.505 Correction of error.
841.506 Effect of part 772 of this chapter on FERS payments.
841.507 Correction of unjustified or unwarranted personnel action.
841.508 Effective date.

Subpart F—Computation of Interest

841.601 Purpose.
841.602 Definitions.
841.603 Rate of interest.
841.604 Interest on service credit deposits.
841.605 Interest included in the unexpended balance.
841.606 Interest on survivor reduction deposits.
841.607 Interest on overpayment debts.

Subpart G—Cost-of-Living Adjustments

841.701 Purpose and scope.
841.702 Definitions.
841.703 Increases on basic annuities and survivor annuities.
841.704 Proration of COLA's.
841.705 Increases on basic employee death benefits.
841.706 Increases on combined CSRS/FERS annuities.
841.707 COLA's affecting computation of survivor supplements.
841.708 Special provisions affecting retired military reserve technicians.

Subpart H—Waiver of Benefits

841.801 Purpose.
841.802 Definitions.
841.803 Waiver of annuity.
841.804 Waiver and court orders.

Subpart I—[Reserved]

Subpart J—State Income Tax Withholding

841.1001 Purpose.
841.1002 Definitions.
841.1003 Federal-State agreements.
841.1004 OPM responsibilities.
841.1005 State responsibilities.
841.1006 Additional provisions.
841.1007 Agreement modification and termination.
841.1008 Authority to use the Federal Personnel Manual System.

AUTHORITY: 5 U.S.C. 8461; § 841.108 also issued under 5 U.S.C. 552a; subpart D also issued under 5 U.S.C. 8423; § 841.504 also issued under 5 U.S.C. 8422; § 841.507 also issued under section 505 of Pub. L. 99–335; subpart J also issued under 5 U.S.C. 8469; § 841.506 also issued under 5 U.S.C. 7701(b)(2); § 841.508 also issued under section 505 of Pub. L. 99–335.

Subpart A—General Provisions

SOURCE: 52 FR 19242, May 21, 1987, unless otherwise noted.

§ 841.101 Purpose.

The purpose of this subpart is to state the administrative rules governing the operations of the Federal Employees Retirement System (FERS) that have general application to the basic benefits under FERS.

§ 841.102 Regulatory structure for the Federal Employees Retirement System.

(a) This part contains the following subparts: