

Subpart E—Agency Responsibilities

NOTE TO SUBPART E: Use of pronouns “we”, “you”, and their variants throughout this subpart refers to the agency.

§ 302-11.400 What policies and procedures must we establish?

You must establish internal policies and procedures to implement this part.

§ 302-11.401 Under what conditions may we authorize or approve a residence transaction expense allowance?

You may authorize or approve a residence transaction expense allowance when an employee is performing a permanent change of station in the interest of the Government and has signed a service agreement (other than a new appointee or an employee assigned under the Government Employees Training Act (5 U.S.C. 4109).); and

- (a) The old and new official stations are located in the United States; or
- (b) The employee has completed an agreed upon tour of duty overseas and is returning to the United States to an official station that is at least 50 miles away from the employee's last official station in the United States; or
- (c) When the employee has been permanently assigned to a temporary official station.

§ 302-11.402 Who is not eligible to receive residence transaction expense allowances?

The following are not eligible to receive residence transaction expense allowances:

- (a) New appointees; and
- (b) Employees assigned under the Government Employee's Training Act (5 U.S.C. 4109).

§ 302-11.403 What policies must we establish before accepting documentation from an employee for reimbursement of residence transaction expenses?

You must establish policies that will define what documentation is acceptable from an employee when requesting reimbursement of residence transaction expenses.

§ 302-11.404 What controls must we establish for paying allowances for expenses incurred in connection with residence transactions?

When paying allowances for expenses incurred in connection with residence transactions, you must:

- (a) Determine who will authorize and approve residence transaction expenses on the employee's travel authorization;
- (b) Determine who will review applications for reimbursement of residence transaction expenses;
- (c) Determine who will authorize extensions beyond the 1-year limitation for completing sales and purchase or lease termination transactions, under §§ 302-11.420 and 302-11.421;
- (d) Prescribe a claim application form which meets your internal administrative requirements;
- (e) Require employees to submit a travel claim with appropriate documentation to support his/her payment of the expenses claimed, which must include as a minimum:
 - (1) The sales agreement,
 - (2) The purchase agreement,
 - (3) Property settlement documents,
 - (4) Loan closing statements, and
 - (5) Invoices or receipts for other bills paid; and
- (f) Require employees to submit travel claims to his/her old official station for review and approval of the claim unless agency review and approval functions are performed elsewhere except as provided in § 302-11.405.

[FTR Amdt. 98, 66 FR 58196, Nov. 20, 2001, as amended by FTR Amdt. 2011-01, 76 FR 18343, Apr. 1, 2011]

§ 302-11.405 Which agency must review and approve the employee's application when the employee transfers between agencies?

The hiring agency in the locality of the employee's old official station must review and approve the employee's application when the employee transfers between agencies, unless the hiring agency does not have an appropriate installation there. In that case, the losing agency at the old official station must review and approve the expenses.

Relocation Allowances

§ 302-11.431

§ 302-11.406 How must we administer an employee's claim?

To administer an employee's claim:

(a) You must:

(1) Review the employee's claim to determine whether the expenses claimed are reasonable in amount and customarily paid by the buyer/seller in the locality where the property is located;

(2) Disallow any portion of the employee's claim that is inflated or are higher than normal for similar services in the locality;

(3) Execute final administrative approval of payment of a claim by an appropriate agency approving official; and

(4) Return disapproved applications to the employee with a memorandum of explanation.

(b) The approving official must determine if:

(1) The aggregate amount of expenses claimed in connection with a sale or purchase of a residence is within the prescribed limitation for either;

(2) All conditions and requirements under which allowances may be paid have been met; and

(3) The expenses themselves are those which are reimbursable.

NOTE TO § 302-11.406: You must not pay the expenses listed in § 302-11.202 or § 302-11.304.

§ 302-11.407 What documentation must we require the employee to submit before paying residence transaction expenses?

Before paying residence transaction expenses, you must require the employee to submit:

(a) A copy of his/her financial documents which prove that only the employee and or a member(s) of the immediate family made payments on the property;

(b) A copy of his/her financial documents which prove that he/she and/or a member(s) of the immediate family received all proceeds from the sale of the property;

(c) Documentation that is acceptable by you in verifying any interest that the employee has in the property; and

(d) Any additional documents that you need to verify payments.

TIME LIMITATIONS

§ 302-11.420 How long can we authorize an extension for completion of the sale and purchase or lease termination transactions?

You may authorize an additional period of time, not to exceed 1 year, for completion of the sale and purchase or lease termination transactions.

[FTR Amdt. 98, 66 FR 58196, Nov. 20, 2001, as amended by FTR Amdt. 2011-01, 76 FR 18343, Apr. 1, 2011]

§ 302-11.421 What must we consider when authorizing an extension of time limitation?

When authorizing an extension of time limitation, you must determine that the:

(a) Employee has extenuating circumstances which have prevented him/her from completing his/her sale and purchase or lease termination transactions in the initial authorized time frame of one year; and

(b) Employee's residence transactions are reasonably related to his/her transfer of official station.

[FTR Amdt. 98, 66 FR 58196, Nov. 20, 2001, as amended by FTR Amdt. 2011-01, 76 FR 18343, Apr. 1, 2011]

UNEXPIRED LEASE

§ 302-11.430 When must we reimburse an employee for expenses incurred due to settlement of an unexpired lease?

You must reimburse an employee in lieu of residence transaction expenses when the employee meets the requirements of § 302-11.10 for expenses incurred due to settlement of an unexpired lease.

§ 302-11.431 How must we require an employee to request reimbursement for expenses of an unexpired lease settlement?

You must require that the employee submit an appropriate travel claim requesting reimbursement for expenses of an unexpired lease settlement with:

(a) An itemization of all expenses claimed supported by documentation showing that the employee indeed paid all lease settlement fees; and

(b) A total amount for all expenses claimed.

§ 302-11.440

TITLE REQUIREMENTS

§ 302-11.440 How must we determine who holds title to property for reimbursement purposes?

To determine who holds title to property for reimbursement purposes, you must verify:

(a) Whose name(s) actually appears on the title document (e.g., the deed); or

(b) Who holds equitable title interest in the property.

§ 302-11.441 How must we determine if an employee holds equitable title interest in his/her property?

To determine if an employee holds equitable title interest in his/her property, you must follow the guidelines in § 302-11.405.

REQUEST FOR REIMBURSEMENTS

§ 302-11.450 May we advance an employee funds for expenses incurred in connection with residence transactions?

No, you may not advance an employee funds for expenses incurred in connection with residence transactions.

§ 302-11.451 What is the maximum amount that we may reimburse for the sale or purchase of an employee's residence?

The maximum amount that you may reimburse for the sale or purchase of an employee's residence is:

(a) Ten percent of the actual sale price for the sale of the employee's residence at the old official station; and

(b) Five percent of the actual purchase price of the residence for the purchase of a residence at the new official station.

PART 302-12—USE OF A RELOCATION SERVICES COMPANY

Subpart A—Employee's Use of a Relocation Services Company

Sec.

302-12.1 Who determines if I may use a RSC?

302-12.2 Under what conditions may I participate in my agency's homesale program?

302-12.3 Am I required to participate in homesale counseling?

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302-12.4 To what terms of the RSC contract am I required to agree?

302-12.5 For what relocation services expenses will my agency pay?

302-12.6 If I use a contracted-for relocation service that is a substitute for reimbursable relocation allowance, will I be reimbursed for the relocation allowance as well?

302-12.7 What expenses will my agency pay if I use a relocation services company to ship household goods in excess of the maximum weight allowance?

302-12.8 What expenses will my agency pay if I use a relocation services company to sell or purchase a residence for which I and/or a member(s) of my immediate family do not have full title?

302-12.9 If my agency authorizes me to enter a homesale program, must I accept a buyout offer from the relocation services company?

302-12.10 What are the income tax consequences if I use a relocation services company?

Subpart B—Agency's Use of a Relocation Services Company

302-12.100 What are "relocation services"?

302-12.101 May we enter into a contract with a relocation services company for the company to provide relocation services?

302-12.102 What contracted relocation services may we provide at Government expense?

302-12.103 May we separately contract for each type of relocation service?

302-12.104 What is the purpose of contracting for relocation services?

302-12.105 Must we have a contract with a RSC that includes a comprehensive homesale program?

302-12.106 What rules must we follow when contracting for a comprehensive homesale program?

302-12.107–302-12.108 [Reserved]

302-12.109 May we require employees to participate in counseling before listing their homes?

302-12.110 [Reserved]

302-12.111 May we require an employee to use a real estate broker specified by the RSC?

302-12.112 May we require an employee to use a mortgage service provider specified by the RSC?

302-12.113 What must we do when planning, establishing, and administering a RSC contract?

302-12.114 What policies must we establish when offering our employees the services of a RSC?

302-12.115 What are the income tax consequences that we must consider when offering relocation services?