

Merit Systems Protection Board

§ 1210.1

must decide whether there is a substantial likelihood that the appellant will prevail on the merits of the appeal, and whether the stay would result in extreme hardship to the agency.

(3) If the judge grants a stay, the order must specify the effective date and duration of the stay.

[55 FR 28592, July 12, 1990, as amended at 59 FR 65243, Dec. 19, 1994]

§ 1209.11 Duration of stay; interim compliance.

(a) *Duration of stay.* A stay becomes effective on the date specified in the judge's order. The stay will remain in effect for the time period set forth in the order or until the Board issues a final decision on the appeal of the underlying personnel action that was stayed, or until the Board vacates or modifies the stay, whichever occurs first.

(b) *Interim compliance.* An agency must immediately comply with an order granting a stay request. Although the order granting a stay request is not a final order, petitions for enforcement of such orders are governed by 5 CFR part 1201, subpart F.

Subpart D—Reports on Applications for Transfers

§ 1209.12 Filing of agency reports.

When an employee who has applied for a transfer to another position in an Executive agency under 5 U.S.C. 3352 asks the agency head to review a rejection of his or her application for transfer, the agency head must complete the review and provide a written statement of findings to the employee and the Clerk of the Board within 30 days after receiving the request.

Subpart E—Referrals to the Special Counsel

§ 1209.13 Referral of findings to the Special Counsel.

When the Board determines in a proceeding under this part that there is reason to believe that a current Federal employee may have committed a prohibited personnel practice described at 5 U.S.C. 2302(b)(8), the Board will refer the matter to the Special Counsel

to investigate and take appropriate action under 5 U.S.C. 1215.

[62 FR 17048, Apr. 9, 1997]

PART 1210—DEBT MANAGEMENT

Subpart A—Salary Offset

Sec.

- 1210.1 Purpose and scope.
- 1210.2 Definitions.
- 1210.3 Applicability.
- 1210.4 Notice requirements.
- 1210.5 Hearing.
- 1210.6 Written decision.
- 1210.7 Coordinating offset with another Federal agency.
- 1210.8 Procedures for salary offset.
- 1210.9 Refunds.
- 1210.10 Statute of limitations.
- 1210.11 Nonwaiver of rights.
- 1210.12 Interest, penalties, and administrative costs.

Subpart B—Claims Collection

- 1210.21 Purpose and scope.
- 1210.22 Definitions.
- 1210.23 Other remedies.
- 1210.24 Claims involving criminal activity or misconduct.
- 1210.25 Collection.
- 1210.26 Notices to debtor.
- 1210.27 Interest, penalties, and administrative costs.
- 1210.28 Administrative offset.
- 1210.29 Use of credit reporting agencies.
- 1210.30 Collection services.
- 1210.31 Referral to the Department of Justice or the General Accounting Office.
- 1210.32 Compromise, suspension and termination.
- 1210.33 Omissions not a defense.

SOURCE: 54 FR 50603, Dec. 8, 1989, unless otherwise noted.

Subpart A—Salary Offset

AUTHORITY: 5 U.S.C. 5514, Executive Order 11809 (redesignated Executive Order 12107), and 5 CFR 550 subpart K.

§ 1210.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. These regulations apply to all Federal employees who owe debts to the MSPB and to current employees of the MSPB who owe debts to other Federal agencies. This regulation does not