

Pt. 582

5 CFR Ch. I (1-1-03 Edition)

Small Business Administration

Chief, Personnel/Payroll Systems Branch or
Payroll Analyst, 409 3rd Street, SW., Suite
4200, Washington, DC 20416, (202) 205-6148 or
(202) 205-6213

III. UNITED STATES POSTAL SERVICE

United States Postal Service

The United States Postal Service will co-
operate with process servers in the service of
process regarding private civil or criminal
matters only when service is attempted in
person on the subject employee at the em-
ployee's place of employment, in accordance
with the provisions of 39 CFR 243.2(g). Ser-
vice of summonses and complaints, in private
matters, by mail to either the agent or em-
ployees at their workstations is not per-
mitted.

The Postal Service agent will attempt to
facilitate and assist personnel of child sup-
port enforcement agencies within the limita-
tions imposed by the Privacy Act, 5 U.S.C.
552a and relevant Postal regulations. The re-
quester must furnish the name and social se-
curity number of the person who is the sub-
ject of the inquiry.

Manager, Payroll Processing Branch, 1 Fed-
eral Drive, Ft. Snelling, MN 55111-9650,
(612) 293-6300

[63 FR 14777, Mar. 26, 1998; 63 FR 34777, June
26, 1998; 63 FR 56537, Oct. 22, 1998]

**PART 582—COMMERCIAL GAR-
NISHMENT OF FEDERAL EMPLOY-
EES' PAY**

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DESIGNATED TO ACCEPT LEGAL PROCESS**

AUTHORITY: 5 U.S.C. 5520a; 15 U.S.C. 1673;
E.O. 12897

SOURCE: 60 FR 13030, Mar. 10, 1995, unless
otherwise noted.

**Subpart A—Purpose, Definitions,
and Exclusions**

§ 582.101 Purpose.

Section 5520a of title 5 of the United
States Code provides that with certain
exceptions set forth in this part, pay
from an agency to an employee is sub-
ject to legal process in the same man-
ner and to the same extent as if the
agency were a private person. The pur-
pose of this part is to implement the
objectives of section 5520a as they per-
tain to each executive agency of the
United States Government, except with
regard to employees of the United
States Postal Service, the Postal Rate
Commission, and the General Account-
ing Office.

§ 582.102 Definitions.

In this part—(1) *Agency* means each
agency of the executive branch of the
Federal Government, excluding the
United States Postal Service, the Post-
al Rate Commission, and the General
Accounting Office; *agency* does not in-
clude the government of the District of
Columbia or the territories and posses-
sions of the United States. (Section
5520a(j)(1) of title 5 of the United States
Code provides that separate imple-
menting regulations shall be promul-
gated by the legislative branch and the

judicial branch; section 5520a(k) provides that separate implementing regulations shall be promulgated with regard to members of the uniformed services; and Executive Order 12897 provides that separate implementing regulations shall be promulgated with regard to employees of the United States Postal Service. The regulations promulgated for employees of the United States Postal Service also apply to employees of the Postal Rate Commission.)

(2) *Employee* or *employee-obligor* means an individual who is employed by an agency as defined in this section, including reemployed annuitants and retired members of the uniformed services who are employed by an agency. *Employee* does not include a retired employee, member of the uniformed services, a retired member of the uniformed services, or an individual whose service is based on a contract, including individuals who provide personal services based on a contract with an agency.

(3) *Legal process* means any writ, order, summons, or other similar process in the nature of garnishment, which may include an attachment, writ of execution, court ordered wage assignment, or tax levy from a State or local government, which—

(i) Is issued by:

(A) A court of competent jurisdiction, including Indian tribal courts, within any State, territory, or possession of the United States, or the District of Columbia. As stated in § 582.101, pay is subject to legal process in the same manner and to the same extent as if the agency were a private person. There is, therefore, no requirement in this part that, for example, legal process be signed by a Judge; or.

(B) An authorized official pursuant to an order of a court of competent jurisdiction or pursuant to State or local law; or

(C) A State agency authorized to issue income withholding notices pursuant to State or local law; and

(ii) Orders an agency to withhold an amount from the pay of an employee-obligor and to make a payment of such withholding to a *person*, for a specifically described satisfaction of a legal debt of the employee-obligor, or recov-

ery of attorney fees, interest, or court costs;

(4) *Person* may include an individual, partnership, corporation, association, joint venture, private organization or other legal entity, and includes the plural of that term; *person* may include any of the entities that may issue *legal process* as set forth in § 582.102(3)(i) (A), (B), and (C), and a State or local government as well as a foreign entity or a foreign governmental unit, but does not include the United States or an agency of the United States.

(5) In conformance with 5 U.S.C. 5520a, *pay* means basic pay; premium pay paid under chapter 55, subchapter V, of title 5 of the United States Code; any payment received under chapter 55, subchapters VI, VII, and VIII, of title 5 of the United States Code; severance pay and back pay under chapter 55, subchapter IX, of title 5 of the United States Code; sick pay, and any other paid leave; incentive pay; locality pay (including special pay adjustments for law enforcement officers and locality-based comparability payments); back pay awards; and any other compensation paid or payable for personal services, whether such compensation is denominated as pay, wages, salary, lump-sum leave payments, commission, bonus, award, or otherwise; but does not include amounts received under any Federal program for compensation for work injuries; awards for making suggestions, reimbursement for expenses incurred by an individual in connection with employment, or allowances in lieu of thereof as determined by the employing agency.

[60 FR 13030, Mar. 10 1995, as amended at 61 FR 3544, Feb. 1, 1996]

§ 582.103 Exclusions.

In determining the amount of pay subject to garnishment under this part, there shall be excluded amounts which:

(a) Are owed by the employee-obligor to the United States;

(b) Are required by law to be deducted from the employee-obligor's pay, including, but not limited to amounts deducted in compliance with the Federal Insurance and Contributions Act (FICA), including amounts deducted for Medicare and for Old Age,