

## § 1650.119

along with notice of the amount of the deductions, and of the date deductions will commence if different from that stated in the debt claim.

(2) *Incomplete claim.* If FRMS receives an improperly completed debt claim from another agency, FRMS shall return the request with a notice that procedures under 5 U.S.C. 5514 and 5 CFR part 550, subpart K must be followed and a properly certified debt claim received before action will be taken to collect the debt from the employee's pay.

(3) *Claims disputes.* The commission is not required or authorized to review the merits of the requesting agency's determination with respect to the amount or validity of the debt as stated in the debt claim.

### § 1650.119 Salary offset request by the Commission to another agency.

(a) *Statutory limitation.* Salary offset requests by the Commission to other agencies shall only be made within 10 years after the involved debt accrues, unless the right to collect the involved debt was unknown and could not reasonably have been known by the Commission employee responsible for the discovery and collection of the involved debt.

(b) *Who may make a request for salary offset to another agency.* Unless otherwise specifically provided, salary offset requests to other agencies to collect debts due to the Commission shall only be made by the Director of FRMS.

(c) *Form of request.* (1) FRMS shall make an offset request to another agency by presenting it with a completed and certified debt claim.

(2) FRMS shall certify in writing that the employee owes the debt, the amount and basis of the debt, the date on which payment(s) is/are due, the date the Government's right to collect the debt first accrued, and that the Commission's salary offset regulations have been approved by OPM and published in the FEDERAL REGISTER.

(3) Where the collection must be made in installments, FRMS shall advise the involved agency of the number of installments to be collected, the amount of each installment, and the commencing date of the first installment.

## 29 CFR Ch. XIV (7-1-04 Edition)

(4) Where the involved employee does not agree or consent to the offset, FRMS shall advise the other agency of this in writing and also indicate the action(s) taken by the Commission under its offset regulations and the date(s) the action(s) was/were taken.

(5) Where the employee agrees or consents to the offset, FRMS shall attach to the debt claim the employee's written agreement or consent.

(d) *Submitting the Request for Offset—*  
(1) *Current employees of other agencies.* FRMS shall submit a certified debt claim, agreement, or other instruction on the payment schedule to the employee's current employing agency.

(2) *Separating employees of other agencies.* If the employee is in the process of separating, FRMS shall submit a certified debt claim to the employee's employing agency for collection as provided in 5 CFR 550.1104(l).

### Subpart B—Procedures for the Collection of Debts by Federal Tax Refund Offset

#### § 1650.201 Purpose.

This subpart establishes procedures for EEOC to refer past-due legally enforceable debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of persons owing debts to EEOC. It specifies the agency procedures and the rights of the debtor applicable to claims referred under the Federal Tax Refund Offset Program for the collection of debts owned to EEOC. The general standards and procedures governing the collection, compromise, termination, and referral to the Department of Justice of claims for money and property that are prescribed in the regulations issued jointly by the General Accounting Office and the Department of Justice pursuant to the Federal Claims Collection Act of 1966 (4 CFR Parts 101-105) apply to the administrative collection activities of the EEOC. The Director of the Financial Management Division shall act on all claims arising out of the activities of the EEOC.

[59 FR 24, Jan. 3, 1994, as amended at 64 FR 28917, May 28, 1999]