

§ 105-57.009

made pursuant to a family support judgment or order.

(h) The employer will withhold the appropriate amount from the debtor's wages for each pay period until the employer receives notification from GSA to discontinue wage withholding. The garnishment order will indicate a reasonable period of time within which the employer is required to commence wage withholding, usually the first payday after the employer receives the order. However, if the first payday is within ten (10) days after the receipt of the garnishment order, the employer may begin deductions on the second payday.

(i) Payments received through a wage garnishment order will be applied in the following order:

- (1) To outstanding penalties.
- (2) To administrative costs incurred by GSA to collect the debt.
- (3) To interest accrued on the debt at the rate established by the terms of the obligation under which it arose or by applicable law.
- (4) To outstanding principal.

§ 105-57.009 Exclusions from garnishment.

GSA will not garnish the wages of a debtor who it knows has been involuntarily separated from employment until the debtor has been reemployed continuously for at least 12 months. The debtor has the burden of informing GSA of the circumstances surrounding an involuntary separation from employment.

§ 105-57.010 Financial hardship.

(a) A debtor whose wages are subject to a wage withholding order under this part, may, at any time, request a review by GSA of the amount garnished, based on materially changed circumstances such as disability, divorce, or catastrophic illness which result in financial hardship.

(b) A debtor requesting a review under paragraph (a) of this section shall submit the basis for claiming the current amount of garnishment results in a financial hardship to the debtor, along with supporting documentation.

(c) If a financial hardship is found, GSA will downwardly adjust, by an amount and for a period of time agree-

41 CFR Ch. 105 (7-1-04 Edition)

able to the Agency, the amount garnished to reflect the debtor's financial condition. GSA will notify the employer of any adjustments to the amounts to be withheld.

§ 105-57.011 Ending garnishment.

(a) Once GSA has fully recovered the amounts owed by the debtor, including interest, penalties, and administrative costs consistent with the FCCS, the Agency will send the debtor's employer notification to discontinue wage withholding.

(b) At least annually, GSA will review its debtors' accounts to ensure that garnishment has been terminated for accounts that have been paid in full.

§ 105-57.012 Actions prohibited by the employer.

An employer may not discharge, refuse to employ, or take disciplinary action against the debtor due to the issuance of a withholding order under this part. *See* 31 U.S.C. 3720D(e).

§ 105-57.013 Refunds.

(a) If a hearing official, at a hearing held pursuant to § 105-57.005 of this part, determines that a debt is not legally due and owing to the United States, GSA will promptly refund any amount collected by means of administrative wage garnishment.

(b) Unless required by Federal law or contract, refunds under this part will not bear interest.

§ 105-57.014 Right of action.

GSA may sue any employer for any amount that the employer fails to withhold from wages owed and payable to an employee in accordance with §§ 105-57.006 and 105-57.008 of this part, plus attorney's fees, costs, and if applicable, punitive damages. However, a suit may not be filed before the termination of the collection action involving a particular debtor, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period. For purposes of this part, "termination of the collection action" occurs when GSA has terminated collection action in accordance with the FCCS or other applicable standards. In

General Services Administration

§ 105-60.000

any event, termination of the collection action will have been deemed to occur if GSA has not received any payments to satisfy the debt from the particular debtor whose wages were subject to garnishment, in whole or in part, for a period of one (1) year.

PART 105-60—PUBLIC AVAILABILITY OF AGENCY RECORDS AND INFORMATIONAL MATERIALS

Sec.

105-60.000 Scope of part.

Subpart 105-60.1—General Provisions

105-60.101 Purpose.
105-60.102 Application.
105-60.103 Policy.
105-60.103-1 Availability of records.
105-60.103-2 Applying exemptions.
105-60.104 Records of other agencies.

Subpart 105-60.2—Publication of General Agency Information and Rules in the Federal Register

105-60.201 Published information and rules.
105-60.202 Published materials available for sale to the public.

Subpart 105-60.3—Availability of Opinions, Orders, Policies, Interpretations, Manuals, and Instructions

105-60.301 General.
105-60.302 Available materials.
105-60.303 Rules for public inspection and copying.
105-60.304 Public information handbook and index.
105-60.305 Fees.
105-60.305-1 Definitions.
105-60.305-2 Scope of this subpart.
105-60.305-3 GSA records available without charge.
105-60.305-4 GSA records available at a fee.
105-60.305-5 Searches.
105-60.305-6 Reviews.
105-60.305-7 Assurance of payment.
105-60.305-8 Prepayment of fees.
105-60.305-9 Form of payment.
105-60.305-10 Fee schedule.
105-60.305-11 Fees for authenticated and attested copies.
105-60.305-12 Administrative actions to improve assessment and collection of fees.
105-60.305-13 Waiver of fee.

Subpart 105-60.4—Described Records

105-60.401 General.
105-60.402 Procedures for making records available.

105-60.402-1 Submission of requests.
105-60.402-2 Response to initial requests.
105-60.403 Appeal within GSA.
105-60.404 Extension of time limits.≤105
105-60.405 Processing requests for confidential commercial information.

Subpart 105-60.5—Exemptions

105-60.501 Categories of records exempt from disclosure under the FOIA.

Subpart 105-60.6—Production or Disclosure by Present or Former General Services Administration Employees in Response to Subpoenas or Similar Demands in Judicial or Administrative Proceedings

105-60.601 Purpose and scope of subpart.
105-60.602 Definitions.
105-60.603 Acceptance of service of a subpoena duces tecum or other legal demand on behalf of the General Services Administration.
105-60.604 Production or disclosure prohibited unless approved by the Appropriate Authority.
105-60.605 Procedure in the event of a demand for production or disclosure.
105-60.606 Procedure where response to demand is required prior to receiving instructions.
105-60.607 Procedure in the event of an adverse ruling.
105-60.608 Fees, expenses, and costs.

AUTHORITY: 5 U.S.C. 301 and 552; 40 U.S.C. 486(c).

SOURCE: 63 FR 56839, Oct. 23, 1998, unless otherwise noted.

§ 105-60.000 Scope of part.

(a) This part sets forth policies and procedures of the General Services Administration (GSA) regarding public access to records documenting:

(1) Agency organization, functions, decisionmaking channels, and rules and regulations of general applicability;

(2) Agency final opinions and orders, including policy statements and staff manuals;

(3) Operational and other appropriate agency records; and

(4) Agency proceedings.

(b) This part also covers exemptions from disclosure of these records; procedures for the public to inspect or obtain copies of GSA records; and instructions to current and former GSA