

§ 301-76.2

procedures specified in § 301-76.100, you may collect undisputed amounts owed to a Government travel charge card contractor from the delinquent employee's disposable pay. You must promptly forward all amounts deducted to the contractor.

§ 301-76.2 What is disposable pay?

Disposable pay is the part of the employee's compensation remaining after the deduction of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as savings bonds, charitable contributions, etc. Deductions may be made from any type of pay, e.g., basic pay, special pay, retirement pay, or incentive pay.

[FTR Amdt. No. 92, 65 FR 21367, Apr. 21, 2000]

Subpart B—Policies and Procedures

NOTE TO SUBPART B: Use of pronouns "we", "you", and their variants throughout this part refers to the agency.

§ 301-76.100 Are there any due process requirements with which we must comply before collecting undisputed delinquent amounts on behalf of the charge card contractor?

Yes, you must:

- (a) Provide the employee with written notice of the type and amount of the claim, the intention to collect the claim by deduction from his/her disposable pay, and an explanation of his/her rights as a debtor;
- (b) Give the employee the opportunity to inspect and copy your records related to the claim;
- (c) Allow an opportunity for a review within the agency of your decision to collect the amount; and
- (d) Provide the employee an opportunity to make a written agreement with the contractor to repay the delinquent amount.

§ 301-76.101 Who is responsible for ensuring that all due process and legal requirements have been met?

You are responsible for ensuring that all requirements have been met.

41 CFR Ch. 301 (7-1-04 Edition)

§ 301-76.102 Can we collect undisputed delinquent amounts if we have not reimbursed the employee for amounts reimbursable under applicable travel regulations?

No, you may only collect undisputed delinquent amounts after you have reimbursed the employee under the applicable travel regulations and in accordance with a proper travel claim. However, if the employee has not submitted a proper travel claim within the timeframe requirements of § 301-52.7 of this chapter, and there are no extenuating circumstances, you may collect the undisputed delinquent amounts.

§ 301-76.103 What is the maximum amount we may deduct from the employee's disposable pay?

As set forth in Public Law 105-264, 112 Stat. 2350, October 19, 1998, the maximum amount you may deduct from the employee's disposable pay is 15 percent per pay period, unless the employee consents in writing to deduction of a greater percentage.

APPENDIX A TO CHAPTER 301—PRESCRIBED MAXIMUM PER DIEM RATES FOR CONUS

For the Continental United States (CONUS) *per diem* rates, see applicable FTR *Per Diem* Bulletins, issued periodically and available on the Internet at <http://www.gsa.gov/perdiem>.

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APPENDIX B TO CHAPTER 301—ALLOCATION OF M&IE RATES TO BE USED IN MAKING DEDUCTIONS FROM THE M&IE ALLOWANCE

M&IE rates for localities in nonforeign areas (prescribed in Civilian Personnel Per Diem Bulletins published periodically in the FEDERAL REGISTER by the Secretary of Defense) and for localities in foreign areas (established by the Secretary of State in section 925, a per diem supplement to the Standardized Regulations (Government Civilians, Foreign Areas)) shall be allocated as shown in this table (§ 301-7.12(a)(2)(ii) of this chapter) when making deductions from nonforeign or foreign area per diem rates.

| M&IE Rate | Breakfast | Lunch | Dinner | Incidentals |
|-----------|-----------|-------|--------|-------------|
| \$1 | \$0 | \$0 | \$0 | \$1 |
| 2 | 0 | 0 | 1 | 1 |
| 3 | 0 | 1 | 1 | 1 |
| 4 | 1 | 1 | 1 | 1 |
| 5 | 1 | 1 | 2 | 1 |